

SEC. 305. The strength authorized for any grade under section 301, 302, or 303 of this title which is not utilized for that grade may be utilized for any lower grade.

SEC. 306. Whenever circumstances require that the actual strength of the Air Force in commissioned officers on active duty be more than one hundred and eighty thousand, the Secretary of the Air Force shall, in general conformity with the table set forth in section 301 of this title, fix the authorized strength of each of the grades covered by that table.

TITLE IV—MISCELLANEOUS PROVISIONS

Armed Forces.
Commissioned
officer personnel.

SEC. 401. Subsection 631 (a), and that portion of subsection 631 (b) occurring before the proviso of the Act of August 1, 1953 (67 Stat. 355), are repealed.

SEC. 402. That portion of title II of the Act of August 1, 1953, appearing under the heading "Retired Pay" (67 Stat. 337), is amended by deleting all after the word "necessary" and substituting therefor a period.

National emer-
gency.

SEC. 403. The President may suspend all or any part of the provisions of this Act in time of war, or in time of national emergency hereafter declared by the Congress or by the President. Notwithstanding section 426 (c) of the Officer Personnel Act of 1947, as amended, the President may suspend all or any part of those provisions of the Officer Personnel Act of 1947, which are amended by this Act, which relate to grades above that of lieutenant, only in time of war, or in time of national emergency hereafter declared by the Congress or by the President.

65 Stat. 109.
34 USC 3e.

61 Stat. 798.
34 USC 3a note.

Report.

SEC. 404. Not later than January 30 of each year, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall present to the Committees on Armed Services of the House of Representatives and the Senate, the estimated active-duty personnel requirements for his respective service for the next fiscal year, the estimated number of commissioned officers in each grade on active duty whether by permanent or temporary appointment, to be promoted during the next fiscal year, and an analysis of the current distribution by grade of commissioned officers serving on active duty, whether by permanent or temporary appointment.

Approved May 5, 1954.

Public Law 350

CHAPTER 181

AN ACT

May 6, 1954
[H. R. 8127]

To amend and supplement the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, to authorize appropriations for continuing the construction of highways, and for other purposes.

Federal-Aid
Highway Act of
1954.
23 USC 9a note.
Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of carrying out the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated the sum of \$700,000,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957.

The sum herein authorized for each fiscal year shall be available for expenditure as follows:

(a) \$315,000,000 for projects on the Federal-aid primary highway system.

(b) \$210,000,000 for projects on the Federal-aid secondary system.

(c) \$175,000,000 for projects on the Federal-aid primary highway system in urban areas, and for projects on approved extensions of the Federal-aid secondary system within urban areas.

The sums authorized by this section for each fiscal year, respectively, shall be apportioned among the several States in the manner now provided by law and in accordance with the formulas set forth in section 4 of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838).

Any sums apportioned to any State under the provision of this section shall be available for expenditure in that State for two years after the close of the fiscal year for which such sums are authorized, and any amounts so apportioned remaining unexpended at the end of such period shall lapse: *Provided*, That such funds for any fiscal year shall be deemed to have been expended if a sum equal to the total of the sums apportioned to the State for such fiscal year is covered by formal agreements with the Secretary of Commerce for the improvement of specific projects as provided by this Act: *Provided further*, That in the case of those sums heretofore, herein, or hereafter apportioned to any State for projects on the Federal-aid secondary highway system, the Secretary of Commerce may, upon the request of any State, discharge his responsibility relative to the plans, specifications, estimates, surveys, contract awards, design, inspection, and construction of such secondary road projects by his receiving and approving a certified statement by the State highway department setting forth that the plans, design, and construction for such projects are in accord with the standards and procedures of such State applicable to projects in this category approved by him: *Provided further*, That such approval shall not be given unless such standards and procedures are in accordance with the objectives set forth in section 1 (b) of the Federal-Aid Highway Act of 1950: *Provided further*, That nothing contained in the foregoing provisos shall be construed to relieve any State of its obligation now provided by law relative to maintenance, nor to relieve the Secretary of Commerce of his obligation with respect to the selection of the secondary system or the location of projects thereon, to make a final inspection after construction of each project, and to require an adequate showing of the estimated and actual cost of construction of each project: *Provided further*, That not more than 10 per centum of the amount apportioned to each State under subparagraphs (a), (b), or (c) of this section may be transferred from the apportionment under one subparagraph to the apportionment under either of the other subparagraphs: *Provided further*, That such transfer is requested by the State highway department and is approved by the Governor of said State and the Secretary of Commerce as being in the public interest: *Provided further*, That the total of such transfers shall not increase the original apportionment under any subparagraph by more than 10 per centum: *Provided further*, That the transfers hereinabove permitted for funds authorized to be appropriated for the fiscal years ending June 30, 1956, and June 30, 1957, shall likewise be permitted on the same basis for funds heretofore or hereafter authorized to be appropriated for any prior or subsequent fiscal year: *And provided further*, That nothing herein contained shall be deemed to alter or impair the authority contained in the last proviso to subparagraph (b) of section 3 of the Federal-Aid Highway Act of 1944.

