



Washington, Thursday, June 10, 1937

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket No. A-46 O-46]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING
AGREEMENT AND PROPOSED ORDER REGULATING HANDLING OF
CELERY GROWN IN STATE OF FLORIDA

Whereas, under the Agricultural Adjustment Act, as amended and as reenacted by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to celery grown in the State of Florida;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing on a proposed marketing agreement and a proposed order regulating the handling of celery grown in the State of Florida to be held in the Chamber of Commerce Building, Sanford, Florida, on June 25, 1937 at 9:30 a. m.

The proposed marketing agreement and order provide for the regulation of the handling of celery produced in the area stated, and, among other things, provision is made for: (a) the establishment of a Control Board, (b) limitation of shipments by means of period proration, and (c) assessments for expenses of administration.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

Copies of the proposed marketing agreement and the proposed order may be inspected in or procured from the office of the Hearing Clerk, Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL]

M. L. WILSON,
Acting Secretary of Agriculture.

Dated: June 8, 1937.

[F. R. Doc. 37-1703; Filed, June 8, 1937; 1:26 p. m.]

Commodity Exchange Administration.

United States of America—Before the Secretary of Agriculture

[Docket No. 1 C. E. A.]

ORDER REVOKING REGISTRATION AS FUTURES COMMISSION
MERCHANT UNDER THE COMMODITY EXCHANGE ACT

SECRETARY OF AGRICULTURE, COMPLAINANT, v. DANIEL A. DE LATTRE,
RESPONDENT
Proceedings

This is a proceeding under the Commodity Exchange Act which was instituted by the Secretary of Agriculture by a complaint on May 13, 1937.

In the complaint it was alleged that Daniel A. De Lattre, hereinafter called the registrant, filed with the Department of Agriculture on August 31, 1936, an application on Form 1-R for registration as futures commission merchant pursuant to said act and the rules and regulations of the Secretary of Agriculture; that a registration was issued by the Secretary of Agriculture on September 4, 1936; that the registrant was expelled from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to the action of the board of directors of that exchange on March 16, 1937; and, that the registrant violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report on Form 3-R the fact of the expulsion referred to above within ten days after the date thereof. Said registrant was notified to appear at a hearing at 10 a. m. on June 7, 1937, at Washington, D. C., before a referee to be designated by the Secretary of Agriculture and show cause, if any there be, why the registration of said registrant should not be suspended or revoked.

The complaint was duly served upon the registrant, and on May 26, 1937, said registrant waived a hearing in this proceeding and the right to submit evidence therein, consenting and agreeing that his registration as futures commission merchant be revoked by the Secretary of Agriculture.

Findings of Fact

The Secretary finds (1) that Daniel A. De Lattre filed an application on August 31, 1936, on Form 1-R for registration as futures commission merchant pursuant to said act and the rules and regulations of the Secretary; (2) that registration was issued by the Secretary of Agriculture on September 4, 1936; (3) that said registrant was expelled from membership in a commodity exchange, namely, the Chicago Open Board of Trade, pursuant to action of the board of directors of that exchange on March 16, 1937; (4)



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that said registrant has violated said act and section 305 of the rules and regulations governing registration, as amended, made and promulgated by the Secretary of Agriculture pursuant to said act in that said registrant failed to report the fact of such expulsion within ten days after the date thereof as required by said rules and regulations; and (5) that said registrant, on May 26, 1937, waived a hearing and the right to submit evidence and consented that his registration as a futures commission merchant under said act be revoked by the Secretary of Agriculture.

Order

It is therefore ordered, pursuant to provisions of said act, that the registration of Daniel A. De Lattre be, and the same is hereby revoked.

It is further ordered that a copy of this order be served upon the respondent by registered mail and that this order shall become effective immediately.

In witness whereof, the Secretary of Agriculture has hereunto set his hand and caused the official seal of the Depart-

ment of Agriculture to be affixed in the City of Washington, District of Columbia, this 8th day of June, 1937.

[SEAL]

M. L. WILSON,
Acting Secretary of Agriculture.

[F. R. Doc. 37-1706; Filed, June 9, 1937; 12:07 p. m.]

FEDERAL POWER COMMISSION.

