US Laws, statutes etc

UNITED STATES STATUTES AT LARGE

CONTAINING THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
EIGHTY-EIGHTH CONGRESS
OF THE UNITED STATES OF AMERICA

1963

AND

REORGANIZATION PLAN AND PROCLAMATIONS

VOLUME 77

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93-025 O-64-3

Public Laws

ENACTED DURING THE

FIRST SESSION OF THE EIGHTY-EIGHTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Wednesday, January 9, 1963, and adjourned sine die on Monday, December 30, 1963. JOHN F. KENNEDY, President until his death November 22, 1963; LYNDON B. JOHNSON, President on and after November 22, 1963; LYNDON B. JOHNSON, Vice President until November 22, 1963; JOHN W. MCCORMACK, Speaker of the House of Representatives.

Public Law 88-1

JOINT RESOLUTION

March 6, 1963
[H. J. Res. 284]

Making supplemental appropriations for the Department of Agriculture for the fiscal year ending June 30, 1963, and for other purposes.

Resolved 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, 1963, namely:

Supplemental appropriations, 1963.

DEPARTMENT OF AGRICULTURE

FOREIGN ASSISTANCE PROGRAMS

PUBLIC LAW 480

For an additional amount for "Public Law 480", to restore the capital impairment of the Commodity Credit Corporation due to expenses and costs of sales of surplus agricultural commodities for foreign currencies pursuant to title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701–1709), $508,172,000, to remain available until expended.

68 Stat. 455.

Approved March 6, 1963.

Public Law 88-2

March 28, 1963
[H. R. 2438]

AN ACT

To extend the induction provisions of the Universal Military Training and Service Act, and for other purposes.

Draft extension, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17(c) of the Universal Military Training and Service Act, as amended (50 App. U.S.C. 467(c)), is amended by striking out "July 1, 1963" and inserting in place thereof "July 1, 1967".

73 Stat. 13.

SEC. 2. Section 1 of the Act of August 3, 1950, chapter 537, as amended (73 Stat. 13), is amended by striking out "July 1, 1963" and inserting in place thereof "July 1, 1967".

10 USC 3201 note.

SEC. 3. Section 16 of the Dependents Assistance Act of 1950, as amended (50 App. U.S.C. 2216), is amended by striking out "July 1, 1963" and inserting in place thereof "July 1, 1967".

73 Stat. 13.

SEC. 4. Section 9 of the Act of June 27, 1957, Public Law 85–62, as amended (73 Stat. 13), is amended by striking out "July 1, 1963" and inserting in place thereof "July 1, 1967".

50 USC app. 454 note.

SEC. 5. Sections 302 and 303 of title 37, United States Code, are each amended by striking out "July 1, 1963" wherever that date appears and inserting in place thereof "July 1, 1967".

76 Stat. 464, 465.

Approved March 28, 1963.

Public Law 88-3

April 2, 1963
[H. R. 212]

AN ACT

To amend section 904, title 38, United States Code, so that burial allowances might be paid in cases where discharges were changed by competent authority after death of the veteran from dishonorable to conditions other than dishonorable.

Deceased veterans. Burial expenses. 72 Stat. 1170.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 904, title 38, United States Code, is amended by inserting immediately after the first sentence thereof the following new sentence: "If the burial allowance was not payable at the death of the veteran because of the nature of his discharge from the service, but after his death his discharge has been corrected by competent authority so as to reflect a discharge from the service under conditions other than dishonorable, then the burial allowance may be paid if a claim is filed within two years from whichever last occurs, the date of correction of the discharge or the date of enactment of this sentence."

Approved April 2, 1963.

Public Law 88-4

April 2, 1963
[H. R. 2085]

AN ACT

To amend the Internal Revenue Code of 1954 to provide that the deduction for child care expenses shall be available to a wife who has been deserted by and cannot locate her husband on the same basis as a single woman.

Income taxes. Child care expenses, deduction. 68A Stat. 70.

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 214(c)(3) of the Internal Revenue Code of 1954 (relating to determination of marital status for purposes of the deduction for child care expenses) is amended by inserting "(A)" after "if" and by inserting

before the period at the end thereof the following: ", or (B) she has been deserted by her husband, does not know his whereabouts (and has not known his whereabouts at any time during the taxable year), and has applied to a court of competent jurisdiction for appropriate process to compel him to pay support or otherwise to comply with the law or a judicial order, as determined under regulations of the Secretary or his delegate".

SEC. 2. The amendments made by the first section of this Act shall apply only with respect to taxable years ending after the date of the enactment of this Act. Applicability.

Approved April 2, 1963.

Public Law 88-5

AN ACT

April 3, 1963
[S. 1035]

To extend the provisions of section 3 of Public Law 87-346, relating to dual rate contracts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act of October 3, 1961 (Public Law 87-346; 75 Stat. 762), is amended as follows: Dual rate contracts, extension. 46 USC 813a note.

(a) By striking the words "of not to exceed one year after such filing" from the next to last sentence and inserting in lieu thereof "but not beyond April 3, 1964".

(b) By striking the word "year" from the last sentence and inserting in lieu thereof the word "period".

Approved April 3, 1963.

Public Law 88-6

AN ACT

April 9, 1963
[H. R. 4374]

To proclaim Sir Winston Churchill an honorary citizen of the United States of America.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and directed to declare by proclamation that Sir Winston Churchill shall be an honorary citizen of the United States of America. Sir Winston Churchill. Honorary citizenship.

Approved April 9, 1963, 2:45 p.m.

Public Law 88-7

JOINT RESOLUTION

April 9, 1963
[H. J. Res. 282]

Designating the six-day period beginning April 15, 1963, as "National Harmony Week", and for other purposes.

Whereas April 11, 1963, marks the twenty-fifth anniversary of the founding of the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Incorporated; and

Whereas the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Incorporated, a nonprofit, fraternal organization dedicated to the preservation and promotion of the uniquely American art form known as the barber-

shop quartet style of close harmony singing, will celebrate the twenty-fifth anniversary of its founding during the six-day period beginning April 15, 1963: Now, therefore, be it

National Harmony Week. Designation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the six-day period beginning April 15, 1963, and ending April 20, 1963, both dates inclusive, is hereby designated as "National Harmony Week", in recognition and appreciation of the successful efforts of the members of the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Incorporated, to maintain the barbershop quartet style of close harmony singing as a traditional form of native American music, and of their efforts, through their stimulus to good music and vocal harmony, to keep America singing. The President of the United States is authorized and requested to issue a proclamation inviting the people of the United States to join in the observance of such week with appropriate ceremonies and activities.

Proclamation authorization.

Approved April 9, 1963.

Public Law 88-8

AN ACT

April 9, 1963
[S. 1089]

To authorize the sale, without regard to the six-month waiting period prescribed, of cadmium proposed to be disposed of pursuant to the Strategic and Critical Materials Stock Piling Act.

Cadmium disposal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of, by negotiation or otherwise, approximately two million pounds of cadmium now held in the national stockpile. Such disposition may be made without regard to the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act, relating to dispositions on the basis of a revised determination pursuant to section 2 of said Act, to the effect that no such disposition shall be made until six months after publication in the Federal Register and transmission to the Congress and to the Armed Services Committees thereof of a notice of the proposed disposition.

60 Stat. 596, 597.
50 USC 98b, 98a.

Publication in F. R.

Approved April 9, 1963.

Public Law 88-9

April 10, 1963
[H. R. 1597]

AN ACT

Relating to the tax treatment of redeemable ground rents.

Taxes. Redeemable ground rents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 163 of the Internal Revenue Code of 1954 (relating to deduction for interest) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

68A Stat. 46.
26 USC 163.

"(c) REDEEMABLE GROUND RENTS.—For purposes of this subtitle, any annual or periodic rental under a redeemable ground rent (excluding amounts in redemption thereof) shall be treated as interest on an indebtedness secured by a mortgage."

(b) Part IV of subchapter O of chapter 1 of such Code (relating to special rules for determining gain or loss on disposition of property) is amended by redesignating section 1055 as section 1056 and by inserting after section 1054 the following new section: 68A Stat. 311; 74 Stat. 1003. 26 USC 1055.

"SEC. 1055. REDEEMABLE GROUND RENTS.

"(a) CHARACTER.—For purposes of this subtitle—

"(1) a redeemable ground rent shall be treated as being in the nature of a mortgage, and

"(2) real property held subject to liabilities under a redeemable ground rent shall be treated as held subject to liabilities under a mortgage.

"(b) APPLICATION OF SUBSECTION (a).—

"(1) IN GENERAL.—Subsection (a) shall take effect on the day after the date of the enactment of this section and shall apply with respect to taxable years ending after such date of enactment.

"(2) BASIS OF HOLDER.—In determining the basis of real property held subject to liabilities under a redeemable ground rent, subsection (a) shall apply whether such real property was acquired before or after the enactment of this section.

"(3) BASIS OF RESERVED REDEEMABLE GROUND RENT.—In the case of a redeemable ground rent reserved or created on or before the date of the enactment of this section in connection with a transfer of the right to hold real property subject to liabilities under such ground rent, the basis of such ground rent after such date in the hands of the person who reserved or created the ground rent shall be the amount taken into account in respect of such ground rent for Federal income tax purposes as consideration for the disposition of such real property. If no such amount was taken into account, such basis shall be determined as if this section had not been enacted.

"(c) REDEEMABLE GROUND RENT DEFINED.—For purposes of this subtitle, the term 'redeemable ground rent' means only a ground rent with respect to which— "Redeemable ground rent."

"(1) there is a lease of land which is assignable by the lessee without the consent of the lessor and which (together with periods for which the lease may be renewed at the option of the lessee) is for a term in excess of 15 years,

"(2) the leaseholder has a present or future right to terminate, and to acquire the entire interest of the lessor in the land, by payment of a determined or determinable amount, which right exists by virtue of State or local law and not because of any private agreement or privately created condition, and

"(3) the lessor's interest in the land is primarily a security interest to protect the rental payments to which the lessor is entitled under the lease.

"(d) CROSS REFERENCE.—

"For treatment of rentals under redeemable ground rents as interest, see section 163(c)."

(c) Section 163(d) of such Code (as redesignated by subsection (a) of this section) is amended by adding at the end thereof the following new paragraph: 68A Stat. 46. 26 USC 163.

"(5) For treatment of redeemable ground rents and real property held subject to liabilities under redeemable ground rents, see section 1055."

(d) The table of sections for part IV of subchapter O of chapter 1 of such Code is amended by striking out

"Sec. 1055. Cross references."

and inserting in lieu thereof the following:

"Sec. 1055. Redeemable ground rents.
"Sec. 1056. Cross references."

Effective date.

SEC. 2. The amendments made by subsection (a) of the first section of this Act shall take effect as of January 1, 1962, and shall apply with respect to taxable years ending on or after such date. The amendments made by subsection (b) of the first section of this Act shall take effect on the day after the date of the enactment of this Act and shall apply with respect to taxable years ending after such date of enactment.

Approved April 10, 1963.

Public Law 88-10

April 19, 1963
[H. R. 4423]

AN ACT

Permitting the Secretary of the Interior to continue to deliver water to lands in the third division, Riverton reclamation project, Wyoming.

Riverton reclamation project, Wyo.
Water delivery.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That pending completion of a repayment contract or the enactment of other legislation providing for the furnishing of water to lands of the third division, Riverton reclamation project, Wyoming, the Secretary is authorized to continue to furnish water to the lands in such division, during calendar year 1963, as under the provisions of section 9, subsection (d)(1), of the Reclamation Project Act of 1939 (53 Stat. 1187, 1195; 43 U.S.C. 485h(d)) but without regard to the time limitation therein specified. Water shall be furnished upon individual applications accompanied by payments of $4 per acre for the first three acre-feet per acre with water in excess of that amount at $2 per acre-foot. The portion of the operation and maintenance costs in excess of the total of such payments is hereby declared to be nonreimbursable and nonreturnable.

76 Stat. 407.

Approved April 19, 1963.

Public Law 88-11

April 23, 1963
[H. R. 4715]

AN ACT

To incorporate the Eleanor Roosevelt Memorial Foundation.

