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PUBLIC LAWS

ENACTED DURING THE

FIRST SESSION OF THE SEVENTY-SIXTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 3, 1939, and adjourned without day on Saturday, August 5, 1939

FRANKLIN D. ROOSEVELT, President; JOHN N. GARNER, Vice President; KEY PITTMAN, President of the Senate *pro tempore;* WILLIAM B. BANKHEAD, Speaker of the House of Representatives; SAM RAYBURN, Speaker of the House of Representatives *pro tempore,* July 1–11, 1939.

[CHAPTER 1]

JOINT RESOLUTION

Making an additional appropriation for work relief and relief for the fiscal year ending June 30, 1939.

February 4, 1939
[H. J. Res. 83]
[Pub. Res., No. 1]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to continue to provide work relief on useful public projects, and relief, as authorized in the Emergency Relief Appropriation Act of 1938, and subject to all of the provisions of such Act, there is hereby appropriated to the Works Progress Administration, out of any money in the Treasury not otherwise appropriated, the sum of $725,000,000, which amount shall be added to the $1,425,000,000 appropriated to that Administration in section 1, subsection 1, of such Emergency Relief Appropriation Act of 1938 and shall proportionately increase the amounts specified in limitations (1), (2), and (3), of (d) of subsection (1) of section 1 of such Act: *Provided,* That the provisions of section 2 of such Act prescribing February 28, 1939, as the end of the period over which the funds appropriated to the Works Progress Administration shall be apportioned and distributed are hereby amended so as to prescribe June 30, 1939, as the end of such period: *Provided further,* That notwithstanding any other provision of law, the Works Progress Administrator is authorized, from time to time, out of the funds appropriated in this joint resolution, to use such amount or amounts not to exceed in the aggregate $15,000,000 as may be determined by the Administrator to be necessary, for the purpose of providing direct relief for needy persons: *Provided further,* That notwithstanding any of the provisions of section 2 of the Emergency Relief Appropriation Act of 1938, the amount herein appropriated shall be so apportioned by the Works Progress Administration as to cover the entire period from the date of the approval of this Act until June 30, 1939: *Provided further,* That prior to April 1 there shall be no administrative reduction of more than 5 per centum in the number of employees upon Works Progress projects and that the funds available for the remainder of the fiscal year shall be appor-

Work relief and relief.
Additional appropriation for fiscal year 1939.
52 Stat. 809.
15 U. S. C., Supp. IV, ch. 16 (note).
Post, p. 578.

Provisos.
Funds appropriated to Works Progress Administration, time extension for apportionment, etc.

Amount for providing direct relief for needy persons.

Period to be covered.

Restriction on administrative reduction prior to April 1, 1939.

Estimate for additional appropriation, requirements.

tioned in the discretion of the Administrator: *Provided further*, That should there arise an emergency which in the opinion of the President would require the submission of an estimate for an additional appropriation, the President in submitting such estimate shall submit a statement as to the facts constituting such emergency: *Provided further*, That the Administrator shall immediately cause to be made an investigation of the rolls of relief employees on work projects and eliminate from such rolls those not in actual need: *Provided further*, That the limitation of $60,000,000 in section 3 of such Act, on the amount that may be allocated to other Federal departments, establishments, and agencies is hereby increased to $88,000,000: *Provided further*, That the words "and prior to February 28, 1939," are hereby deleted from section 23 of such Act: *Provided further*, That the provisions of Executive Order Numbered 7916, dated June 24, 1938, shall not apply to positions the compensation of which is payable from appropriations contained in the Emergency Relief Appropriation Act of 1938 or from the amount appropriated in this joint resolution, and such appropriations shall not be available for the compensation of the incumbent of any position placed in the competitive classified civil service of the United States after January 10, 1939: *Provided further*, That no requirement of eligibility for employment under such Emergency Relief Appropriation Act of 1938, as amended, shall be effective which prohibits the employment of persons 65 years of age or over or women with dependent children: *Provided further*, That no funds appropriated in the Emergency Relief Appropriation Act of 1938 or herein appropriated shall be used by any Federal agency, to establish mills or factories which would manufacture for sale articles or materials in competition with existing industries.

Elimination of employees not in actual need.