Commissioners: Frank R. McNinch, Chairman; Clyde L. Seavey, Vice Chairman; Herbert J. Drane, Claude L. Draper, Basil Manly.

[Project No. 16]

APPLICATION OF THE NIAGARA FALLS POWER COMPANY FOR ADDITIONAL DIVERSION OF 275 C. F. S.

POSTPONEMENT OF HEARINGS¹

Upon applications filed by The Niagara Falls Power Company and The Power Authority of the State of New York for a continuance of the hearing set for June 17, 1937, upon the application of said company for amendment of license for project No. 16 to include therein authority to divert 275 c. f. s. of additional water through said project; and

Upon application of The Power Authority of the State of New York for continuance of the hearing set for June 15, 1937, upon its petition for intervention in said proceeding and objections thereto;

It is ordered:

(1) That the time for filing objections by the Attorney General of the State of New York on behalf of The Water Power and Control Commission to the intervention of the New York Power Authority be and it is hereby extended to a date to be fixed by the Commission upon not less than 10 days' notice;

(2) That the hearing set for June 15, 1937, on the petition of intervention and objections thereto be and it is hereby continued to a date to be fixed by the Commission upon not less than 10 days' notice thereof to all interested persons; and

(3) That the hearing set for June 17, 1937, upon the application for amendment of the license be and it is hereby continued to a date to be fixed by the Commission upon not less than 15 days' notice to all interested persons.

Adopted by the Commission on June 5, 1937.

[SEAL] LEON N. FUQUAY, Acting Secretary.

[F. R. Doc. 37-1704; Filed, June 8, 1937; 3:28 p. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 106]

AMENDMENTS OF ALLOCATIONS OF FUNDS FOR LOANS

JUNE 8, 1937.

I hereby amend Administrative Order No. 10, dated August 11, 1936,² by reducing the allocation of \$118,000 for project, Georgia 34 Carroll to read \$106,540. This action is being taken because it was found unnecessary to use the entire funds originally allotted.

I hereby amend Administrative Order No. 79, dated April 2, 1937,³ by rescinding the allocation of \$75,000 for project, Iowa 45G Jackson and also amend Administrative Order No. 78, dated March 31, 1937, by rescinding the allocation of \$20,000 for project, Iowa 45G Jackson. This action is being taken because it is not possible to execute a loan contract in the remaining period. It is expected that allotment will be made out of next year's appropriation as soon as this appropriation is available.

I hereby amend Administrative Order No. 79, dated April 2, 1937,⁴ by rescinding the allocation of \$115,000 for project,

¹ 2 F. R. 373, 611, 961, 1133.

² 1 F. R. 1229.

³ 2 F. R. 768.

Pennsylvania 13G Tioga. This action is being taken because it was not found necessary to use this money for a generating plant since the project has found a satisfactory source of power.

JOHN M. CARMODY, Administrator.

[F. R. Doc. 37-1705; Filed, June 9, 1937; 9:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GULF-W. M. JOHNSON TRACT, FILED ON FEBRUARY 17, 1937, BY W. M. JOHNSON, RESPONDENT

ORDER FOR HEARING (UNDER RULE 340 (B)) AND ORDER DESIGNATING TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet described in the title hereof and filed by the respondent named therein contains an untrue statement of a material fact, or omits to state a material fact which is required to be stated therein (for the omission of which no sufficient reason is given in the offering sheet) and which is necessary to make the statements therein not misleading, to wit:

In that it is believed the tract involved is subject to an oil and gas lease covering 1280 acres of land, the terms of which lease provide, in effect, that all rentals and royalties accruing from said 1280 acres shall be paid to the various owners in proportion to their ownership of the whole of said land, and that no owner of a segregated portion thereof shall be entitled to all of the royalties accruing from developments on such segregated tract; that no disclosure of this provision is made in the offering sheet, and that by its omission the information given is misleading;

It is ordered, pursuant to Rule 340 (b) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that an opportunity for hearing be given to the said respondent for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be misleading, and whether the effectiveness of the filing of the said offering sheet shall be suspended; and

It is further ordered that Charles S. Lobingier, an officer of the Commission be, and hereby is, designated as Trial Examiner to preside at such hearing, to continue or adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to said offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that the taking of testimony in this proceeding commence on the 22nd day of June, 1937, at 2:00 o'clock in the afternoon, at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said Examiner may designate.