Eleanor Roosevelt Memorial Foundation, incorporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following persons designated by the President of the United States of America:

The Honorable Adlai E. Stevenson, New York, New York, as Chairman;

Miss Marian Anderson, Danbury, Connecticut;
Robert S. Benjamin, New York, New York;
William Benton, Southport, Connecticut;
Doctor Ralph J. Bunche, New York, New York;
Henry Crown, Chicago, Illinois;
David Dubinsky, New York, New York;
Myer Feldman, Washington, District of Columbia;
Mrs. Ruth Field, New York, New York;

Raymond Firestone, Akron, Ohio;
Arnold Grant, New York, New York:
Arthur Hanisch, Pasadena, California;
Doctor John R. Heller, New York, New York;
Mrs. Audrey Hess, New York, New York;
Mrs. Anna Rosenberg Hoffman, New York, New York;
Mrs. Trude Lash, New York, New York;
Mrs. Mary Lasker, New York, New York;
Herbert Lehman, New York, New York;
Archibald MacLeish, Conway, Massachusetts;
Doctor Charles Mayo, Rochester, Minnesota;
John J. McCloy, Washington, District of Columbia;
George Meany, Washington, District of Columbia;
Mrs. Agnes Meyer, Washington, District of Columbia;
Walter P. Reuther, Detroit, Michigan;
Dore Schary, New York, New York;
Herman Steinkraus, Westport, Connecticut;

and their successors are created and declared to be a body corporate in the District of Columbia by the name of the Eleanor Roosevelt Memorial Foundation (hereinafter referred to as the "corporation"), and by such name shall be known and have perpetual succession and the powers, limitations, and restrictions herein contained.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act are hereby authorized to complete the organization of the corporation by the selection of officers and employees, the adoption of bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be exclusively charitable and educational. It shall devote itself to continuing certain major interests to which Eleanor Roosevelt dedicated her life, to wit: the relief of the poor and distressed and the underprivileged; promotion of economic welfare; the promotion of public health; and the furtherance of international good will.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to sue and be sued, complain and defend in any court of competent jurisdiction;

(2) to adopt, use, and alter a corporate seal;

(3) to choose such officers, managers, agents, and employees as the business of the corporation may from time to time require;

(4) to adopt, amend, and alter its bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to take by lease, gift, purchase, grant, devise, or bequest from any public body or agency or any private corporation, association, partnership, firm, or individual, and to hold absolutely or in trust for any of the purposes of the corporation any property, real, personal, or mixed, necessary or convenient for

attaining the objects and carrying into effect the purposes of the corporation, subject, however, to applicable provisions of the law of any State (A) governing the amount or kind of property which may be held by, or (B) otherwise limiting or controlling the ownership of property by, a corporation operating in such State;

(6) to contract and be contracted with;

(7) to transfer, convey, lease, sublease, encumber, and otherwise alienate real, personal, or mixed property;

(8) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, deed of trust, pledge, or otherwise, subject in every case to all applicable provisions of Federal and State laws; and

(9) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the bylaws of the corporation may provide.

BOARD OF TRUSTEES: COMPOSITION, RESPONSIBILITIES

SEC. 6. (a) Upon the enactment of this Act the membership of the initial board of trustees of the corporation shall consist of the persons named in the first section of this Act and such additional persons, if any, as shall be appointed by the President of the United States of America.

(b) Thereafter, the board of trustees of the corporation shall be selected in such manner (including the filling of vacancies), and shall serve for such term as may be prescribed in the bylaws of the corporation.

(c) The board of trustees shall be the governing board of the corporation, and a quorum thereof shall be responsible for the general policies and program of the corporation and for the control of all funds of the corporation. The board of trustees may appoint committees which shall have and exercise such powers as may be prescribed in the bylaws or by resolution of the board of trustees, and which may be all of the powers of the board of trustees.

OFFICERS: ELECTION AND DUTIES OF OFFICERS

SEC. 7. (a) The officers of the corporation shall be a chairman, a secretary, and a treasurer, and such other officers as may be provided in the bylaws.

(b) The officers of the corporation shall be elected in such manner and for such terms and with such duties as may be prescribed in the bylaws of the corporation.

PRINCIPAL OFFICE, SCOPE OF ACTIVITIES; RESIDENT AGENT

SEC. 8. (a) The principal office of the corporation shall be located in Washington, District of Columbia, or in such other place as may be later determined by the board of trustees, but the activities of the corporation shall not be confined to that place, but may be conducted throughout the territory of the United States, and in the discretion of the board of trustees elsewhere in the world.

(b) The corporation shall have in the District of Columbia at all times a designated agent authorized to accept service of process for the corporation; and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; LOANS TO OFFICERS, TRUSTEES, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any of its members, trustees, or officers as such, or be distributable to any of them during the life of the corporation or upon its dissolution or final liquidation. Nothing in this subsection, however, shall be construed to prevent the payment of reasonable compensation to officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of trustees of the corporation.

(b) The corporation shall not make loans to its officers, trustees, or employees. Any trustee who votes for or assents to the making of a loan or advance to a member, officer, trustee, or employee of the corporation, and any officer who participates in the making of such a loan or advance, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation and its officers and directors as such shall not contribute to or participate in, directly or indirectly, local or national political activity or in any manner attempt to influence legislation.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 12. The corporation shall have no power to issue any shares of stock or to declare or pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 13. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of trustees, and committees having authority under the board of trustees, and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 14. (a) The accounts of the corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports,

files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

Report.

(b) A report of such audit shall be made by the corporation to the President of the United States and to the Congress not later than six months following the close of the fiscal year for which the audit is made. The report shall set forth the scope of the audit and include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those statements. The report shall not be printed as a public document.

USE OF NAME

SEC. 15. The corporation shall have the sole and exclusive right to the name the "Eleanor Roosevelt Memorial Foundation", and to have and to use in carrying out its purposes, distinctive insignia, emblems and badges, descriptive or designating marks, and words or phrases, as may be required in the furtherance of its functions. No powers or privileges hereby granted shall, however, interfere or conflict with established or vested rights.

USE OF ASSETS ON DISSOLUTION OR LIQUIDATION

SEC. 16. Upon dissolution or final liquidation of the corporation, after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets, if any, of the corporation shall be distributed only in furtherance of the purposes of the corporation to one or more organizations organized and operated exclusively for charitable and educational purposes within the meaning of the Internal Revenue Code.

26 USC 1 *et seq.*

ACQUISITION OF ASSETS AND LIABILITIES OF EXISTING COMMITTEE

SEC. 17. The corporation may acquire the assets of the Eleanor Roosevelt Foundation Committee, an unincorporated association formed in anticipation of the present incorporation upon discharging or satisfactorily providing for the payment and discharge of all of the liabilities of such committee.

ANNUAL REPORT

SEC. 18. The corporation shall report annually to the President of the United States and to the Congress concerning its proceedings and activities for the preceding calendar year. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 19. The right to alter, amend, or repeal this Act is expressly reserved.

Approved April 23, 1963, 9:56 a.m.

Public Law 88-12

AN ACT

To amend the Agricultural Adjustment Act of 1938, as amended.

April 26, 1963
[H. R. 5067]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 344(n) of the Agricultural Adjustment Act of 1938, as amended, is amended (1) by striking out the word "substantial" where it appears, (2) by striking out the figures "1962" where they first appear therein and inserting the figures "1963", and (3) by striking the period at the end of the second sentence thereof and substituting a colon therefor and the following proviso: "*Provided*, That, notwithstanding the provisions of section 344(m)(2) of this Act, the transfer of any farm allotment under this subsection for 1963 shall operate to make the farm from which the allotment was transferred eligible for an allotment as having cotton planted thereon during the three-year base period."

Cotton.
Flooded acreage, transfer.
72 Stat. 186; 76 Stat. 64.
7 USC 1344.

73 Stat. 394.

Approved April 26, 1963.

Public Law 88-13

JOINT RESOLUTION

To provide for the reappointment of John Nicholas Brown as Citizen Regent of the Board of Regents of the Smithsonian Institution.

April 26, 1963
[H. J. Res. 234]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of John Nicholas Brown, of Providence, Rhode Island, on March 14, 1963, be filled by the reappointment of the present incumbent for the statutory term of six years.

Smithsonian Institution.

Approved April 26, 1963.

Public Law 88-14

AN ACT

To release the right, title, or interest, if any, of the United States in certain streets in the village of Heyburn, Idaho, and to repeal the reverter in patent for public reserve.

April 26, 1963
[H. R. 1087]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any right, title, or interest of the United States in and to streets that were dedicated upon the filing of the townsite plat for Heyburn, Idaho, a reclamation townsite established pursuant to the Act of April 16, 1906 (34 Stat. 116), as amended, and that adjoin lands which have been sold, which streets have been vacated, or any street that may hereafter be vacated within the original townsite of Heyburn, Idaho, is hereby released.

Heyburn, Idaho.
Release of U. S. rights, etc.

43 USC 561, 562, 566, 567, 522.

SEC. 2. The clause included in patent numbered 1048499, issued by the United States to the village of Heyburn on July 27, 1931, providing for reversion of title to the United States is hereby repealed.

Approved April 26, 1963.

Public Law 88-15

April 26, 1963
[H. R. 277]

AN ACT

To amend the Act of April 22, 1960, relative to the transfer of certain public lands to the Colorado River Commission of Nevada.

Colorado River Commission, Nev. Transfer of lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April 22, 1960 (74 Stat. 74) is amended as follows:

(1) In section 2, strike out "five years" and insert in lieu thereof "ten years"; and

(2) In section 3, strike out "five-year period" and insert in lieu thereof "ten-year period".

(3) In section 4(a), strike out "three years" and insert in lieu thereof "eight years".

Approved April 26, 1963.

Public Law 88-16

May 8, 1963
[H. R. 2849]

AN ACT

To amend section 47 of the Bankruptcy Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (2) of the first paragraph of section 47 of the Bankruptcy Act (11 U.S.C. 75(a)(2)) is amended to read as follows:

52 Stat. 860.

"(2) deposit all money received by them in designated depositories initially in demand deposits; and subsequently, if authorized by the court, in interest-bearing savings deposits, time certificates of deposit, or time deposits-open account;".

Approved May 8, 1963.

Public Law 88-17

May 8, 1963
[H. R. 2833]

AN ACT

To amend subdivision d of section 60 of the Bankruptcy Act (11 U.S.C. 96d) so as to give the court authority on its own motion to reexamine attorney fees paid or to be paid in a bankruptcy proceeding.

Bankruptcy Act, amendment.
52 Stat. 870.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision d of section 60 of the Bankruptcy Act (11 U.S.C. 96d) is amended to read as follows:

Attorneys' fees, examination.

"d. If a debtor shall, directly or indirectly, in contemplation of the filing of a petition by or against him, pay money or transfer property to an attorney at law, for services rendered or to be rendered, the transaction may be examined by the court on its own motion or shall be examined by the court on petition of the trustee or any creditor and shall be held valid only to the extent of a reasonable amount to be determined by the court, and the excess may be recovered by the trustee for the benefit of the estate.

"If, whether before or after filing, a debtor shall agree orally or in writing to pay money or transfer property to an attorney at law after the filing, the transaction may be examined by the court on its own motion or shall be examined by the court on petition of the bankrupt made prior to discharge and shall be held valid only to the extent of a reasonable amount to be determined by the court, and any excess obligation shall be canceled, or if excess payment or transfer has been made, returned to the bankrupt."

Approved May 8, 1963.

Public Law 88-18

AN ACT

May 8, 1963
[H. R. 4549]

To amend section 4103 of title 38, United States Code, with respect to the appointment of the Chief Medical Director of the Department of Medicine and Surgery of the Veterans' Administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4103(b) of title 38, United States Code, is amended by inserting immediately before the last sentence thereof the following: "Section 62 of title 5 of the United States Code shall not apply to any individual appointed Chief Medical Director before January 1, 1964; however, section 59a of title 5 shall apply, in accordance with its terms, to any such individual.

