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May 21, 1928.
[S. J. Res. 129]
[Pub. Res., No. 47.]

CHAP. 665.—Joint Resolution To provide for eradication of pink bollworm and authorizing an appropriation therefor.

Pink bollworm of cotton.
Preamble.

Whereas a very serious emergency has arisen by reason of an outbreak of the pink bollworm involving some seven counties in the western extension of cotton in Texas which threatens one of the primary industries of the Nation and demands immediate action; and

Whereas there are only two possible means of meeting this situation, one by regulating the movement of cotton and cottonseed from the newly infested counties with the idea of preventing long-distance spread through the agency of such products, and the other to declare and enforce noncotton zones as to such areas with the idea of the immediate eradication of the pest, with the object of saving the cotton crop of the Nation from general invasion and future enormous annual losses; and

Whereas regulation does not eradicate nor does it prevent spread except as to districts so completely isolated from other cotton as to eliminate the possibility of the natural spread of the pest, and, therefore, the regulation of these new areas in contact with continuous cotton cultivation will necessarily permit the natural and probably very wide spread of this pest yearly, and will amount, therefore, to giving up the battle to save Texas and the rest of the Cotton Belt from general and probably wide invasion by the pink bollworm, accompanied by annual and greatly increasing costs of such regulation; and

Whereas the only known means of eradication is by the establishment of noncotton zones for one or two years—a method which has a long record of successes, but which may become impossible as to such west Texas areas on account of natural spread and mounting costs if postponed; and

Whereas the losses due to such zones must fall primarily and heavily upon a small group of farmers, and inasmuch as these losses are in the interest of the cotton crop of the Nation, compensation of such farmers for actual and necessary losses due to the enforced nonproduction of cotton would seem to be fully warranted; and

Whereas the cost of the establishment of such noncotton zones in these new areas will be necessarily very large on account of the considerable cotton acreage involved—some three hundred and sixty thousand acres—costs which are in the interest of the entire Cotton Belt; and

Whereas the State of Texas has now no funds available for such compensation of farmers and its legislature is not now in session and will not normally come in session for another year, and, further, the securing of such funds by the State would involve new legislation and new taxation very unlikely to be obtained in view of the amount involved, and the fact, as indicated, that such expenditure would be for the protection of the entire Cotton Belt: Therefore be it

Appropriation authorized to pay farmers for loss due to nonproduction, in noncotton zones established by a State to eradicate bollworm in affected area.
Post, p. 895.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That when any State shall have enacted legislation and taken measures, including the establishment and enforcement of noncotton zones, adequate, in the opinion of the Secretary of Agriculture, to eradicate the pink bollworm in any area thereof actually infested, or threatened, by such pest, the said Secretary, under regulations to be prescribed by him, is authorized to pay, out of $5,000,000 hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended in cooperation with the proper authorities of the State concerned in compensating any farmer for his actual and necessary loss due to the enforced nonproduction of cotton within said zones:

In cooperation with State authorities.

Provisos.
Not available unless live bollworm be found in county, etc.

Provided, That no part of the funds herein authorized to be appropriated shall be available for compensation in connection with the establishment of a noncotton zone in any county unless and until the live pink bollworm is found within such county or within a radius of five miles thereof: *Provided further*, That such loss as to noncotton zones established by the State of Texas shall be determined as provided for in existing statutes of that State, and similarly by similar statutes which may later be provided by other States concerned, and that in estimating such loss due account shall be taken of the value of other crops which may be produced on said land, so that the loss shall not exceed the difference in return to the farmer from cotton over such other crops: *Provided further*, That such determination of actual and necessary loss shall be subject to the review and approval of the Secretary of Agriculture: *And provided further*, That no reimbursement shall be made with respect to any farmer who has not complied in good faith with all of the quarantine and control regulations prescribed by said Secretary of Agriculture and such State relative to the pink bollworm: *And provided further*, That the appropriation herein authorized shall be available only for compensation for the crop of 1928 unless the State in which any noncotton zone is established shall thereafter appropriate and pay a sum in each year equal to the amount expended in such State by the United States under this authorization.

Determination of loss in Texas as provided by laws thereof.

Similar legislation by other States.

Subject to approval of Secretary.

Compliance with all quarantine regulations required.

Available only for crop of 1928.
Post, p. 1216.

Approved, May 21, 1928.

May 21, 1928.
[H. J. Res. 263.]
[Pub. Res., No. 48.]

CHAP. 666.—Joint Resolution Authorizing the president and fellows of Harvard College to erect on public grounds in the District of Columbia a monument to Major General Artemas Ward.

Major General Artemas Ward.
Monument authorized to be erected to, in District of Columbia.

Resolved by the Senate and House of Representatives of the United State of America in Congress assembled, That the Director of Public Buildings and Public Parks of the National Capital be, and he hereby is, authorized and directed to select a suitable site and to grant permission to the president and fellows of Harvard College to erect, as a gift to the people of the United States, on public grounds of the United States in the city of Washington, District of Columbia, a monument in memory of Major General Artemas Ward commemorative of the services rendered by him to his country during the war of Independence: *Provided*, That the site chosen and the design of the memorial shall be approved by the Commission of Fine Arts, that it shall be erected under the supervision of the Director of Public Buildings and Public Parks of the National Capital, and that the United States shall be put to no expense in or by the erection of the monument.

Proviso.
Approval of site and design.

No Federal expense.

Approved, May 21, 1928.

May 22, 1928.
[S. 744.]
[Public, No. 463.]

CHAP. 675.—An Act To further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes.

Merchant Marine Act, 1928.

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

TITLE I—DECLARATION OF POLICY

Policy of former Act confirmed.
Vol. 41, p. 988.
U. S. Code, p. 1537.

SEC. 1. The policy and the primary purpose declared in section 1 of the Merchant Marine Act, 1920 [U. S. C., Title 46, § 861], are hereby confirmed.