Apportionment.

64 Stat. 786.

58 Stat. 839.

Interstate high-
ways.

58 Stat. 842.
23 USC 60.

Apportionment.

Federal share.

SEC. 2. (a) For the purpose of expediting the construction, reconstruction, and improvement, inclusive of necessary bridges and tunnels, of the national system of interstate highways, including extensions thereof through urban areas, designated in accordance with the provisions of section 7 of the Federal-Aid Highway Act of 1944 (58 Stat. 838), there is hereby authorized to be appropriated the additional sum of \$175,000,000 for the fiscal year ending June 30, 1956, and a like additional sum for the fiscal year ending June 30, 1957. The sum herein authorized for each fiscal year shall be apportioned among the several States in the following manner: one-half in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census: *Provided*, That no State shall receive less than three-fourths of 1 per centum of the money so apportioned; and one-half in the manner now provided by law for apportionment of funds for the Federal-aid primary system: *Provided further*, That the Federal share payable on account of any project on the national system of interstate highways provided for by funds made available under the provisions of this section shall be increased to 60 per centum of the total cost thereof, plus a percentage of the remaining 40 per centum of such cost in any State containing unappropriated and unreserved public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands therein, equal to the percentage that the area of such lands in such State is of its total area.

(b) Any sums apportioned to any State under the provisions of this section shall be available for expenditure in that State for two years after the close of fiscal year for which such sums are authorized: *Provided*, That such funds shall be deemed to be expended upon execution of formal agreements with the Secretary of Commerce for the improvement of specific projects under this section.

(c) Any amount apportioned to the States under the provisions of this section unexpended at the end of the period during which it is available for expenditure under the terms of subsection (b) of this section shall lapse.

Forest roads.
23 USC 23.

SEC. 3. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$22,500,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957; and (2) for forest development roads and trails the sum of \$24,000,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957: *Provided*, That with respect to any proposed construction or reconstruction of a timber access road, advisory public hearings shall be held at a place convenient or adjacent to the area of construction or reconstruction with notice and reasonable opportunity for interested persons to present their views as to the practicability and feasibility of such construction or reconstruction: *Provided further*, That hereafter funds available for forest development roads and trails shall also be available for vehicular parking areas: *Provided further*, That the appropriation herein authorized for forest highways shall be apportioned by the Secretary of Commerce for expenditure in the several States, Alaska, and Puerto Rico in accordance with the provision of section 3 of the Federal-Aid Highway Act of 1950.

64 Stat. 786.
23 USC 23 note.
National-park
roads.

SEC. 4. (a) For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads author-

ized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$12,500,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957.

(b) For the construction, reconstruction, and improvement of parkways, authorized by Acts of Congress, on lands to which title is vested in the United States, there is hereby authorized to be appropriated the sum of \$11,000,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957.

(c) For the construction, improvement, and maintenance of Indian reservation roads and bridges and roads and bridges to provide access to Indian reservations and Indian lands under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957: *Provided*, That the location, type, and design of all roads and bridges constructed shall be approved by the Secretary of Commerce before any expenditures are made thereon, and all such construction shall be under the general supervision of the Secretary of Commerce.

SEC. 5. For the purpose of carrying out the provisions of section 10 of the Federal-Aid Highway Act of 1950 (64 Stat. 785), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations the sum of \$1,000,000 for the fiscal year ending June 30, 1956, and a like sum for the fiscal year ending June 30, 1957, to remain available until expended.