72 Stat. 1243.

28 Stat. 205.

47 Stat. 406.

Approved May 8, 1963.

Public Law 88-19

AN ACT

May 15, 1963
[S. 1227]

Authorizing the Association of Universalist Women (a nonprofit corporation in the District of Columbia) to consolidate with the Alliance of Unitarian Women (a nonprofit corporation in the State of Massachusetts).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Association of Universalist Women, a corporation established and existing under the laws of the District of Columbia by virtue of title 29, chapter 6, of the District of Columbia Code, 1961 edition, is hereby authorized to enter into a consolidation with the Alliance of Unitarian Women (formerly named National Alliance of Unitarian and Other Liberal Christian Women), a corporation established and existing under public statutes, chapter 115, of the laws of the Commonwealth of Massachusetts, and Acts in amendment thereto, under which consolidation said corporation shall thereafter become and be one corporation under a name to be adopted at the organizational meeting of the consolidated corporation, which consolidated corporation shall be a corporation existing under the laws of the Commonwealth of Massachusetts, only, and shall in all respects be a continuation of each of said existing corporations.

Universalist, Unitarian Women, consolidation authorization.

31 Stat. 1283. D. C. Code 29-601 to 29-606.

SEC. 2. Upon such consolidation becoming effective, all property of the Association of Universalist Women, including all bequests, devises, gifts, and transfers of any kind heretofore and hereafter made to or

Property transfer.

for its benefit, shall be transferred to and vest in the consolidated corporation without further act or deed. Said consolidated corporation shall have the same powers, rights, and privileges with respect to such property and with respect to such bequests, devises, gifts, and transfers as would have been possessed by said consolidated corporation had such bequests, devises, gifts, and transfers been made directly to it and for its purposes, so far as such powers, rights, and privileges can be legally conferred by this Act, and otherwise shall have with respect to such property and such bequests, devises, gifts, and transfers the same powers, rights, and privileges as would have been possessed by the Association of Universalist Women had such consolidation not been effected.

Assumption of liabilities, etc.

SEC. 3. The consolidated corporation shall be deemed to have assumed and shall be liable for all the liabilities and obligations of the Association of Universalist Women.

SEC. 4. The consolidated corporation shall be deemed to have agreed that it may be sued in the District of Columbia for any obligation or liability of the Association of Universalist Women and shall be deemed to have irrevocably appointed the Commissioners of the District of Columbia as its agent to accept service of process in any action for the enforcement of any such obligation or liability. As used in this Act, the term "Commissioners of the District of Columbia" means the Commissioners of the District of Columbia or their designated agent.

Conditions.

SEC. 5. The consolidation shall not be completed—

(a) unless the same shall have been authorized by appropriate legislation enacted by the Commonwealth of Massachusetts;

(b) unless at meetings called for the purpose, each of said existing corporations, by not less than a majority vote of those present and voting, shall have accepted this Act and any act of the legislature of the Commonwealth of Massachusetts relating to the consolidation; and

(c) unless after the aforesaid authorization and acceptance said existing corporations shall have called and held an organization meeting of the consolidated corporation to be held at such time and place anywhere in the United States of America or Canada as said existing corporations may by separate vote designate at such meeting of acceptance, and each of the existing corporations shall at said meeting of acceptance designate its delegates to such organization meeting of the consolidated corporation for the purpose of adopting bylaws for the consolidated corporation and of electing initial officers, directors, and other officers thereof.

Affidavit.

SEC. 6. The consolidation shall be complete and effective upon the filing with the Commissioners of the District of Columbia of a certificate signed by the secretaries of said existing corporations who shall make affidavit setting forth detailed compliance with the provisions of section 5 and stating the names and addresses of the administrative board or board of directors and other officers initially elected by said organizing meeting. Said certificate shall be filed not later than sixty days after the date of said organizing meeting.

Effective date.

SEC. 7. This Act shall take effect immediately.

Approved May 15, 1963.

Public Law 88-20

AN ACT

May 15, 1963
[H. R. 199]

To amend title 38 of the United States Code to provide additional compensation for veterans having the service-connected disability of deafness of both ears.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 314(k) of title 38, United States Code, is amended by inserting after "having only light perception," each place it appears therein the following: "or deafness of both ears, having absence of air and bone conduction,".

Veterans.
Deafness, increased compensation.
72 Stat. 1120; 76 Stat. 441.

SEC. 2. The amendments made by this Act shall take effect on the first day of the second month which begins after the date of its enactment.

Approved May 15, 1963.

Public Law 88-21

AN ACT

May 15, 1963
[H. R. 211]

To amend title 38, United States Code, to provide increases in rates of dependency and indemnity compensation payable to children and parents of deceased veterans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 411(b)(2) of title 38, United States Code, is amended by striking out "$25" and inserting in lieu thereof "$28".

Veterans.
Dependency and indemnity compensation, increase.
72 Stat. 1127.

SEC. 2. Section 413 of title 38, United States Code, is amended—

(1) by striking out "$70" in paragraph (1) and inserting in lieu thereof "$77";

(2) by striking out "$100" in paragraph (2) and inserting in lieu thereof "$110";

(3) by striking out "$130" in paragraphs (3) and (4) and inserting in lieu thereof "$143"; and

(4) by striking out "$25" in paragraph (4) and inserting in lieu thereof "$28".

SEC. 3. Section 414 of title 38, United States Code, is amended—

(1) by striking out "$25" in subsection (a) and inserting in lieu thereof "$28";

(2) by striking out "$70" in subsection (b) and inserting in lieu thereof "$77"; and

(3) by striking out "$35" in subsection (c) and inserting in lieu thereof "$39".

SEC. 4. (a) Column II of the table contained in subsection (b) of section 415 of title 38, United States Code, is amended by striking out "$75" and inserting in lieu thereof "$83"; by striking out "$60" and inserting in lieu thereof "$66"; by striking out "$45" and inserting in lieu thereof "$50"; by striking out "$30" and inserting in lieu thereof "$33"; and by striking out "$15" and inserting in lieu thereof "$17".

(b) Column II of the tables contained in subsections (c) and (d) of such section 415 are each amended by striking out "$50" and inserting in lieu thereof "$55"; by striking out "$40" and inserting in lieu thereof "$44"; by striking out "$30" and inserting in lieu thereof "$33"; by striking out "$20" and inserting in lieu thereof "$22"; and by striking out "$10" and inserting in lieu thereof "$11".

SEC. 5. The amendments made by this Act shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act.

Effective date.

Approved May 15, 1963.

Public Law 88-22

May 15, 1963
[H. R. 214]

AN ACT

To amend title 38 of the United States Code to provide additional compensation for veterans suffering the loss or loss of use of both vocal cords, with resulting complete aphonia.

Veterans.
Aphonia, increased compensation.
72 Stat. 1120; 76 Stat. 441.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 314(k) of title 38, United States Code, is amended by inserting immediately after "having only light perception," each place it appears the following: "or has suffered complete organic aphonia with constant inability to communicate by speech,".

SEC. 2. The amendments made by this Act shall take effect on the first day of the second calendar month which begins after the date of enactment of this Act.

Approved May 15, 1963.

Public Law 88-23

May 17, 1963
[S. J. Res. 39]

JOINT RESOLUTION

Designating the week of May 20–26, 1963, as National Actors' Equity Week.

National Actors' Equity Week.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of May 20–26, 1963, is hereby designated as National Actors' Equity Week, in recognition of the outstanding contribution which Actors' Equity Association has made to the cultural life of our Nation.

Approved May 17, 1963.

Public Law 88-24

May 17, 1963
[S. 138]

AN ACT

To redesignate the Big Hole Battlefield National Monument, to revise the boundaries thereof, and for other purposes.

Big Hole Battlefield National Monument.
53 Stat. 2544.
3 CFR, Cum. Supp.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Big Hole Battlefield National Monument, established by Executive Order Numbered 1216 of June 23, 1910, and enlarged by Proclamation Numbered 2339 of June 29, 1939, is hereby redesignated as the Big Hole National Battlefield.

SEC. 2. In order to preserve historic features and sites associated with the Battle of the Big Hole and to facilitate their administration

and interpretation, the boundaries of the Big Hole National Battlefield are hereby revised to include the following described lands:

MONTANA PRINCIPAL MERIDIAN

Township 2 south, range 17, west: Section 13, southwest quarter southeast quarter, southeast quarter southwest quarter, east half southwest quarter southwest quarter; section 23, east half northeast quarter southeast quarter; section 24, west half east half, north half southwest quarter, southeast quarter southwest quarter, east half southwest quarter southwest quarter; section 25, those portions of the northeast quarter northwest quarter and the northwest quarter northeast quarter lying north of the north right-of-way line of relocated Montana State Route 43; consisting of approximately 466 acres.

SEC. 3. (a) The Secretary of the Interior may acquire by donation, purchase, exchange, or otherwise, lands and interests in lands within the area described in section 2 of this Act.

(b) Any lands described in section 2 of this Act that are a part of the Beaverhead National Forest when this Act takes effect are hereby excluded from the forest and added to the Big Hole National Battlefield.

(c) Lands included in the Big Hole National Battlefield pursuant to this Act shall be administered in accordance with the provisions of the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–3), as amended and supplemented.

SEC. 4. There is hereby retroceded to the State of Montana, effective when accepted by said State in accordance with its laws, such jurisdiction as has been ceded by such State to the United States over any lands within the boundaries of the Big Hole National Battlefield reserving in the United States, however, concurrent legislative jurisdiction over such lands.

SEC. 5. There are authorized to be appropriated such sums not exceeding $20,000 as are necessary for the acquisition of lands and interests in land pursuant to this Act.

Approved May 17, 1963.

Public Law 88-25

May 17, 1963
[H. R. 5517]

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1963, and for other purposes.

Supplemental Appropriation Act, 1963.

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, to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriation Act, 1963") for the fiscal year ending June 30, 1963, and for other purposes, namely:

TITLE I

DEPARTMENT OF AGRICULTURE

EXTENSION SERVICE

COOPERATIVE EXTENSION WORK, PAYMENTS AND EXPENSES

Of the amount made available under this head in the Department of Agriculture and Related Agencies Appropriation Act, 1963, for "Payments to States and Puerto Rico", $311,250 shall be transferred to the subappropriation for "Penalty mail".

76 Stat. 1205.

STATISTICAL REPORTING SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $331,850, to be derived by transfer from the appropriation for "Reimbursement for special milk program", Commodity Credit Corporation, fiscal year 1963.

76 Stat. 1213.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

LAND-USE ADJUSTMENT PROGRAM

For necessary expenses to promote the conservation and economic use of land pursuant to the provisions of section 16(e) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590p), as amended by the Act of September 27, 1962 (76 Stat. 606), $2,000,000, to remain available until expended.

CONSERVATION RESERVE PROGRAM

For an additional amount for "Conservation reserve program", $4,000,000, to remain available until expended.

FARMERS HOME ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,222,900, to be derived by transfer from the appropriation for "Reimbursement for special milk program", Commodity Credit Corporation, fiscal year 1963.

RURAL HOUSING FOR THE ELDERLY REVOLVING FUND

For loans pursuant to section 515(a) of the Housing Act of 1949, as amended (42 U.S.C. 1484; 76 Stat. 671), including advances pursuant to section 335(a) of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1985), in connection with security for such loans, $1,000,000. 42 USC 1485. 75 Stat. 315.

OFFICE OF INFORMATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $52,220, to be derived by transfer from the appropriation for "Reimbursement for special milk program", Commodity Credit Corporation, fiscal year 1963.

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For additional amounts for "Forest protection and utilization", as follows:

"Forest land management", $17,832,900, of which $3,000,000 for forest insect control shall remain available until June 30, 1964;

"Forest research", $731,500; and

"State and private forestry cooperation", $45,600.

FOREST ROADS AND TRAILS

For an additional amount for "Forest roads and trails (liquidation of contract authorization)", $7,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

OFFICE OF TRADE ADJUSTMENT

TRADE ADJUSTMENT ASSISTANCE

For administrative expenses necessary to carry out the functions of the Secretary of Commerce under Title III of the Trade Expansion Act of 1962, and for expenses of technical assistance to firms under such title, including hire of passenger motor vehicles, $25,000. 76 Stat. 883. 19 USC 1901-1991.

