

Public Law 153

CHAPTER 245

AN ACT

Making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1954, and for other purposes.

July 27, 1953
[H. R. 5376]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1954, for civil functions administered by the Department of the Army and for other purposes, namely:

Civil Functions
Appropriations
Act, 1954.

CIVIL FUNCTIONS, DEPARTMENT OF THE ARMY

CEMETERIAL EXPENSES

For necessary cemeterial expenses as authorized by law, including maintenance, operation and improvement of national cemeteries, and purchase of headstones and markers for unmarked graves; purchase of one passenger motor vehicle for replacement only; maintenance of that portion of Congressional Cemetery to which the United States has title, Confederate burial places under the jurisdiction of the Department of the Army, The Surrender Tree Site in Cuba, and graves used by the Army in commercial cemeteries; \$5,107,000: *Provided*, That hereafter no railroad shall be permitted upon any right-of-way acquired by the United States leading to a national cemetery, or to encroach on any roads or walks thereon maintained by the United States: *Provided further*, That this appropriation shall not be used to repair more than a single approach road to any national cemetery: *Provided further*, That this appropriation shall not be obligated for construction of a superintendent's lodge or family quarters at a cost per unit in excess of \$14,000, but such limitation may be increased by such additional amounts as may be required to provide office space, public comfort rooms, or space for the storage of Government property within the same structure: *Provided further*, That no part of the funds in this or any other Act shall be used for the payment for services rendered by any retired officer detailed on active duty at Arlington National Cemetery as provided by the War Department Appropriation Act, 1933 (Public Law 286, Seventy-second Congress).

Retired officer
at Arlington.

47 Stat. 689.

RIVERS AND HARBORS AND FLOOD CONTROL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes:

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, and when authorized by law, preliminary examinations, surveys and studies (including cooperative beach erosion studies as authorized in Public Law Numbered 520, Seventy-first Congress, approved July 3, 1930, as amended and supplemented), of projects prior to authorization for construction, to remain available until expended, \$2,867,500.

46 Stat. 918.
33 USC 426, 465,
569a, 584a, 607a;
48 USC 1399.

CONSTRUCTION, GENERAL

Garrison Dam
and Reservoir.

Columbia River
Basin.

Dalles Dam,
Columbia River.
Payment to In-
dians.

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; detailed studies, and plans and specifications, of projects authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction); and not to exceed \$1,750,000 for transfer to the Secretary of the Interior for conservation of fish and wildlife as authorized by law; to remain available until expended, \$278,670,000: *Provided*, That not more than \$5,750 of the amount herein appropriated shall be available for expenditure, in addition to funds heretofore made available for the Garrison Dam and Reservoir project on the Missouri River, to pay to the lawful occupants of properties within the taking area of the project for their improvements which will be rendered useless by the construction of the project, but for which compensation may not be made under existing law because of the occupants' limited right of occupancy: *Provided*, That no part of this appropriation shall be used for projects in the Columbia River Basin which are authorized by a law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That funds appropriated herein may at the discretion and under the direction of the Chief of Engineers be used in payment to the accounts of the Confederated Tribes of the Yakima Reservation; the Confederated Tribes of the Warm Springs Reservation; the Confederated Tribes of the Umatilla Reservation; or other recognized Indian tribes, and those individual Indians not enrolled in any recognized tribe, but who through domicile at or in the immediate vicinity of the reservoir and through custom and usage are found to have an equitable interest in the fishery, all of whose fishing rights and interests will be impaired by the Government incident to the construction, operation, or maintenance of the Dalles Dam, Columbia River, Washington and Oregon, and must be subordinated thereto by agreement or litigation.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; removal of obstructions to navigation; rescue work, and repair, restoration, or maintenance of flood control projects threatened or destroyed by flood; and not to exceed \$625,000 for transfer to the Secretary of the Interior for conservation of fish and wildlife as authorized by law; to remain available until expended, \$79,000,000.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors, the Beach Erosion Board, and the California Debris Commission; administration of laws pertaining to preservation of navigable waters; commercial statistics; and miscellaneous investigations; \$9,716,000.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U. S. C. 702a, 702g-1), to remain available until expended, \$51,433,000.

45 Stat. 534; 49 Stat. 1511.

ADMINISTRATIVE PROVISIONS

The foregoing appropriations shall be available for examination of estimates of appropriations in the field and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; and during the current fiscal year the revolving fund, Corps of Engineers, shall be available for purchase (not to exceed two hundred and fifty for replacement only) and hire of passenger motor vehicles: *Provided further*, That the number of passenger motor vehicles held by the Corps of Engineers on December 31, 1952, shall be reduced by one hundred: *Provided further*, That the unexpended balances on June 30, 1953, of sums heretofore appropriated for the Corps of Engineers for river and harbor and flood control activities which were made available until expended shall be classified under the corresponding heads, herein established, shall be transferred to and merged with the amounts appropriated under those heads, and shall be available for the purpose therein specified.

Transfer of funds.

REVOLVING FUND

For establishment of a revolving fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of the plant and equipment of the Corps of Engineers used in civil works functions, including acquisition of plant and equipment, maintenance, repair, and purchase, operation, and maintenance of not to exceed four aircraft at any one time, temporary financing of services finally chargeable to appropriations for civil works functions, and the furnishing of facilities and services for military functions of the Department of the Army and other Government agencies and private persons, as authorized by law, \$100; and in addition, the Secretary of the Army is authorized to provide capital for the fund by capitalizing the present inventories, plant and equipment of the civil works functions of the Corps of Engineers. The fund shall be credited with reimbursements or advances for the cost of equipment, facilities, and services furnished, at rates which shall include charges for overhead and related expenses, depreciation of plant and equipment, and accrued leave: *Provided*, That on July 1, 1953, (1) the fund shall assume the assets, liabilities, and obligations of the Plant accounts, as carried on the records of the Corps of Engineers as of June 30, 1953, under the appropriations for "Maintenance and improvement of existing river and harbor works", "Flood control, general", and "Flood control, Mississippi River and tributaries", and (2) there shall be transferred from said appropriations to the fund amounts equivalent to the unexpended cash balances of the Plant accounts on June 30, 1953: *Provided further*, That the total capital of said fund shall not exceed \$140,000,000.