SEC. 6. Any funds authorized for the fiscal year ending June 30, 1955, or herein authorized for forest highways, forest development roads and trails, park roads and trails, parkways, Indian roads, and public lands highways shall be immediately available for contract: *Provided*, That any amount remaining unexpended two years after the close of the fiscal year for which authorized shall lapse. The Secretary of the Department charged with the administration of such funds is hereby granted authority to incur obligations, approve projects, and enter into contracts under such authorizations and his action in doing so shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and such funds shall be deemed to have been expended when so obligated.

SEC. 7. For the purpose of carrying out the provisions of section 1 of the Act entitled "An Act to provide for cooperation with Central American Republics in the construction of the Inter-American Highway", approved December 26, 1941 (55 Stat. 860), as amended by section 11 of the Federal-Aid Highway Act of 1950, approved September 7, 1950 (64 Stat. 785), there is hereby authorized to be appropriated, in addition to the sums heretofore authorized, the sum of \$8,000,000 for the fiscal year ending June 30, 1955, and a like sum for each fiscal year thereafter up to and including the fiscal year ending June 30, 1959, to be available until expended, to enable the United States to cooperate with the Governments of the American Republics situated in Central America—that is, with the Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama—in the survey and completion of construction of the Inter-American Highway within the borders of the aforesaid Republics, respectively. Not to exceed one-third of the appropriation authorized for each fiscal year may be expended without requiring the country or countries in which such sums may be expended to match any part thereof, if the Secretary of State shall

16 USC 8a-8c.

Parkways.

Indian roads.

25 USC 318a.

Federal reservations.
64 Stat. 789.Administration
of funds.Inter-American
Highway.

64 Stat. 789.

Nicaragua.
66 Stat. 160.

find that the cost of constructing said highway in such country or countries will be beyond their reasonable capacity to bear.

SEC. 8. For the purpose of carrying out the provisions of section 5 of the Federal-Aid Highway Act of 1952 (66 Stat. 158), there is hereby authorized to be appropriated to the Department of State, in addition to the sums heretofore authorized, the sum of \$2,000,000 for the fiscal year ending June 30, 1955, and a like sum for the fiscal year ending June 30, 1956, to be available until expended, for completing the United States obligation under the applicable agreement with the Republic of Nicaragua: *Provided*, That the survey and construction work authorized by the said section 5 shall be under the general supervision of the Secretary of Commerce.

Civil defense.

SEC. 9. In order to assure that adequate consideration is given to civil defense aspects in the planning and construction of highways constructed or reconstructed with the aid of Federal funds, the Secretary of Commerce is authorized and directed to consult, from time to time, with the Federal Civil Defense Administrator relative to the civil defense aspects of highways so constructed or reconstructed.

Research program.

SEC. 10. (a) The Secretary of Commerce is authorized in his discretion to engage in research on all phases of highway construction, reconstruction, modernization, development, design, maintenance, safety, financing, and traffic conditions, including the effect thereon of State laws, and is authorized to test, develop, or assist in the testing and developing of any material, invention, patented article, or process. The Secretary may carry out the authority granted hereby, either independently, or in cooperation with any other branch of the Government, State agency, authority, association, institution, corporation (profit or nonprofit), or any other organization, or person. The funds required to carry out the provisions of this subsection shall be taken out of the administrative and research funds authorized by section 21 of the Federal Highway Act (42 Stat. 212), as amended. The provisions of section 3709 of the Revised Statutes (41 U. S. C., sec. 5) shall not be applicable to contracts or agreements made under the authority of this subsection.

42 Stat. 217.
23 USC 21.

(b) The Secretary shall include in the highway research program herein authorized studies of economic highway geometrics, structures, and desirable weight and size standards for vehicles using the public highways and of the feasibility of uniformity in State regulations with respect to such standards, and he shall report from time to time to the Committees on Public Works of the Senate and of the House of Representatives on the progress and findings with respect to such studies.

Report.

Study of utility relocation.