CIVILIAN INDUSTRIAL TECHNOLOGY

For necessary expenses, not otherwise provided, of advancing civilian industrial technology, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $75 per diem, and hire of passenger motor vehicles, $625,000, to remain available until expended. 60 Stat. 810.

PATENT OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,535,000.

BUREAU OF PUBLIC ROADS

FOREST HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional amount for "Forest highways (liquidation of contract authorization)", to remain available until expended, $4,900,000, which sum is a part of the amount authorized to be appropriated for the fiscal year 1962.

STUDY OF HIGHWAY PROGRAM FOR ALASKA

For expenses necessary to make engineering studies and estimates and planning surveys relative to a highway construction program for Alaska, as authorized by section 13 of the Act of October 23, 1962 (76 Stat. 1149), $400,000, to remain available until expended.

23 USC 307 note.

TRANSPORTATION RESEARCH

For necessary expenses for conducting transportation research activities, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $75 per diem, and hire of passenger motor vehicles, $625,000, to remain available until expended.

60 Stat. 810.

DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS

DEPARTMENT OF THE ARMY

RIVERS AND HARBORS AND FLOOD CONTROL

General Investigations

For an additional amount for "General Investigations", $15,000.

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General", $25,000.

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military personnel, Army", $19,600,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military personnel, Navy", $12,700,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military personnel, Marine Corps", $6,700,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $50,000,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and maintenance, Army", $44,207,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and maintenance, Navy", including an additional amount of not to exceed $210,000 for emergency and extraordinary expenses, $28,122,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and maintenance, Marine Corps", $1,500,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and maintenance, Air Force", $42,333,000.

CLAIMS, DEFENSE

Not to exceed $3,300,000 may be transferred from the appropriation for "Retired pay, Defense," fiscal year 1963, to the appropriation for "Claims, Defense," fiscal year 1963. 76 Stat. 320.

DEPARTMENT OF DEFENSE—CIVIL DEFENSE

RESEARCH

For an additional amount for research, including continuing shelter surveys, marking and stocking, $15,000,000, to remain available until expended.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF EMERGENCY PLANNING

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $240,000.

FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For expenses necessary to carry out the purposes of the Act of September 30, 1950, as amended (42 U.S.C. 1855–1855g), authorizing assistance to States and local governments in major disasters, $25,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses. 64 Stat. 1109.

PUBLIC WORKS ACCELERATION

For an additional amount for "Public Works Acceleration", $450,000,000, to remain available until January 31, 1964: *Provided*, That no part of this appropriation shall be used for any project that has ever been rejected by the Senate or House of Representatives or by any Committee of the Congress: *Provided further*, That no part of this appropriation shall be used for any Federal project that does not

require a financial contribution from State or local sources except projects dealing with preservation of forests in the jurisdiction of the Department of Agriculture and the Department of the Interior.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $345,000.

PUBLIC HEALTH SERVICE

COMMUNICABLE DISEASE ACTIVITIES

For an additional amount for "Communicable disease activities", $8,830,000, of which $8,700,000 shall remain available until June 30, 1964, to carry out section 317 of the Public Health Service Act.

76 Stat. 1155.
42 USC 247b.

COMMUNITY HEALTH PRACTICE AND RESEARCH

For an additional amount for "Community health practice and research", including carrying out section 310 of the Public Health Service Act, $750,000.

76 Stat. 592.
42 USC 242h.

HOSPITALS AND MEDICAL CARE

For an additional amount for "Hospitals and medical care", $1,218,000.

HOSPITALS AND MEDICAL CARE

For an additional amount for "Hospitals and medical care", fiscal year 1962, for payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (37 U.S.C. Chap. 7), $290,000: *Provided*, That, in addition, the limitation in said appropriation as herein and heretofore increased, on the amount available for payments for such medical care is hereby increased by the amount of any unobligated balance as of June 30, 1962, in said appropriation.

70 Stat. 250;
72 Stat. 1569.

SOCIAL SECURITY ADMINISTRATION

BUREAU OF FAMILY SERVICES

Grants to States for Public Assistance

For an additional amount for "Grants to States for public assistance", $200,000,000: *Provided*, That this amount and the amount appropriated under this heading in the Department of Health, Education, and Welfare Appropriation Act, 1963, shall be available for aid to the aged, blind, or disabled and medical assistance for the aged, as authorized in title XVI of the Social Security Act, as amended.

76 Stat. 375.
76 Stat. 197.
42 USC 1381-1385.

Grants to States, Next Succeeding Fiscal Year

The appropriation and authorization in the paragraph designated "Grants to States, next succeeding fiscal year", and in the succeeding paragraph, under this heading in the Department of Health, Education, and Welfare Appropriation Act, 1963, shall also be available for carrying out title XVI of the Social Security Act, as amended.

76 Stat. 377.

Salaries and Expenses, Bureau of Family Services

For an additional amount for "Salaries and expenses, Bureau of Family Services", $175,000.

CHILDREN'S BUREAU

Grants for Maternal and Child Welfare

For an additional amount for "Grants for maternal and child welfare", $1,000,000, of which $800,000 shall be available for child welfare services, and $200,000 for research, training, or demonstration projects in child welfare.

Salaries and Expenses

For an additional amount for "Salaries and expenses", $90,000.

HOWARD UNIVERSITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $443,000.

OFFICE OF THE SECRETARY

EDUCATIONAL TELEVISION FACILITIES

For grants to assist in construction of educational television broadcasting facilities, as authorized by part IV of title III of the Communications Act of 1934 (76 Stat. 64), and for related salaries and expenses, to remain available until expended, $1,500,000, of which not to exceed $40,000 shall be available for such salaries and expenses during the current fiscal year. 47 USC 390-397.

INDEPENDENT OFFICES

CIVIL AERONAUTICS BOARD

PAYMENTS TO AIR CARRIERS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional amount for "Payments to air carriers (liquidation of contract authorization)", $3,300,000, to remain available until expended.

CIVIL SERVICE COMMISSION

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Civil Service retirement and disability fund for financing, during fiscal year 1963, the estimated cost of new and increased annuity benefits as provided by Part III of Public Law 87-793 (76 Stat. 868), $30,000,000. 5 USC 2259 and note, 2260, 2268.

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $812,300.

INVESTIGATION OF UNITED STATES CITIZENS FOR EMPLOYMENT BY INTERNATIONAL ORGANIZATIONS

For an additional amount for "Investigation of United States citizens for employment by international organizations", $170,000.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS FUND

For an additional amount for "Government payment for annuitants, employees health benefits fund", $966,000, to remain available until expended.

COMMISSION ON INTERNATIONAL RULES OF JUDICIAL PROCEDURE

SALARIES AND EXPENSES

For expenses necessary for the Commission on International Rules of Judicial Procedure, $10,000, to be available from January 1, 1963, and to remain available until December 31, 1963.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $37,500.

GENERAL SERVICES ADMINISTRATION

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For an additional amount for "Sites and expenses, public buildings projects", $3,000,000, to remain available until expended.

HOSPITAL FACILITIES IN THE DISTRICT OF COLUMBIA

For an additional amount for expenses necessary in carrying out the provisions of the Act of August 7, 1946 (60 Stat. 896), as amended, authorizing the establishment of a hospital center in the District of Columbia, including grants to private agencies for hospital facilities in said District, $375,000, to remain available until expended.

OPERATING EXPENSES, FEDERAL SUPPLY SERVICE

For an additional amount for "Operating expenses, Federal Supply Service", $1,712,000.

GENERAL SUPPLY FUND

To increase the General Supply Fund established by the Federal Property and Administrative Services Act of 1949, as amended (5 U.S.C. 630g), $25,000,000.

63 Stat. 382; 76 Stat. 725.

FEDERAL TELECOMMUNICATIONS FUND

To provide initial capital for the Federal Telecommunications Fund established by the Federal Property and Administrative Services Act of 1949, as amended (76 Stat. 1117), $9,000,000, to remain available without fiscal year limitation.

5 USC 630g-1.

IMPROVEMENTS, NATIONAL INDUSTRIAL RESERVE PLANT NUMBERED 485

For expenses necessary to install and erect additional equipment, facilities, processes, and improvements for the production of critical industrial components at the National Industrial Reserve Plant Numbered 485, including not to exceed $20,000 for exercise of the outstanding purchase option for land and improvements in connection therewith, $1,100,000, to remain available until expended.

HISTORICAL AND MEMORIAL COMMISSIONS

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), $25,000, to remain available until expended. 73 Stat. 445.

WOODROW WILSON MEMORIAL COMMISSION

For expenses necessary to carry out the provisions of the Act of October 4, 1961 (75 Stat. 783), establishing the Woodrow Wilson Memorial Commission, $10,000, to remain available until expended.

HOUSING AND HOME FINANCE AGENCY

HOUSING FOR THE ELDERLY FUND

For an additional amount for the revolving fund established pursuant to section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), $25,000,000. 73 Stat. 667; 75 Stat. 163.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $50,000, to remain available until June 30, 1964.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,645,000.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for "Acquisition and construction of radio facilities", $5,800,000, to remain available until expended.

VETERANS ADMINISTRATION

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $4,300,000, to remain available until expended.

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $42,000,000, to remain available until expended.

LOAN GUARANTY REVOLVING FUND

During the current fiscal year an additional amount of not to exceed $91,058,000 shall be available in the "Loan guaranty revolving fund" for expenses for property acquisitions and other loan guaranty and insurance operations under Chapter 37, Title 38, United States Code, except administrative expenses, as authorized by section 1824 of such title. 72 Stat. 1203. 74 Stat. 533.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $2,900,000.

BUREAU OF INDIAN AFFAIRS

RESOURCES MANAGEMENT

For an additional amount for "Resources management", $1,290,000.

MENOMINEE EDUCATIONAL GRANTS

For grants to the State of Wisconsin or the County or Town of Menominee for school district costs, as authorized by the Act of April 4, 1962 (Public Law 87-432), $176,000, to be derived by transfer from the appropriation for "Education and welfare services", fiscal year 1963.

76 Stat. 53.

PAYMENTS TO THE LOWER BRULE SIOUX AND CROW CREEK SIOUX TRIBES OF INDIANS

For rehabilitation, relocation and other assistance of the Crow Creek Sioux and the Lower Brule Sioux Indian Tribes, in connection with the taking of lands for the Big Bend Project, as authorized by law (76 Stat. 698, 704), $5,771,250, of which $3,802,500 is for the account of the Crow Creek Sioux Tribe and $1,968,750 is for the account of the Lower Brule Sioux Tribe.

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional amount for "Road construction (liquidation of contract authorization)", not to exceed $2,000,000 to be derived from the appropriation to the National Park Service for "Construction (liquidation of contract authorization)".

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For an additional amount for "Management and protection", $960,000.

CONSTRUCTION

For an additional amount for "Construction" for acquisition of lands, interests therein, improvements, and related personal property, $5,000,000, to remain available until expended.

BUREAU OF RECLAMATION

CONSTRUCTION AND REHABILITATION

For an additional amount for "Construction and rehabilitation," $6,000,000, to remain available until expended and to be nonreimbursable.

UPPER COLORADO RIVER STORAGE PROJECT

For an additional amount for the "Upper Colorado River Storage Project", to remain available until expended, $4,000,000, which shall be available to the "Upper Colorado River Basin Fund", of which $300,000 shall be derived by transfer from the appropriation for "Loan program" and $700,000 shall be derived from the appropriation for "Construction and rehabilitation", Bureau of Reclamation, fiscal year 1963.

OFFICE OF TERRITORIES

TRUST TERRITORY OF THE PACIFIC ISLANDS

For an additional amount for "Trust Territory of the Pacific Islands", $7,290,000.

FISH AND WILDLIFE SERVICE

BUREAU OF COMMERCIAL FISHERIES

Management and Investigations of Resources

For an additional amount for "Management and investigations of resources", $658,400.