Limitation on allocations to other Federal agencies increased.
52 Stat. 811.

Limitation on expenditures for other than labor costs.
52 Stat. 815.

Employees placed in competitive classified civil service by Executive Order No. 7916.

Eligibility of persons 65 years of age or over, etc.

Establishment of mills or factories in competition with existing industries, restriction.

52 Stat. 813.

SEC. 2. Section 11 of the Emergency Relief Appropriation Act of 1938 is hereby amended to read as follows:

Aliens, restriction on employment.

"SEC. 11. No alien shall be given employment or continued in employment on any project prosecuted under the appropriations contained in the Emergency Relief Appropriation Act of 1938 or this joint resolution: *Provided*, That no part of the money herein appropriated shall be available to pay any person thirty days after the approval of this joint resolution who does not make affidavit as to United States citizenship, such affidavit to be considered prima facie evidence of such citizenship: *Provided further*, That preference in employment on such projects shall be given in the following order: (1) Veterans of the World War and the Spanish-American War and veterans of any campaign or expedition in which the United States has been engaged (as determined on the basis of the laws administered by the Veterans' Administration) who are in need and are American citizens; (2) other American citizens, Indians and other persons owing allegiance to the United States who are in need."

Provisos.
Affidavit as to U. S. citizenship.

Preferences in employment.

Unlawful acts.
Promise of benefit as a political reward.

SEC. 3. (a) It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by the Emergency Relief Appropriation Act of 1938 or this joint resolution, or any other Act of the Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate or any political party in any election.

Denial of benefits on account of race, political activity, etc.

(b) It shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit, provided for or made possible by the Emergency Relief Appropriation Act of 1938 or this joint resolution, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election.

(c) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisonment for not more than one year, or both. The provisions of this section shall be in addition to, not in substitution for, any other sections of existing law, or of this joint resolution.

Penalty provision.

Provisions deemed supplementary to existing law.

SEC. 4. (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensation or any part thereof is paid from funds authorized or appropriated by the Emergency Relief Appropriation Act of 1938 or this joint resolution, to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part in political management or in political campaigns.

Administrative officer using official authority in an election, etc.

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by the Emergency Relief Appropriation Act of 1938 or this joint resolution shall be used to pay the compensation of such person. The provisions of this section shall be in addition to, not in substitution for, any other sections of existing law, or of this joint resolution.

Penalty provision.

Provisions deemed supplementary to existing law.

SEC. 5. (a) It shall be unlawful for any person knowingly to solicit, or knowingly be in any manner concerned in soliciting, any assessment, subscription, or contribution for the campaign expenses of any individual or political party from any person entitled to or receiving compensation or employment provided for by the Emergency Relief Appropriation Act of 1938 or this joint resolution.

Solicitation for campaign expenses.

(b) Any person who knowingly violates any provision of this section shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both. The provisions of this section shall be in addition to, not in substitution for, any other sections of existing law, or of this joint resolution.

Penalty provision.

SEC. 6. Section 21 of the Emergency Relief Appropriation Act of 1938 is hereby amended by striking out the word "projects,".

52 Stat. 815.
Reports to Congress.

SEC. 7. No person in need who refuses a bona fide offer of private employment under reasonable working conditions which pays the prevailing wage for such work in the community where he resides and who is capable of performing such work shall be employed or retained in employment on work projects under the funds appropriated in the Emergency Relief Appropriation Act of 1938 or this joint resolution for the period such private employment would be available: *Provided*, That any person who takes such private employment shall at the expiration thereof be entitled to immediate resumption of his previous employment status with the Works Progress Administration if he is still in need and if he has lost the private employment through no fault of his own.

Refusal of bona fide offer of private employment paying prevailing wage, etc.

Proviso.
Status at expiration of private employment.

SEC. 8. None of the funds appropriated by the Emergency Relief Appropriation Act of 1938 or by this joint resolution shall be used for the manufacture, purchase, or construction of any naval vessel, any armament, munitions, or implement of war, for military or naval forces, and no funds herein appropriated or authorized shall be diverted or allocated to any other department or bureau for such purpose.

Use of designated funds for military or naval purposes forbidden.

Approved, February 4, 1939.