SEC. 11. The Secretary of Commerce is hereby directed to make a study in cooperation with the State highway departments and other parties in interest relative to the problems posed by necessary relocation and reconstruction of public utilities services resulting from highway improvements authorized under this Act. Among other things, such a study shall include a review and financial analysis of existing relationships between the State highway departments and affected utilities of all types, and a review of the various State statutes regulating existing relationships, to the end that a full and informative report may be made to the President for transmittal to the Congress of the United States not later than February 1, 1955.

Report.

Federal Highway Act, draft of bill.

SEC. 12. The Secretary of Commerce is authorized and directed to transmit to the Committees on Public Works of the Senate and of the House of Representatives not later than December 31, 1954, a suggested draft of a bill or bills for a Federal Highway Act, which will include such provisions of existing law, and such changed or new provisions as the Secretary deems advisable. The Secretary shall also submit a

Report.

report commenting on the draft of bill or bills, which shall include specific reference to each change in, or omission of, any provision of existing law.

SEC. 13. The Secretary of Commerce is authorized and directed to make a comprehensive study of all phases of highway financing, including a study of the costs of completing the several systems of highways in the several States and of the progress and feasibility of toll roads with particular attention to the possible effects of such toll roads upon the Federal-aid highway programs, and coordination thereof, and to make a report of his findings including recommendations with respect to Federal participation in toll roads, to be submitted to the Congress not later than February 1, 1955: *Provided*, That not to exceed \$100,000 from funds available for administrative expenses shall be expended for the purposes of this section.

SEC. 14. For the purpose of expediting the interstate planning and coordination of a continuous Great River Road and appurtenances thereto traversing the Mississippi Valley from Canada to the Gulf of Mexico in general conformity with the provisions of the Federal Aid Road Act of July 11, 1916, as amended and supplemented, and with the recommended plan set forth in the joint report submitted to the Congress November 28, 1951, by the Secretaries of Commerce and Interior pursuant to the Act of August 24, 1949 (Public Law 262, Eighty-first Congress), there is hereby authorized to be expended by the Secretary of Commerce from general administrative funds not to exceed \$250,000; the amount expended under this section shall be apportioned among the ten States bordering the Mississippi River in proportion to the amount allocated by these respective States for the improvement and extension of existing sections of this highway project as approved by the Secretary of Commerce in cooperation with other public agencies concerned therewith.

SEC. 15. The term "highway", as defined in section 2 of the Federal Highway Act of November 9, 1921 (42 Stat. 212), as amended and supplemented, shall be deemed to include "tunnels".

SEC. 16. The Secretary of Commerce may approve as a part of the Federal-aid secondary system, extensions through urban areas, connecting points on that system, provided that Federal participation in projects on such extensions shall be limited to urban funds.

SEC. 17. (a) Highway construction work performed in pursuance of agreements between the Secretary of Commerce and any State highway department which requires approval by the Secretary of Commerce and which is financed in whole or in part by funds authorized under this or succeeding Acts, shall be performed by contract awarded by competitive bidding under such procedures as may by regulations be prescribed by the Secretary of Commerce, unless the Secretary of Commerce shall affirmatively find that, under the circumstances relating to a given project, some other method is in the public interest. All such findings shall be reported promptly in writing to the Committees on Public Works of the Senate and the House of Representatives.

(b) In any case in which approval by the Secretary of Commerce of any contract for such highway construction work is required, the Secretary shall require as a condition precedent to such approval a sworn statement executed by, or on behalf of, the person, firm, association, or corporation to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

Highway financing, study.

Report.

Great River Road.

39 Stat. 355.
23 USC 9a note.

63 Stat. 626.

"Highway."
23 USC 2.

Urban area extensions.

Contracts, etc.

Report.

62 Stat. 753.

SEC. 18. Section 1020 of title 18 of the United States Code is amended to read as follows:

“§ 1020. Highway projects

“Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of Commerce; or

“Whoever knowingly makes any false statement, false representation, false report, or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Commerce; or

“Whoever knowingly makes any false statement or false representation as to a material fact in any statement, certificate, or report submitted pursuant to the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), as amended and supplemented, “Shall be fined not more than \$10,000 or imprisoned not more than five years, or both.”