VIRGIN ISLANDS CORPORATION

LOANS TO OPERATING FUND

The Virgin Islands Corporation may borrow not to exceed $200,000 from the Treasury of the United States for the construction of salt water distillation facilities in Saint Thomas, Virgin Islands, as authorized by section 3 of the Act of September 2, 1958 (72 Stat. 1760). 48 USC 1407c.

CONTRIBUTIONS

For payment to the Virgin Islands Corporation in the form of grants, as authorized by law, $480,000, to be derived by transfer from the internal revenue collections appropriated for the Virgin Islands.

BUREAU OF OUTDOOR RECREATION

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Outdoor Recreation, $100,000.

OFFICE OF SALINE WATER

SALARIES AND EXPENSES

The limitation under this head in the Department of the Interior and Related Agencies Appropriation Act, 1963, on the amount available for administration and coordination is increased from $525,000 to $582,000. 76 Stat. 345.

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

PRINTING AND BINDING SUPREME COURT REPORTS

For an additional amount for "Printing and binding Supreme Court reports", $30,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For an additional amount for "Salaries of judges", $188,341: *Provided*, That $88,341 of the foregoing amount shall be available for the payment of obligations incurred under the appropriation for similar purposes for the fiscal year 1962.

TRAVEL AND MISCELLANEOUS EXPENSES

For an additional amount for "Travel and miscellaneous expenses", $70,000.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For an additional amount for "Salaries and expenses, United States Attorneys and Marshals", $1,082,000.

FEES AND EXPENSES OF WITNESSES

For an additional amount for "Fees and expenses of witnesses", including an additional amount of not to exceed $25,000 for compensation and expenses to witnesses (including expert witnesses) or informants, $600,000.

FEDERAL PRISON SYSTEM

SUPPORT OF UNITED STATES PRISONERS

For an additional amount for "Support of United States prisoners", $400,000.

DEPARTMENT OF LABOR

TRADE ADJUSTMENT ACTIVITIES

For necessary expenses to carry out the functions of the Secretary of Labor under the Trade Expansion Act of 1962, $100,000.

76 Stat. 872.
19 USC 1801 note.

BUREAU OF EMPLOYMENT SECURITY

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND EX-SERVICEMEN

For an additional amount for "Unemployment compensation for Federal employees and ex-servicemen", $22,000,000.

BUREAU OF EMPLOYEES' COMPENSATION

EMPLOYEES' COMPENSATION CLAIMS AND EXPENSES

For an additional amount for "Employees' compensation claims and expenses", $3,150,000.

LEGISLATIVE BRANCH

SENATE

For payment to Imelda E. Chavez, widow of Dennis Chavez, late a Senator from the State of New Mexico, $22,500.

For payment to Georgia Lowe Dworshak, widow of Henry C. Dworshak, late a Senator from the State of Idaho, $22,500.

For payment to Grayce B. Kerr, widow of Robert S. Kerr, late a Senator from the State of Oklahoma, $22,500.

SALARIES, OFFICERS AND EMPLOYEES

ADMINISTRATIVE AND CLERICAL ASSISTANCE TO SENATORS

For an additional amount for administrative and clerical assistants to Senators, $7,600: *Provided*, That the clerk hire allowance of each Senator from the State of California shall be increased to that allowed Senators from States having a population of over seventeen million, the population of said State having exceeded seventeen million inhabitants, that the clerk hire allowance of each Senator from the State of Georgia shall be increased to that allowed Senators from States having a population of four million, the population of said State having exceeded four million inhabitants, and that the clerk hire allowance of each Senator from the State of Washington shall be increased to that allowed Senators from States having a population of three million, the population of said State having exceeded three million inhabitants.

CONTINGENT EXPENSES OF THE SENATE

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous Items", fiscal year 1962, $5,000.

HOUSE OF REPRESENTATIVES

For payment to Katherine S. Miller, widow of Clem Miller, late a Representative from the State of California, $22,500.

For payment to Lydia Y. Doyle, widow of Clyde Doyle, late a Representative from the State of California, $22,500.

OFFICE OF THE CLERK

For an additional amount for "Office of the Clerk", $55,730.

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous items", $88,685.

REPORTING HEARINGS

For an additional amount for "Reporting hearings", $25,000.

TELEGRAPH AND TELEPHONE

For an additional amount for "Telegraph and telephone", $150,000.

ARCHITECT OF THE CAPITOL

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", $300,000.

ACQUISITION OF PROPERTY, CONSTRUCTION, AND EQUIPMENT, ADDITIONAL HOUSE OFFICE BUILDING

The appropriation "Acquisition of property, construction, and equipment, Additional House Office Building" shall hereafter be available also for necessary furniture and furnishings for such project.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $6,338,500.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For an additional amount for "Emergencies in the diplomatic and consular service", $300,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to international organizations", $835,000.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Missions to international organizations", $71,800.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For an additional amount for "International conferences and contingencies", $325,000.

TREASURY DEPARTMENT

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES, DIVISION OF DISBURSEMENT

For an additional amount for "Salaries and expenses, Division of Disbursement", $1,739,000.

BUREAU OF CUSTOMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,108,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $309,000.

SALARIES AND EXPENSES, WHITE HOUSE POLICE

For an additional amount for "Salaries and expenses, White House Police", $308,000.

BUREAU OF THE MINT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $544,900.

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $2,536,000.

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", $413,500, of which $1,300 shall be payable from the highway fund (motor vehicle parking account).

PUBLIC SAFETY

For an additional amount for "Public safety", including $19,000 for transfer to the Administrative Office of the United States Courts for expenses of the Legal Aid Agency for the District of Columbia, $2,902,800.

HEALTH AND WELFARE

For an additional amount for "Health and welfare", $526,601.

SETTLEMENT OF CLAIMS AND SUITS

For the payment of claims in excess of $250, approved by the Commissioners in accordance with the provision of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), $36,600. D. C. Code 1-902 to 1-906.

CAPITAL OUTLAY

Not to exceed $180,000 of funds heretofore appropriated under the heading "Capital outlay", in the District of Columbia Appropriation Act, 1963, shall be available for the purchase of equipment for the Evans Junior High School and shall be in addition to the amount heretofore provided for such purpose. 76 Stat. 1152.

DIVISION OF EXPENSES

The sums appropriated in this title for the District of Columbia shall, unless otherwise specifically provided for, be paid out of the general fund of the District of Columbia, as defined in the District of Columbia Appropriation Act for the fiscal year involved.

93-025 O-64-5

TITLE II

INCREASED PAY COSTS

For additional amounts for appropriations for the fiscal year 1963, for increased pay costs authorized by or pursuant to law, as follows:

DEPARTMENT OF AGRICULTURE

Agricultural Research Service: "Salaries and expenses":

"Research", $2,098,550, which shall be derived by transfer from the appropriation for "Special milk program", Agricultural Marketing Service, fiscal year 1963;

"Plant and animal disease and pest control", $1,453,480, of which $306,230 shall be derived by transfer from the appropriation for "Special milk program", Agricultural Marketing Service, fiscal year 1963;

"Meat inspection", $909,150, which shall be derived by transfer from the appropriation for "Special milk program", Agricultural Marketing Service, fiscal year 1963;

Cooperative State Experiment Station Service: "Payments and expenses", for necessary expenses of the Cooperative State Experiment Station Service, $55,950, which shall be derived by transfer from the appropriation for "Reimbursement for special milk program", Commodity Credit Corporation, fiscal year 1963;

Farmer Cooperative Service: "Salaries and expenses", $22,700, which shall be derived by transfer from the appropriation for "Reimbursement for special milk program", Commodity Credit Corporation, fiscal year 1963;

Soil Conservation Service:

"Conservation operations", $3,325,000, of which $130,790 shall be derived by transfer from the appropriation for "Reimbursement for special milk program", Commodity Credit Corporation, fiscal year 1963;

"Watershed protection", $791,350, to remain available until expended;

"Flood prevention", $325,850, to remain available until expended;

"Great Plains conservation program", $103,550, to remain available until expended;

Economic Research Service: "Salaries and expenses", $339,150, which shall be derived by transfer from the appropriation for "Reimbursement for special milk program", Commodity Credit Corporation, fiscal year 1963;

Agricultural Marketing Service: "Marketing research and service", $1,267,870, which shall be derived by transfer from the appropriation for "Special milk program", fiscal year 1963;

Foreign Agricultural Service: "Salaries and expenses", $234,270, which shall be derived by transfer from the appropriation for "Reimbursement for special milk program", Commodity Credit Corporation, fiscal year 1963;

Commodity Exchange Authority: "Salaries and expenses", $38,950, which shall be derived by transfer from the appropriation for "Reimbursement for special milk program", Commodity Credit Corporation, fiscal year 1963;

Federal Crop Insurance Corporation: "Federal Crop Insurance Corporation fund" (increase of $185,250 in the amount available for administrative and operating expenses);

Rural Electrification Administration: "Salaries and expenses", $418,200, which shall be derived by transfer from the appropriation for "Special milk program", Agricultural Marketing Service, fiscal year 1963;

Office of the General Counsel: "Salaries and expenses", $159,600, which shall be derived by transfer from the appropriation for "Reimbursement for special milk program", Commodity Credit Corporation, fiscal year 1963;

National Agricultural Library: "Salaries and expenses", $31,820, which shall be derived by transfer from the appropriation for "Reimbursement for special milk program", Commodity Credit Corporation, fiscal year 1963;

General administration: "Salaries and expenses", $136,650, which shall be derived by transfer from the appropriation for "Reimbursement for special milk program", Commodity Credit Corporation, fiscal year 1963;

DEPARTMENT OF COMMERCE

General administration: "Salaries and expenses", $152,000;

Area Redevelopment Administration: "Operations", $166,250;

"Export control", $142,500, of which $45,600 may be advanced to the Bureau of Customs;

Business and Defense Services Administration: "Salaries and expenses", $118,750;

Office of Business Economics: "Salaries and expenses", $118,750;

Bureau of the Census:

"Salaries and expenses", $380,000;

"1963 Censuses of business, transportation, manufactures, and mineral industries", $71,250, to remain available until December 31, 1966;

"Eighteenth decennial census", $38,000;

Office of Field Services: "Salaries and expenses", $95,000;

International activities: "Salaries and expenses", $166,250;

Coast and Geodetic Survey: "Salaries and expenses", $237,500;

National Bureau of Standards: "Research and technical services", $665,000;

Office of Technical Services: Salaries and expenses: For necessary expenses of the Office of Technical Services, $47,500;

Weather Bureau:

"Salaries and expenses", $1,235,000;

"Research and development", $118,750, to remain available until June 30, 1965;

Maritime Administration:

"Salaries and expenses", $299,250, of which $256,500 is for administrative expenses, $6,650 for maintenance of shipyard facilities and operation of warehouses, and $36,100 is for reserve fleet expenses;

"Maritime training", $19,000;

Bureau of Public Roads: "Limitation on general administrative expenses" (increase of $1,377,500 in the limitation on the amount available for administration and research);

DEPARTMENT OF DEFENSE—MILITARY

Operation and maintenance:

"Operation and maintenance, Defense agencies", $8,656,400;

"Salaries and expenses, Court of Military Appeals, Defense", $17,100;

DEPARTMENT OF DEFENSE—CIVIL

Department of the Army:
Cemeterial expenses, "Salaries and expenses", $57,000;
Corps of Engineers—Civil:
"General investigations", $214,700, to remain available until expended;
"Operation and maintenance, general", $2,311,350, to remain available until expended;
"General expenses", $585,200;
United States Soldiers' Home: "Limitation on operation and maintenance and capital outlay" (increase of $144,400 in the amount available for maintenance and operation to be paid from the Soldiers' Home permanent fund);
Ryukyu Islands, "Administration", $54,150;
The Panama Canal:
Canal Zone Government: "Operating expenses", $633,650;
Panama Canal Company: "Limitation on general and administrative expenses" (increase of $171,000 in the limitation on the amount available for general and administrative expenses);