Upon the completion of testimony in this matter the Examiner is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1712; Filed, June 9, 1937; 12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the eighth day of June A. D., 1937.

IN THE MATTER OF KINNER AIRPLANE AND MOTOR CORPORATION, LTD., \$1.00 PAR VALUE COMMON STOCK

ORDER TO SHOW CAUSE AND FOR HEARING, DESIGNATING OFFICER AND TIME AND PLACE FOR TAKING TESTIMONY

Whereas, Kinner Airplane and Motor Corporation, Ltd., a corporation, is the issuer of \$1.00 par value Common Stock; and

Whereas, said Kinner Airplane and Motor Corporation, Ltd., registered such security on the Los Angeles Stock Exchange and on the San Francisco Curb Exchange by filing on or about April 16, 1935, on or about February 7, 1936, on or about March 26, 1936, and on or about September 8, 1936, applications with the said Exchanges and with the Commission pursuant to Section 12 (b) of the Securities Exchange Act of 1934, as amended, and Rule JB1, as amended, promulgated by the Commission thereunder; and

Whereas, Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, requires that every issuer of a security registered on a national securities exchange shall file such annual reports as the Commission may by rule and regulation prescribe; and

Whereas, said Kinner Airplane and Motor Corporation, Ltd., filed on or about June 1, 1937, an annual report on Form 10-K for the fiscal year ended December 31, 1936, pursuant to Section 13 (a) and (b) of said Securities Exchange Act of 1934, as amended, and Rules KA1 and KA2 promulgated by the Commission thereunder; and

Whereas, said Kinner Airplane and Motor Corporation, Ltd., has failed to comply with the provisions of said Section 13 (a) and (b), said Rules KA1 and KA2 and with the provisions of said Annual Report on Form 10-K and with the provisions of the said Instructions and Rules and Regulations of the Commission supplemental thereto, as amended, in that in neither the Annual Report filed by it nor in any amendment thereto does Item 8 of said Form 10-K contain the financial statements for the year ended December 31, 1936 required by said Item 8 and the Instructions thereto and the Rules and Regulations of the Commission.

It is ordered that pursuant to Section 19 (a) (2) of said Securities Exchange Act of 1934, as amended, a hearing be held to determine whether said Kinner Airplane and Motor Corporation, Ltd., has so failed to comply with said provisions of said Section 13 (a) and (b) and said Rules and Regulations promulgated by the Commission thereunder, or with either provision of said Section or of any rule or regulation promulgated by the Commission under said Section, and if so, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of said \$1.00 par value Common Stock on the Los Angeles Stock Exchange and on the San Francisco Curb Exchange; and

It is further ordered that said Kinner Airplane and Motor Corporation, Ltd., appear before an officer of the Commission and show cause why the registration of said \$1.00 par value Common Stock on said Los Angeles Stock Exchange and on said San Francisco Curb Exchange should not be suspended for a period not exceeding twelve months or withdrawn, as provided in Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended; and

It is further ordered that for the purpose of such proceeding, Howard A. Judy, an officer of the Commission, be and hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take testimony and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered that a public hearing for the taking of testimony begin on the 16th day of June, 1937, at 10:00

A. M. at the Regional Office of the Securities and Exchange Commission, 650 South Spring Street, Los Angeles, California, and continue thereafter at such times and places as said officer may determine.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1707; Filed, June 9, 1937; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE CONTINENTAL-YOUNG FARM, FILED ON MAY 22, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding,¹ be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1709; Filed, June 9, 1937; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT-YOUNG FARM, FILED ON MAY 22, 1937, BY GEORGE C. CREAGER, INC., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding,¹ be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1710; Filed, June 9, 1937; 12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE MID-CONTINENT-HARJOGE FARM, FILED ON MAY 15, 1937, BY HUTCHISON & CO., RESPONDENT