Transfer of funds.

Limitation.

UNITED STATES SOLDIERS' HOME

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home permanent fund, \$4,655,000, of which \$529,000 shall remain available until expended for the construction of buildings and facilities, and \$525,000 shall remain available until expended for renovation and expansion of existing boiler plant: *Provided*, That this appropriation shall not be available for the payment of hospitalization of members of the Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army, upon the recommendation of the Board of Commissioners of the Home and the Surgeon General of the Army.

CANAL ZONE GOVERNMENT

Operating expenses: For operating expenses necessary for the Canal Zone Government, including operation of the Postal Service of the Canal Zone; purchase and hire of passenger motor vehicles (including not to exceed four for replacement only); expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses of attendance at meetings, when authorized by the Governor of the Canal Zone, of organizations concerned with activities pertaining to the Canal Zone Government; expenses of special training of employees of the Canal Zone Government as authorized by law (63 Stat. 602); contingencies of the Governor; medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable; and payments of not to exceed \$50 in any one case to persons within the Government service who shall furnish blood for transfusions; \$13,300,000: *Provided*, That hereafter all revenues from operation of the Canal Zone postal service shall be paid into miscellaneous receipts of the Treasury: *Provided further*, That the number of passenger motor vehicles held by the Canal Zone Government on December 31, 1952, shall be reduced by three.

PANAMA CANAL COMPANY

The following corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to it and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the programs set forth in the Budget for the fiscal year 1954 for such corporation, except as hereinafter provided:

Not to exceed \$3,684,000 of the funds available to the Panama Canal Company shall be available during the current fiscal year for general and administrative expenses of the Company, which shall be computed on an accrual basis: *Provided*, That as used herein, the term "general and administrative expenses" shall not be construed to include expenses otherwise classified in the preceding fiscal year: *Provided further*, That funds available for operating expenses shall be available for the purchase of not to exceed three passenger motor vehicles (for replacement only): *Provided further*, That the number of passenger motor vehicles held by the Panama Canal Company on December 31, 1952, shall be reduced by six.

REDUCTIONS IN APPROPRIATIONS

CEMETERIAL EXPENSES

The appropriation granted under the head, "Cemeterial Expenses, No Year", in the "Civil Functions Appropriation Act, 1949" is reduced by \$5,158,763, and said amount shall be carried to the surplus of the Treasury.

62 Stat. 1019.

CANAL ZONE GOVERNMENT

The appropriation granted under this head in the Civil Functions Appropriation Act, 1953, is reduced by \$750,017, and said amount shall be carried to the surplus of the Treasury: *Provided*, That the amount made available in said appropriation for construction and major equipment is decreased from "\$4,900,000" to "\$4,149,983".

66 Stat. 582.

GENERAL PROVISIONS

SEC. 102. No part of any appropriation contained in this Act, or of the funds made available for expenditure by any corporation included in this Act, shall be used to pay the salary or wages of any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this section engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this Act 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: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Strikes or overthrow of Government.

Affidavit.

Penalty.

SEC. 103. No part of any appropriation contained in this Act shall be used directly or indirectly, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however*, (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409) limiting employment in the above-mentioned positions to citizens of the United States from and after the date of approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United

Canal Zone.
Employment requirements.48 USC 1307
note.

States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week, (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further*, That the President may suspend from time to time in whole or in part compliance with this section if he should deem such course to be in the public interest.

Suspension of
compliance.

SEC. 104. The Governor of the Canal Zone is authorized to employ services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), in an amount not exceeding \$15,000: *Provided*, That the rates for individuals shall not exceed \$100 per diem.

60 Stat. 810.

Reimbursement.

SEC. 105. Amounts expended by the Panama Canal Company in maintaining defense facilities in standby condition for the Department of Defense, and amounts expended by the Canal Zone Government in providing school and hospital services for agencies of the United States other than the Panama Canal Company and the Canal Zone Government hereafter shall, notwithstanding any other provision of law, be fully reimbursable to the Panama Canal Company or to the Canal Zone Government, as the case may be, by such other agencies.

Restrictions.

SEC. 106. No part of the funds of the Canal Zone Government or the Panama Canal Company shall be used after December 31, 1953, for providing free medical and hospital care to employees of the Panama Canal Company or the Canal Zone Government.

SEC. 107. No part of the funds of the Panama Canal Company or the Canal Zone Government shall be available hereafter for payment of military personnel assigned to the Panama Canal Company or the Canal Zone Government in excess of their military pay: *Provided*, That this section shall not apply to those officers serving as Governor of the Canal Zone and President, Panama Canal Company and as Lieutenant Governor of the Canal Zone.

Short title.

SEC. 108. This Act may be cited as the "Civil Functions Appropriations Act, 1954".

Approved July 27, 1953.

Public Law 154

CHAPTER 248

AN ACT

July 27, 1953
[S. 2342]

Authorizing the State of California to collect tolls for the use of certain highway crossings across the Bay of San Francisco.

San Francisco-
Oakland bridge,
Calif.
46 Stat. 1193.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act granting the consent of Congress to the State of California to construct, maintain, and operate a bridge across the