EXECUTIVE OFFICE OF THE PRESIDENT

Bureau of the Budget: "Salaries and expenses", $222,300;
Council of Economic Advisers: "Salaries and expenses", $17,100;
Office of Emergency Planning:
"Civil defense and defense mobilization functions of Federal agencies", $190,000;
Office of Science and Technology: "Salaries and expenses", $14,150;

FUNDS APPROPRIATED TO THE PRESIDENT

Foreign aid:
Economic assistance:
"Administrative expenses, Agency for International Development", $1,389,850, which shall be derived by transfer from appropriations for "Economic assistance", fiscal year 1963;
"Administrative and other expenses", Department of State, $57,000, which shall be derived by transfer from appropriations for "Economic assistance", fiscal year 1963;

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: "Salaries and expenses", $784,700;
Public Health Service:
"Foreign quarantine activities", $18,050;
"Indian health activities", $1,002,250;
Social Security Administration:
"Limitation on salaries and expenses, Bureau of Old-Age and Survivors Insurance" (increase of $5,998,300 in the amount to be expended from the Federal old-age and survivors insurance trust fund);
"Salaries and expenses, Office of the Commissioner", $24,700, together with an additional amount of not to exceed $17,100 which shall be derived by transfer from the Federal old-age and survivors insurance trust fund;
Special institutions: Gallaudet College: "Salaries and expenses", $20,900;

Office of the Secretary:

"Salaries and expenses", $96,900, together with an additional amount of not to exceed $16,150 which shall be derived by transfer from the Federal old-age and survivors insurance trust fund;

"Salaries and expenses, Office of Field Administration", $125,400, together with additional amounts of not to exceed $41,800 which shall be derived by transfer from the Federal old-age and survivors insurance trust fund and not to exceed $950 which shall be derived by transfer from the operating fund, Bureau of Federal Credit Unions;

"Surplus property utilization", $19,950;

"Salaries and expenses, Office of the General Counsel", $19,000, together with an additional amount of not to exceed $14,250 which shall be derived by transfer from the Federal old-age and survivors insurance trust fund;

INDEPENDENT OFFICES

American Battle Monuments Commission: "Salaries and expenses", $57,000;

Civil Aeronautics Board: "Salaries and expenses", $300,000;

Civil Service Commission: "Limitation on administrative expenses, Employees life insurance fund" (increase of $8,550 in the limitation on the amount available for administrative expenses);

Commission of Fine Arts: "Salaries and expenses", $2,850;

Commission on Civil Rights: "Salaries and expenses", $9,500;

Delaware River Basin Commission: "Salaries and expenses", $1,610;

Export-Import Bank of Washington: "Limitation on administrative expenses" (increase of $122,550 in the limitation on the amount available for administrative expenses);

Farm Credit Administration: "Limitation on administrative expenses" (increase of $66,500 in the limitation on the amount available for administrative expenses);

Federal Aviation Agency:

"Operations", $8,930,000;

"Operation and maintenance, Dulles International Airport", $26,600;

Federal Communications Commission: "Salaries and expenses", $464,550;

Federal Home Loan Bank Board:

"Limitation on administrative and nonadministrative expenses" (increase of $80,750 in the limitation on the amount available for certain nonadministrative expenses);

"Limitation on administrative expenses, Federal savings and loan insurance corporation" (increase of $20,900 in the limitation on the amount available for administrative expenses);

Federal Mediation and Conciliation Service: "Salaries and expenses", $222,300;

Federal Power Commission: "Salaries and expenses", $380,000;

Federal Trade Commission: "Salaries and expenses", $190,000;

General Services Administration:

"Operating expenses, Public Buildings Service", $3,486,500, of which $290,000 shall be derived by transfer from the appropriation for "Payments, public buildings purchase contracts" fiscal year 1963, and $10,000 shall be derived by transfer from the appropriation for "Allowances and office facilities for former Presidents" fiscal year 1963;

"Operating expenses, Utilization and Disposal Service", $256,500;

"Operating expenses, National Archives and Records Service", $416,100;

"Operating expenses, Transportation and Communications Service", $190,000;

"Strategic and critical materials", $95,000;

"Salaries and expenses, Office of Administrator", $55,100;

Housing and Home Finance Agency:

Office of the Administrator:

"Salaries and expenses", $228,000;

"Limitation on administrative expenses, Office of the Administrator, college housing loans" (increase of $47,500 in the limitation on the amount available for administrative expenses);

"Limitation on administrative expenses, Office of the Administrator, public facility loans" (increase of $38,000 in the limitation on the amount available for administrative expenses);

"Limitation on administrative and nonadministrative expenses, Office of the Administrator, housing for the elderly" (increase of $19,000 in the limitation on the amount available for administrative and nonadministrative expenses);

Federal National Mortgage Association: "Limitation on administrative expenses" (increase of $142,500 in the limitation on the amount available for administrative expenses);

Federal Housing Administration: "Limitation on administrative and nonadministrative expenses" (increases of $332,500 in the limitation on the amount available for administrative expenses and of $1,805,000 in the limitation on the amount available for nonadministrative expenses);

Public Housing Administration:

"Administrative expenses", $522,500;

"Limitation on administrative and nonadministrative expenses" (increases of $522,500 in the limitation on the amount available for administrative expenses and of $23,750 in the limitation on the amount available for nonadministrative expenses);

Indian Claims Commission: "Salaries and expenses", $6,650;

Interstate Commerce Commission: "Salaries and expenses", $896,800;

National Labor Relations Board: "Salaries and expenses", $779,000;

National Mediation Board: "Salaries and expenses", $35,150;

Railroad Retirement Board: "Limitation on salaries and expenses" (increase of $266,000 in the amount to be derived from the Railroad retirement account);

Saint Lawrence Seaway Development Corporation: "Limitation on administrative expenses, Saint Lawrence Seaway Development Corporation" (increase of $10,450 in the limitation on the amount available for administrative expenses);

Securities and Exchange Commission: "Salaries and expenses", $461,700;

Selective Service System: "Salaries and expenses", $129,200;

Small Business Administration: "Salaries and expenses", $166,250;

Smithsonian Institution:

"Salaries and expenses", $160,550;

"Salaries and expenses, National Gallery of Art", $59,850;

Tax Court of the United States: "Salaries and expenses", $19,000;

Veterans Administration:

"General operating expenses", $3,610,950, of which $150,000 shall be derived by transfer from the appropriation for "Grants to the Republic of the Philippines", fiscal year 1963;

"Medical administration and miscellaneous operating expenses", $209,950;

"Medical care", $30,280,300;

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs:

"Education and welfare services", $1,208,400;

"General administrative expenses", $190,950;

National Park Service:

"Maintenance and rehabilitation of physical facilities", $578,550;

"General administrative expenses", $91,200;

Office of Territories: "Administration of territories", $28,500;

Geological Survey: "Surveys, investigations, and research", $1,843,000;

Bureau of Mines:

"Conservation and development of mineral resources", $827,450;

"Health and safety", $290,700;

"General administrative expenses", $57,950;

Office of Oil and Gas: "Salaries and expenses", $26,600;

Office of the Commissioner of Fish and Wildlife: "Salaries and expenses", $10,450;

Bureau of Commercial Fisheries:

"General administrative expenses", $21,850;

"Administration of Pribilof Islands", $19,000, to be derived by transfer from the Pribilof Islands fund;

"Limitation on administrative expenses, fisheries loan fund" (increase of $8,550 in the limitation on the amount available for administrative expenses);

Bureau of Sport Fisheries and Wildlife:

"Management and investigations of resources", $617,500;

"General administrative expenses", $42,750;

Bureau of Reclamation:

"General investigations", to remain available until expended, $232,750, which shall be derived by transfer from the appropriation for "Operation and maintenance for fiscal year 1963";

"General administrative expenses", $366,320, which shall be derived by transfer from the appropriation for "Operation and maintenance for fiscal year 1963";

Bonneville Power Administration: "Operation and maintenance", $413,250;

Southwestern Power Administration: "Operation and maintenance", $29,450;

Office of the Solicitor: "Salaries and expenses", $177,650;

Office of the Secretary: "Salaries and expenses", $132,050;

Virgin Islands Corporation: "Limitation on Administrative expenses, Virgin Islands Corporation" (increase of $3,800 in limitation on the amount available for administrative expenses);

THE JUDICIARY

Supreme Court of the United States:
"Salaries", $9,000;
Court of Customs and Patent Appeals:
"Salaries and expenses", $8,550;
Customs Court:
"Salaries and expenses", $12,350;
Court of Claims:
"Salaries and expenses", $9,500;
Courts of Appeals, District Courts and Other Judicial Services:
"Salaries of supporting personnel", $988,000;
"Administrative Office of the United States Courts", $30,000;
"Expenses of referees", $47,500, which shall be derived by transfer from the appropriation for "Salaries of referees", fiscal year 1963;

DEPARTMENT OF JUSTICE

Legal activities and general administration:
"Salaries and expenses, general administration", $133,000;
"Salaries and expenses, general legal activities", $595,650;
"Salaries and expenses, antitrust division", $230,850;
Federal Bureau of Investigation: "Salaries and expenses", $5,225,000;
Immigration and Naturalization Service: "Salaries and expenses", $2,222,050;
Federal Prison System: "Salaries and expenses, Bureau of Prisons", $1,427,850;
Federal Prison Industries, Incorporated: "Limitation on administrative and vocational training expenses, Federal Prison Industries, Incorporated" (increase of $16,150 in the limitation on the amount available for administrative expenses, and of $47,500 in the limitation on the amount available for vocational training expenses);

DEPARTMENT OF LABOR

Bureau of Labor Statistics:
"Salaries and expenses", $432,250;
"Revision of consumer price index", $31,350;
Bureau of International Labor Affairs: "Salaries and expenses", $23,750;
Office of Manpower, Automation, and Training:
"Salaries and expenses", Office of Automation and Manpower, $10,450;
"Manpower development and training activities", $147,250;
Area redevelopment activities: "Salaries and expenses", $19,000;
Office of Welfare and Pension Plans: "Welfare and pension plan reports activities", $51,300, to be transferred to "Salaries and expenses", Bureau of Labor Standards;
Bureau of Apprenticeship and Training: "Salaries and expenses", $186,200;
Bureau of Employment Security:
"Limitation on salaries and expenses" (increase of $435,860 in the limitation on the amount which may be expended for general administration from the employment security administration account in the Unemployment trust fund);
"Compliance activities, Mexican farm labor program", $42,750;
Bureau of Veterans' Reemployment Rights: "Salaries and expenses", $19,000;
Bureau of Labor Standards: "Salaries and expenses", $90,250;

Bureau of Labor-Management Reports: "Salaries and expenses", $248,900;

Bureau of Employees' Compensation: "Salaries and expenses", $136,800, together with $2,060 to be derived from the fund created by the "Longshoremen's and Harbor Workers' Compensation Act, as amended"; 44 Stat. 1444. 33 USC 944.

Women's Bureau: "Salaries and expenses", $37,050;

Wage and Hour Division: "Salaries and expenses", $558,600;

Office of the Solicitor: "Salaries and expenses", $100,700, together with $2,850 to be derived from the employment security administration account of the Unemployment trust fund;

Office of the Secretary: "Salaries and expenses", $67,450, together with $3,800 to be derived from the employment security administration account of the Unemployment trust fund;

LEGISLATIVE BRANCH

Senate:

Salaries, officers and employees, $901,980;

Office of the Legislative Counsel of the Senate, $10,110;

Joint Committee on Reduction of Non-essential Federal Expenditures, $1,460, to remain available until expended;

Contingent expenses of the Senate:

Legislative reorganization, $5,935;

Senate Policy Committees, $15,630;

Joint Economic Committee, $10,590;

Joint Committee on Atomic Energy, $11,435;

Joint Committee on Printing, $5,255;

Automobiles and maintenance, $1,300;

Inquiries and investigations, $153,800;

Folding documents, $1,705;

Miscellaneous items, $44,640 including $21,500 for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87–82, approved July 6, 1961; 75 Stat. 199. 40 USC 174j-4.