CONSENT TO WITHDRAWAL OF FILING OF OFFERING SHEET AND ORDER TERMINATING PROCEEDING

The Securities and Exchange Commission, having been informed by the respondent that no sales of any of the interests covered by the offering sheet described in the title hereof have been made, and finding, upon the basis of such information, that the withdrawal of the filing of the said offering sheet, requested by such respondent, will be consistent with the public interest and the protection of investors, consents to the withdrawal of such filing but not to the removal of the said offering sheet, or any papers with reference thereto, from the files of the Commission; and

It is ordered that the Suspension Order, Order for Hearing and Order Designating a Trial Examiner, heretofore entered in this proceeding,¹ be and the same are hereby revoked and the said proceeding terminated.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1711; Filed, June 9, 1937; 12:46 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of June, A. D., 1937.

IN THE MATTER OF AN OFFERING SHEET OF A ROYALTY INTEREST IN THE GENERAL-BABCOCK-GRAVES TRACT, FILED ON JUNE 1, 1937, BY T. S. HOSE, RESPONDENT

TEMPORARY SUSPENSION ORDER (UNDER RULE 340 (A)) AND NOTICE OF OPPORTUNITY FOR HEARING

The Securities and Exchange Commission, having reasonable grounds to believe and, therefore, alleging that the offering sheet described in the title hereof and filed by the respondent named herein is incomplete or inaccurate in material respects, or includes untrue statements of material facts, or omits to state material facts necessary to make the statements therein contained not misleading, or fails to comply with the requirements of Regulation B of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, in the respect, or respects, hereinafter enumerated, to wit:

(1) In that Division II, Item 2 (f), requires that the number of lessees of record be stated, whereas the information given in this item pertains to the number of leases of record;

(2) In that the gross production of water from the tract involved is not set forth in Division II, Item 16 (a) (iii), in percentages by months;

(3) In that the gross production of oil and water from the tract involved is not set forth in Division II, Item 16 (a), for the months of March and April, 1937; that the failure to set forth this information constitutes an omission to disclose a material fact required to be stated to make the information contained in the offering sheet not misleading;

(4) In that the legend contained in Exhibit A is incomplete by reason of the fact that the symbol for "abandoned well" is omitted;

(5) In that the estimate of recoverable oil, as given in Division III of the offering sheet, is incomplete and misleading by reason of the fact that it fails to consider the effect

of water encroachment on the tract involved because of its structural position:

Note.—In explanation of the above, it is pointed out that at the present rate of production of approximately 5000 barrels per month, it would require twelve years to produce the 734,894 barrels estimated as future recoverable. In view of known water conditions in the vicinity of this lease, an estimate of the approximate date when this property will be completely flooded by advancing water should be made.

(6) In that the respondent named herein is in fact a dealer, and as such is not registered as required by Section 15 of the Securities Exchange Act of 1934, as amended:

It is ordered, pursuant to Rule 340 (a) of the General Rules and Regulations promulgated by the Commission under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and hereby is, temporarily suspended pending a final hearing thereon for the purpose of determining whether said offering sheet is incomplete or inaccurate in any material respect, or includes an untrue statement of a material fact, or omits to state any material fact necessary to make the statements therein contained not misleading, or fails to comply with any requirements of Regulation B of such Rules and Regulations in the respect, or respects, hereinbefore enumerated; and

It is further ordered that respondent be, and hereby is, given notice that respondent is entitled to a hearing before the Commission, or an officer or officers of, and designated by, the Commission, for the purpose of determining such matters; that upon receipt of a written request from respondent, the Commission will, for the purpose of determining such matters, set the matter for hearing at a place to be designated by the Commission, within twenty days after receipt of such request; and that notice of the time and place of such hearing will thereupon be promptly given by the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 37-1708; Filed, June 9, 1937; 12:45 p. m.]

FEDERAL REGISTER ACT

[PUBLIC—No. 220—74TH CONGRESS; 49 STAT. 500-503]

AN ACT To provide for the custody of Federal proclamations, orders, regulations, notices, and other documents, and for the prompt and uniform printing and distribution thereof.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Archivist of the United States, acting through a division established by him in the National Archives Establishment, hereinafter referred to as the "Division", is charged with the custody and, together with the Public Printer, with the prompt and uniform printing and distribution of the documents required or authorized to be published under section 5. There shall be at the head of the Division a director, appointed by the President, who shall act under the general direction of the Archivist of the United States in carrying out the provisions of this Act and the regulations prescribed hereunder, who shall receive a salary, to be fixed by the President, not to exceed \$5,000 a year.