23 USC 9a note.

23 USC 60-63,
21, 23c, 3a note.
16 USC 8b.

SEC. 19. All provisions of the Federal-Aid Highway Act of 1944, approved December 20, 1944 (58 Stat. 838); the Federal-Aid Highway Act of 1948, approved June 29, 1948 (62 Stat. 1105); and the Federal-Aid Highway Act of 1950, approved September 7, 1950 (64 Stat. 785); and the Federal-Aid Highway Act of 1952, approved June 25, 1952 (66 Stat. 158), not inconsistent with this Act, shall remain in full force and effect.

Separability.

SEC. 20. If any section, subsection, or other provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of such section, subsection, or other provision to other persons or circumstances shall not be affected thereby.

Effective date.

SEC. 21. All Acts or parts of Acts in any way inconsistent with the provisions of this Act are hereby repealed, and this Act shall take effect on its passage.

Connecticut.

SEC. 22. (a) That all Federal-aid road funds heretofore paid on the section of Federal-Aid Primary Route Numbered 39 included in Federal-aid project UI-147 in the State of Connecticut, which section is to be made a part of a highway from the New York State line at Greenwich to the Rhode Island State line at Killingly, planned as an expressway authorized by chapter 107, part IV, General Statutes of Connecticut, 1953 Supplement, shall, prior to the collection of any tolls on said section, be repaid to the Treasurer of the United States, and the amount so repaid shall be deposited to the credit of the appropriation for Federal-aid highways. At the time of such repayment, the project agreement with respect to said Federal-aid project UI-147 shall be cancelled. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on said project, shall be credited to the unprogramed balance of Federal-aid road funds of the same class last apportioned to the State of Connecticut. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as now or hereafter amended and supplemented.

23 USC 1 note.

(b) By virtue of the design and plan of said highway in relation to the three sections of Federal-Aid Primary Route Numbered 1 included in Federal-aid projects UI-29, UI-64, and FI-145, which permit unrestricted use of said sections without payment of tolls, it is hereby declared that the incorporation of said sections into said highway will not violate any provision of said Federal Highway Act, as amended and supplemented, or any regulation thereunder. If at any time the highway commissioner of the State of Connecticut shall determine to impose tolls upon or for the use of any one or more of said sections, all Federal-aid road funds theretofore paid or programmed for expenditure on such section or sections upon which tolls are to be imposed, shall be transferred for programing and expenditure in cooperation with the Connecticut State Highway Department pursuant to the provisions of said Federal Highway Act, as now or hereafter amended and supplemented. At the time of such transfer, the project agreement with respect to the project for which the funds are transferred shall be canceled. Upon such cancellation, the Secretary of Commerce is authorized and directed to credit the Federal pro rata share of such project agreement to the unprogramed balance of Federal-aid road funds of the same class last apportioned to the State of Connecticut. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of said Federal Highway Act, as now or hereafter amended and supplemented. In lieu of the transfer thereof, the highway commissioner of the State of Connecticut may repay the Federal-aid road funds paid on any such section in the same manner and with the same effect as is provided with respect to the repayment of Federal-aid road funds in subsection (a) of this section.

(c) Upon the repayment or transfer of Federal-aid road funds, as hereinbefore provided, any such section or sections included in the project with respect to which such repayment or transfer is made, shall become and be free from any and all restrictions contained in said Federal Highway Act, as amended and supplemented, or any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

SEC. 23. This Act may be cited as the "Federal-Aid Highway Act of 1954".

Short title.

Approved May 6, 1954.

Public Law 351

CHAPTER 182

JOINT RESOLUTION

Giving the consent of Congress to an agreement between the State of Alabama and the State of Florida establishing a boundary between such States.

May 6, 1954
[H. J. Res. 347]

Whereas the Legislature of the State of Alabama passed an Act designated as Act Numbered 440, Senate bill numbered 231, which was approved by the Governor of such State on August 28, 1953; and Whereas the Legislature of the State of Florida passed an Act designated as chapter 28141, Senate bill numbered 1155, which was approved by the Governor of such State on June 12, 1953; and Whereas such Acts both provided in substance that upon ratification, confirmation, and adoption of such Acts by the Congress of the United States, the boundary between such States at the mouth of the Perdido River, and adjacent thereto, should be as follows:

The middle of the Perdido River at its mouth, as defined by the Constitutions of the States of Alabama and Florida, is at latitude