House of Representatives:

"Salaries, officers and employees", $314,350;

"Member's clerk hire", $948,090;

Contingent expenses of the House:

"Furniture", $7,070;

"Special and select committees", $123,960;

"Joint Committee on Internal Revenue Taxation", $15,190;

"Joint Committee on Defense Production", $3,060;

"Office of the Coordinator of Information", $5,650;

"Folding documents", $11,300;

"Revision of laws", $970;

"Speaker's automobile", $400;

"Majority leader's automobile", $350;

"Minority leader's automobile", $350;

Capitol Police: "Capitol Police Board", $6,500;

"Education of pages", $4,580;

Architect of the Capitol:

Capitol buildings and grounds:

"Capitol buildings", $14,250;

"Senate office buildings", $16,150;

"House office buildings", $19,000;

Library of Congress:
"Salaries and expenses", $263,950;
Copyright Office: "Salaries and expenses", $53,860;
Legislative Reference Service: "Salaries and expenses", $90,820;
Distribution of catalog cards: "Salaries and expenses", $53,670;
Books for the blind: "Salaries and expenses", $9,210;
"Collection and distribution of library materials (special foreign currency program)", $1,900;
Government Printing Office: Office of Superintendent of Documents: "Salaries and expenses", $75,930;

POST OFFICE DEPARTMENT

(Out of postal fund)

"Administration and regional operation", $3,677,450, which shall be derived by transfer from the appropriation for "Plant and equipment", fiscal year 1963;
"Operations", $158,519,850, of which $13,695,550 shall be derived by transfer from the appropriation for "Plant and equipment", fiscal year 1963;

DEPARTMENT OF STATE

International commissions:
International Boundary and Water Commission, United States and Mexico:
"Salaries and expenses", $21,850;
"Operation and maintenance", $21,850;

TREASURY DEPARTMENT

Office of the Secretary: "Salaries and expenses", $175,750;
Bureau of Accounts: "Salaries and expenses", $82,170;
Bureau of the Public Debt: "Administering the Public Debt", $546,250;
Internal Revenue Service: "Salaries and expenses", $17,100,000;
Bureau of Narcotics: "Salaries and expenses", $187,150;
United States Secret Service: "Salaries and expenses, guard force", $14,250;

DISTRICT OF COLUMBIA

(Out of District of Columbia funds)

Operating expenses:
"Education", $2,256,350;
"Parks and recreation", $204,250;
"Highways and traffic", $35,775, which shall be payable from the highway fund;
"Sanitary engineering", $289,738, of which $64,743 shall be payable from the water fund and $42,505 shall be payable from the sanitary sewage works fund.

DIVISION OF EXPENSES

The sums appropriated in this title for the District of Columbia shall, unless otherwise specifically provided for, be paid out of the general fund of the District of Columbia, as defined in the District of Columbia Appropriation Act, 1963.

76 Stat. 1150.

GENERAL PROVISIONS

SEC. 202. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1963, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet not to exceed 95 per centum of the increased pay costs authorized by or pursuant to law.

TITLE III

CLAIMS AND JUDGMENTS

For payment of claims as settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in Senate Document Numbered 14 and House Document Numbered 90, Eighty-eighth Congress, $20,567,545, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

Approved May 17, 1963.

Public Law 88-26

May 20, 1963
[H. R. 4997]

AN ACT

To extend the feed grain program.

Feed Grain Act of 1963.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Feed Grain Act of 1963."

72 Stat. 994; 75 Stat. 6, 301; 76 Stat. 612. 7 USC 1441 note.

SEC. 2. Section 105 of the Agricultural Act of 1949, as amended, is amended—

(1) by changing the period at the end of subsection (a) to a colon and adding the following: "*Provided*, That in the case of any crop for which an acreage diversion program is in effect for feed grains, the level of price support for corn of such crop shall be at such level not less than 65 per centum or more than 90 per centum of the parity price therefor as the Secretary determines necessary to achieve the acreage reduction goal established by him for the crop."

(2) by adding the following new subsection (d):

Feed grain programs. Conditions of eligibility. *Post*, p. 45.

"(d) The provision of this subsection shall be applicable with respect to the 1964 crop and the 1965 crop of feed grains if an acreage diversion program is in effect under section 16(h) of the Soil Conservation and Domestic Allotment Act, as amended. The Secretary shall require as a condition of eligibility for price support on the crop of any feed grain which is included in the acreage diversion program that the producer shall participate in the diversion program to the extent prescribed by the Secretary, and, if no diversion program is in effect for the 1964 crop or the 1965 crop, he may require as a condition of eligibility for price support on such crop of feed grains that the producer shall not exceed his feed grain base: *Provided*, That the Secretary may provide that no producer of malting barley shall be required as a condition of eligibility for price support for barley to participate in the acreage diversion program for feed grains if such producer has previously produced a malting variety of barley, plants barley only of an acceptable malting variety for harvest, does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960, does not knowingly devote an acreage on the farm to corn and grain sorghums in excess of the average acreage devoted on the farm to corn and grain sorghums in 1959 and 1960, and does not devote any acreage devoted to the production of oats and rye in 1959 and 1960 to the production of wheat pursuant to the provisions of section 328 of the Food and Agriculture Act of 1962. Such portion of the support price for any feed grain included in the acreage diversion program as the Secretary determines desirable to assure that the benefits of the price support and diversion programs inure primarily to those producers who cooperate in reducing their acreages of feed grains shall be made available to producers through payments in kind. Such payments in kind shall be made on the number of bushels of such feed grain determined by multiplying the actual acreage of such feed grain planted on the farm for harvest by the adjusted average yield per acre. The base period used in determining such adjusted average yield shall be the same as that used for purposes of the acreage diversion program formulated under section 16(h) of the Soil Conservation and Domestic Allotment Act, as amended. The Secretary may make not to exceed 50 per centum of any payments hereunder to producers in advance of determination of performance. Such payments in kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall

76 Stat. 631. 7 USC 1334 note.

Negotiable certificates.

redeem for feed grains (such feed grains to be valued by the Secretary at not less than the current support price minus that part of the current support price made available through payments in kind, plus reasonable carrying charges) and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. In the case of any certificate not presented for redemption within thirty days of the date of its issuance, reasonable costs of storage and other carrying charges, as determined by the Secretary, for the period beginning thirty days after its issuance and ending with the date of its presentation for redemption shall be deducted from the value of the certificate. The Secretary shall provide for the sharing of such certificates among the producers on the farm on the basis of their respective shares in the crop produced on the farm with respect to which such certificates are issued, or the proceeds therefrom. If the operator of the farm elects to participate in the acreage diversion program, price support for feed grains included in the program shall be made available to the producers on such farm only if such producers divert from the production of such feed grains in accordance with the provisions of such program an acreage on the farm equal to the number of acres which such operator agrees to divert, and the agreement shall so provide."

Acreage diversion programs.
49 Stat. 1151.
16 USC 590p.

SEC. 3. Section 16 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding the following new subsection:

"(h) Notwithstanding any other provision of law—

"(1) For the 1964 crop and the 1965 crop of feed grains, if the Secretary determines that the total supply of feed grains will, in the absence of an acreage diversion program, likely be excessive, taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices of feed grains and to meet any national emergency, he may formulate and carry out an acreage diversion program for feed grains, without regard to provisions which would be applicable to the regular agricultural conservation program, under which, subject to such terms and conditions as the Secretary determines, conservation payments in amounts determined by the Secretary to be fair and reasonable shall be made to producers who divert acreage from the production of feed grains to an approved conservation use and increase their average acreage of cropland devoted in 1959 and 1960 to designated soil-conserving crops or practices including summer fallow and idle land by an equal amount. Payments shall not be made in amounts in excess of 50 per centum of the estimated basic county support rate, including that part of the support price made available through payments in kind, on the normal production of the acreage diverted from the commodity on the farm based on its adjusted average yield per acre. Notwithstanding the foregoing provisions, the Secretary may permit such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, and flax, if he determines that such crops are not in surplus supply and will not be in surplus supply if permitted to be grown on the diverted acreage, subject to the condition that payment with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which would otherwise be applicable if such acreage were devoted to conservation uses,

and no price support shall be made available for the production of any such crop on such diverted acreage. The base period for the purpose of determining the adjusted average yield in the case of payments with respect to the 1964 crop shall be the four-year period 1959–1962, and in the case of payments with respect to the 1965 crop shall be the five-year period 1959–1963. The term 'feed grains' means corn, grain sorghums, barley, and, if for any crop the producer so requests for purposes of having acreage devoted to the production of wheat considered as devoted to the production of feed grains, pursuant to the provisions of section 328 of the Food and Agriculture Act of 1962, the term 'feed grains' shall include oats and rye: *Provided*, That acreages of corn, grain sorghums, and barley shall not be planted in lieu of acreages of oats and rye: *Provided further*, That the acreage devoted to the production of wheat shall not be considered as an acreage of feed grains for purposes of establishing the feed grain base acreage for the farm for subsequent crops. Such feed grain diversion program shall require the producer to take such measures as the Secretary may deem appropriate to keep such diverted acreage free from erosion, insects, weeds, and rodents. The acreage eligible for participation in the program shall be such acreage (not to exceed 50 per centum of the average acreage on the farm devoted to feed grains in the crop years 1959 and 1960 or twenty-five acres, whichever is greater) as the Secretary determines necessary to achieve the acreage reduction goal for the crop. Payments shall be made in kind. The average acreage of wheat produced on the farm during the crop years 1959, 1960, and 1961, pursuant to the exemption provided in section 335(f) of the Agricultural Adjustment Act of 1938, prior to its repeal by the Food and Agriculture Act of 1962, in excess of the small farm base acreage for wheat established under section 335 of the Agricultural Adjustment Act of 1938, as amended, shall be considered as an acreage of feed grains produced in the crop years of 1959 and 1960 for purposes of establishing the feed grain base acreage for the farm, and the rate of payment for diverting such wheat shall be an amount determined by the Secretary to be fair and reasonable in relation to the rates of payment for diverting feed grains. The Secretary may make such adjustments in acreage and yields as he determines necessary to correct for abnormal factors affecting production, and to give due consideration to tillable acreage, crop-rotation practices, types of soil, soil and water conservation measures, and topography. To the extent that a producer proves the actual acreages and yields for the farm, such acreages and yields shall be used in making determinations. Notwithstanding any other provision of this subsection (*l*)(1), the Secretary may, upon unanimous request of the State committee established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, adjust the feed grain bases for farms within any State or county to the extent he determines such adjustment to be necessary in order to establish fair and equitable feed grain bases for farms within such State or county. The Secretary may make not to exceed 50 per centum of any payments to producers in advance of determination of performance: *Provided*, That in no event shall the Secretary in the crop years 1964 or 1965 make payments to any producers under this section 16(h) and under section 105(d) of the Agricultural Act of 1949, as amended, in excess of 20 per centum of the fair market value of any acreage involved. Notwithstanding

"Feed grains."

76 Stat. 631.
7 USC 1334 note.

71 Stat. 477.
7 USC 1335.

76 Stat. 621.

52 Stat. 31
16 USC 590h.

Ante, p. 44.

any other provision of this subsection (h)(1), barley shall not be included in the program for a producer of malting barley exempted pursuant to section 105(d) of the Agricultural Act of 1949 who participates only with respect to corn and grain sorghums and does not knowingly devote an acreage on the farm to barley in excess of 110 per centum of the average acreage devoted on the farm to barley in 1959 and 1960.

Ante, p. 44.

"(2) Notwithstanding any other provision of this subsection, not to exceed 1 per centum of the estimated total feed grain bases for all farms in a State for any year may be reserved from the feed grain bases established for farms in the State for apportionment to farms on which there were no acreages devoted to feed grains in the crop years 1959 and 1960 on the basis of the following factors: Suitability of the land for the production of feed grains, the past experience of the farm operator in the production of feed grains, the extent to which the farm operator is dependent on income from farming for his livelihood, the production of feed grains on other farms owned, operated, or controlled by the farm operator, and such other factors as the Secretary determines should be considered for the purpose of establishing fair and equitable feed grain bases. An acreage equal to the feed grain base so established for each farm shall be deemed to have been devoted to feed grains on the farm in each of the crop years 1959 and 1960 for purposes of this subsection except that producers on such farm shall not be eligible for conservation payments for the first year for which the feed grain base is established.