SEC. 2. The original and two duplicate originals or certified copies of any document required or authorized to be published under section 5 shall be filed with the Division, which shall be open for that purpose during all hours of the working days when the Archives Building shall be open for official business. The Director of the Division shall cause to be noted on the original and duplicate originals or certified copies of each document the day and hour of filing thereof: *Provided*, That when the original is issued, prescribed, or promulgated outside of the District of Columbia and certified copies are filed before the filing of the original, the notation shall be of the day and hour of filing of the certified copies. Upon such filing, at least one copy shall be immediately available for public inspection in the office of the Director of the Division. The original shall be retained in the archives of the National Archives Establishment and shall be available for inspection under regulations

to be prescribed by the Archivist. The Division shall transmit immediately to the Government Printing Office for printing, as provided in this Act, one duplicate original or certified copy of each document required or authorized to be published under section 5. Every Federal agency shall cause to be transmitted for filing as herein required the original and the duplicate originals or certified copies of all such documents issued, prescribed, or promulgated by the agency.

SEC. 3. All documents required or authorized to be published under section 5 shall be printed and distributed forthwith by the Government Printing Office in a serial publication designated the "Federal Register." It shall be the duty of the Public Printer to make available the facilities of the Government Printing Office for the prompt printing and distribution of the Federal Register in the manner and at the times required in accordance with the provisions of this Act and the regulations prescribed hereunder. The contents of the daily issues shall be indexed and shall comprise all documents, required or authorized to be published, filed with the Division up to such time of the day immediately preceding the day of distribution as shall be fixed by regulations hereunder. There shall be printed with each document a copy of the notation, required to be made under section 2, of the day and hour when, upon filing with the Division, such document was made available for public inspection. Distribution shall be made by delivery or by deposit at a post office at such time in the morning of the day of distribution as shall be fixed by such regulations prescribed hereunder. The prices to be charged for the Federal Register may be fixed by the administrative committee established by section 6 without reference to the restrictions placed upon and fixed for the sale of Government publications by section 1 of the Act of May 11, 1922, and section 307 of the Act of June 30, 1932 (U. S. C., title 44, secs. 72 and 72a), and any amendments thereto.

SEC. 4. As used in this Act, unless the context otherwise requires, the term "document" means any Presidential proclamation or Executive order and any order, regulation, rule, certificate, code of fair competition, license, notice, or similar instrument issued, prescribed, or promulgated by a Federal agency; the terms "Federal agency" or "agency" mean the President of the United States, or any executive department, independent board, establishment, bureau, agency, institution, commission, or separate office of the administrative branch of the Government of the United States but not the legislative or judicial branches of the Government; and the term "person" means any individual, partnership, association, or corporation.

SEC. 5. (a) There shall be published in the Federal Register (1) all Presidential proclamations and Executive orders, except such as have no general applicability and legal effect or are effective only against Federal agencies or persons in their capacity as officers, agents, or employees thereof; (2) such documents or classes of documents as the President shall determine from time to time have general applicability and legal effect; and (3) such documents or classes of documents as may be required so to be published by Act of the Congress: *Provided* That for the purposes of this Act every document or order which shall prescribe a penalty shall be deemed to have general applicability and legal effect.

(b) In addition to the foregoing there shall also be published in the Federal Register such other documents or classes of documents as may be authorized to be published pursuant hereto by regulations prescribed hereunder with the approval of the President, but in no case shall comments or news items of any character whatsoever be authorized to be published in the Federal Register.

SEC. 6. There is established a permanent Administrative Committee of three members consisting of the Archivist or Acting Archivist, who shall be chairman, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer. The Director of the Division shall act as secretary of the committee. The committee shall prescribe, with the approval of the President, regulations for carrying out the provisions of this

Act. Such regulations shall provide, among other things: (a) The manner of certification of copies required to be certified under section 2, which certification may be permitted to be based upon confirmed communications from outside of the District of Columbia; (b) the documents which shall be authorized pursuant to section 5 (b) to be published in the Federal Register; (c) the manner and form in which the Federal Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the number of copies of the Federal Register which shall be printed, reprinted, and compiled, the number which shall be distributed without charge to Members of Congress, officers and employees of the United States, or any Federal agency for their official use, and the number which shall be available for distribution to the public; and (e) the prices to be charged for individual copies of, and subscriptions to, the Federal Register and reprints and bound volumes thereof.

SEC. 7. No document required under section 5 (a) to be published in the Federal Register shall be valid as against any person who has not had actual knowledge thereof until the duplicate originals or certified copies of the document shall have been filed with the Division and a copy made available for public inspection as provided in section 2; and, unless otherwise specifically provided by statute, such filing of any document, required or authorized to be published under section 5, shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby. The publication in the Federal Register of any document shall create a rebuttable presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Division and made available for public inspection at the day and hour stated in the printed notation; (c) that the copy contained in the Federal Register is a true copy of the original; and, (d) that all requirements of this Act and the regulations prescribed hereunder relative to such document have been complied with. The contents of the Federal Register shall be judicially noticed and, without prejudice to any other mode of citation, may be cited by volume and page number.

SEC. 8. Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by or under an Act of the Congress, or may otherwise properly be given, the notice shall be deemed to have been duly given to all persons residing within the continental United States (not including Alaska), except in cases where notice by publication is insufficient in law, if said notice shall be published in the Federal Register at such time that the period between the publication and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be (a) not less than the time specifically prescribed for the publication of the notice by the appropriate Act of Congress; or (b) not less than fifteen days when no time for publication is specifically prescribed by the Act, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable.

SEC. 9. Every payment made for the Federal Register shall be covered into the Treasury as a miscellaneous receipt.

The cost of printing, reprinting, wrapping, binding, and distributing the Federal Register and any other expenses incurred by the Government Printing Office in carrying out the duties placed upon it by this Act shall be borne by the appropriations to the Government Printing Office and such appropriations are hereby made available, and are authorized to be increased by such additional sums as are necessary for such purposes, such increases to be based upon estimates submitted by the Public Printer. The purposes for which appropriations are available and are authorized to be made under section 10 of the Act entitled "An Act to establish a National Archives of the United States Government, and for other purposes" (48 Stat. 1122) are enlarged to cover the additional duties placed upon the National Archives Establishment by the provisions of this Act. Copies of the Federal Register mailed by the Government shall be entitled to the free use of the United States mails in the same manner as the official mail of the executive departments of the Government. The cost of mailing the Federal Register to officers and employees of Federal agencies in foreign countries shall be borne by the respective agencies.

SEC. 10. The provisions of section 2 shall become effective sixty days after the date of approval of this Act and the publication of the Federal Register shall begin within three business days thereafter: *Provided*, That the appropriations involved have been increased as required by section 9 of this Act. The limitations upon the effectiveness of documents required, under section 5 (a), to be published in the Federal Register shall not be operative as to any document issued, prescribed, or promulgated prior to the date when such document is first required by this or subsequent Act of the Congress or by Executive order to be published in the Federal Register.

SEC. 11. Within six months after the approval of this Act each agency shall prepare and file with the committee a complete compilation of all documents which have been issued or promulgated prior to the date documents are required or authorized by this Act to be published in the Federal Register and which are still in force and effect and relied upon by the agency as authority for, or invoked or used by it in the discharge of, any of its functions or activities. The committee shall within sixty days thereafter report with respect thereto to the President, who shall determine which of such documents have general applicability and legal effect, and shall authorize the publication thereof in a special or supplemental edition or issue of the Federal Register. Such special or supplemental editions or issues shall be distributed in the same manner as regular editions or issues, and shall be included in the bound volumes of the Federal Register as supplements thereto.

SEC. 12. Nothing in this Act shall be construed to apply to treaties, conventions, protocols, and other international agreements, or proclamations thereof by the President.

SEC. 13. All Acts or parts of Acts in conflict with this Act are hereby repealed insofar as they conflict herewith.

SEC. 14. This Act may be cited as the "Federal Register Act."

Approved, July 26, 1935.