"(3) There are hereby authorized to be appropriated such amounts as may be necessary to enable the Secretary to carry out this section 16(h).

"(4) The Secretary shall provide by regulations for the sharing of payments under this subsection among producers on the farm on a fair and equitable basis and in keeping with existing contracts.

"(5) Payments in kind shall be made through the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for feed grains and, notwithstanding any other provision of law, the Commodity Credit Corporation shall, in accordance with regulations prescribed by the Secretary, assist the producer in the marketing of such certificates. In the case of any certificate not presented for redemption within thirty days of the date of its issuance, reasonable costs of storage and other carrying charges, as determined by the Secretary, for the period beginning thirty days after its issuance and ending with the date of its presentation for redemption shall be deducted from the value of the certificate. Feed grains with which Commodity Credit Corporation redeems certificates pursuant to this paragraph shall be valued at not less than the current support price, minus that part of the current support price made available through payments in kind, plus reasonable carrying charges.

"(6) Notwithstanding any other provision of law, the Secretary may, by mutual agreement with the producer, terminate or modify any agreement previously entered into pursuant to this subsection if he determines such action necessary because of an emergency created by drought or other disaster, or in order to prevent or alleviate a shortage in the supply of feed grains."

SEC. 4. Section 326 of the Food and Agriculture Act of 1962, as amended, is amended by deleting the word "and" immediately preceding "(g)" and inserting immediately after "(g)" the following: "and (h)".

76 Stat. 631.
7 USC 1334 note.

Approved May 20, 1963, 12:40 p.m.

Public Law 88-27

May 23, 1963
[H. R. 2842]

AN ACT

To amend section 3238 of title 18, United States Code.

Criminal offenses.
Jurisdiction and venue.
62 Stat. 826.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3238 of title 18, United States Code, is amended to read as follows:

"§ 3238. Offenses not committed in any district

"The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district in which the offender, or any one of two or more joint offenders, is arrested or is first brought; but if such offender or offenders are not so arrested or brought into any district, an indictment or information may be filed in the district of the last known residence of the offender or of any one of two or more joint offenders, or if no such residence is known the indictment or information may be filed in the District of Columbia."

Approved May 23, 1963.

Public Law 88-28

May 23, 1963
[H. R. 2440]

AN ACT

To authorize appropriations during fiscal year 1964 for procurement, research, development, test, and evaluation of aircraft, missiles, and naval vessels for the Armed Forces, and for other purposes.

Aircraft, missiles, naval vessels.
Appropriation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated during fiscal year 1964 for the use of the Armed Forces of the United States for procurement, research, development, test, and evaluation of aircraft, missiles, and naval vessels, as authorized by law, in amounts as follows:

PROCUREMENT

AIRCRAFT

For aircraft: For the Army, $503,600,000; for the Navy and the Marine Corps, $1,938,700,000; for the Air Force, $3,448,600,000.

MISSILES

For missiles: For the Army, $565,700,000; for the Navy, $1,107,300,000; for the Marine Corps, $14,700,000; for the Air Force, $2,177,000,000.

NAVAL VESSELS

For naval vessels: For the Navy, $2,159,600,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AIRCRAFT

For aircraft: For the Army, $79,748,000; for the Navy (including the Marine Corps), $198,083,000; for the Air Force, $676,986,000, of which amount $363,700,000 is authorized only for research, development, and test of the RS–70.

MISSILES

For missiles: For the Army, $559,301,000; for the Navy (including the Marine Corps), $572,433,000; for the Air Force, $1,028,332,000.

NAVAL VESSELS

For naval vessels: For the Navy, $284,208,000.

Approved May 23, 1963.

Public Law 88-29

AN ACT

May 28, 1963
[S. 20]

To promote the coordination and development of effective programs relating to outdoor recreation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds and declares it to be desirable that all American people of present and future generations be assured adequate outdoor recreation resources, and that it is desirable for all levels of government and private interests to take prompt and coordinated action to the extent practicable without diminishing or affecting their respective powers and functions to conserve, develop, and utilize such resources for the benefit and enjoyment of the American people.

Recreation programs.
Coordination and development.

SEC. 2. In order to carry out the purposes of this Act, the Secretary of the Interior is authorized to perform the following functions and activities:

Functions and activities.

(a) INVENTORY.—Prepare and maintain a continuing inventory and evaluation of outdoor recreation needs and resources of the United States.

(b) CLASSIFICATION.—Prepare a system for classification of outdoor recreation resources to assist in the effective and beneficial use and management of such resources.

(c) NATIONWIDE PLAN.—Formulate and maintain a comprehensive nationwide outdoor recreation plan, taking into consideration the plans of the various Federal agencies, States, and their political subdivisions. The plan shall set forth the needs and demands of the public for outdoor recreation and the current and foreseeable availability in the future of outdoor recreation resources to meet those needs. The plan shall identify critical outdoor recreation problems, recommend solutions, and recommend desirable actions to be taken at each level of government and by private interests. The Secretary shall transmit the initial plan, which shall be prepared as soon as practicable within five years hereafter, to the President for transmittal to the Congress. Future revisions of the plan shall be similarly transmitted at succeeding five-year intervals. When a plan or revision is transmitted to the Congress, the Secretary shall transmit copies to the Governors of the several States.

(d) TECHNICAL ASSISTANCE.—Provide technical assistance and advice to and cooperate with States, political subdivisions, and private interests, including nonprofit organizations, with respect to outdoor recreation.

(e) REGIONAL COOPERATION.—Encourage interstate and regional cooperation in the planning, acquisition, and development of outdoor recreation resources.

93-025 O-64-6

(f) RESEARCH AND EDUCATION.—(1) Sponsor, engage in, and assist in research relating to outdoor recreation, directly or by contract or cooperative agreements, and make payments for such purposes without regard to the limitations of section 3648 of the Revised Statutes (31 U.S.C. 529) concerning advances of funds when he considers such action in the public interest, (2) undertake studies and assemble information concerning outdoor recreation, directly or by contract or cooperative agreement, and disseminate such information without regard to the provisions of section 4154, title 39, United States Code, and (3) cooperate with educational institutions and others in order to assist in establishing education programs and activities and to encourage public use and benefits from outdoor recreation.

74 Stat. 661.

(g) INTERDEPARTMENTAL COOPERATION.—(1) Cooperate with and provide technical assistance to Federal departments and agencies and obtain from them information, data, reports, advice, and assistance that are needed and can reasonably be furnished in carrying out the purposes of this Act, and (2) promote coordination of Federal plans and activities generally relating to outdoor recreation. Any department or agency furnishing advice or assistance hereunder may expend its own funds for such purposes, with or without reimbursement, as may be agreed to by that agency.

(h) DONATIONS.—Accept and use donations of money, property, personal services, or facilities for the purposes of this Act.

SEC. 3. In order further to carry out the policy declared in section 1 of this Act, the heads of Federal departments and independent agencies having administrative responsibility over activities or resources the conduct or use of which is pertinent to fulfillment of that policy shall, either individually or as a group, (a) consult with and be consulted by the Secretary from time to time both with respect to their conduct of those activities and their use of those resources and with respect to the activities which the Secretary of the Interior carries on under authority of this Act which are pertinent to their work, and (b) carry out such responsibilities in general conformance with the nationwide plan authorized under section 2(c) of this Act.

Definitions.

SEC. 4. As used in this Act, the term "United States" shall include the District of Columbia and the terms "United States" and "States" may, to the extent practicable, include the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

Approved May 28, 1963, 10:13 a.m.

Public Law 88-30

May 29, 1963
[H. R. 6009]

AN ACT

To provide, for the periods ending June 30, 1963, and August 31, 1963, temporary increases in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

Public debt limit.
Temporary increases.
72 Stat. 1758.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act, as amended (31 U.S.C. 757b), shall be temporarily increased—

(1) during the period beginning on the date of the enactment of this Act and ending on June 30, 1963, to $307,000,000,000, and

(2) during the period beginning on July 1, 1963, and ending on August 31, 1963, to $309,000,000,000.

During the period ending on June 30, 1963, the limit provided by paragraph (1) shall be in lieu of the limits provided by the Act of July 1, 1962 (Public Law 87-512; 76 Stat. 124).

Approved May 29, 1963.

Public Law 88-31

AN ACT

May 29, 1963
[H. R. 4655]

To amend title IX of the Social Security Act with respect to the amount authorized to be made available to the States out of the employment security administration account for certain administrative expenses, to reduce the rate of the Federal unemployment tax for the calendar year 1963, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 901(c) of the Social Security Act (42 U.S.C., sec. 1101(c)) is amended—

Employment security administrative expenses. Authorization. 74 Stat. 971.

(1) by striking out "June 30, 1961," at the beginning of paragraph (1) and inserting in lieu thereof "June 30, 1964,";

(2) by striking out "(not in excess of $350,000,000 for any fiscal year)" in paragraph (1)(A) and inserting in lieu thereof "(not in excess of the limit provided by paragraph (3))"; and

(3) by adding at the end thereof the following new paragraph:

"(3) For purposes of paragraph (1)(A), the limitation on the amount authorized to be made available for any fiscal year is—

"(A) in the case of the fiscal year ending June 30, 1964, an amount equal to 95 percent of the amount estimated by the Secretary of the Treasury as the net receipts during such fiscal year under the Federal Unemployment Tax Act, and

68A Stat. 454. 26 USC 3308.

"(B) in the case of any fiscal year thereafter, an amount equal to 95 percent of the amount estimated and set forth in the Budget of the United States Government for such fiscal year as the net receipts during such year under the Federal Unemployment Tax Act.

Each estimate of net receipts under this paragraph shall be based on a tax rate of 0.4 percent. The Secretary of the Treasury shall report his estimate under subparagraph (A) to the Congress within 30 days after the date of the enactment of this paragraph. Such report shall be printed as a House document."

Report to Congress.

SEC. 2. (a) Section 3301 of the Internal Revenue Code of 1954 (relating to rate of Federal unemployment tax) is amended by striking out the last sentence and inserting in lieu thereof the following new sentences: "In the case of wages paid during the calendar year 1962, the rate of such tax shall be 3.5 percent in lieu of 3.1 percent. In the case of wages paid during the calendar year 1963, the rate of such tax shall be 3.35 percent in lieu of 3.1 percent."

Unemployment tax rate, reduction. 26 USC 3301.

(b) Section 3302(d)(1) of such Code (relating to definitions and special rules) is amended to read as follows:

75 Stat. 16.

"(1) RATE OF TAX DEEMED TO BE 3 PERCENT.—In applying subsection (c), the tax imposed by section 3301 shall be computed at the rate of 3 percent in lieu of the rate provided by such section."

(c) Section 905(b) of the Social Security Act (42 U.S.C., sec. 1105(b)) is amended by striking out "50 percent of the amount" and inserting in lieu thereof "50 percent (with respect to the calendar year 1963), or 5/13 (with respect to the calendar year 1964), of the amount".

75 Stat. 15.

SEC. 3. Section 903(c)(2) of the Social Security Act (42 U.S.C., sec. 1103(c)(2)) is amended

74 Stat. 976.

(1) by striking out "four preceding fiscal years," in subparagraph (D) of the first sentence and inserting in lieu thereof "nine preceding fiscal years,",

(2) by striking out "such five fiscal years" in subparagraph (D) of the first sentence and inserting in lieu thereof "such ten fiscal years", and

(3) by striking out "fourth preceding fiscal year" in the second sentence and inserting in lieu thereof "ninth preceding fiscal year".

Ante, p. 51.
42 USC 1101.

SEC. 4. Notwithstanding section 901(c)(1)(A) of the Social Security Act, the limitation on the amount authorized to be made available for the fiscal year ending June 30, 1963, for the purposes specified in such section 901(c)(1)(A) is hereby increased to $407,148,000.

Approved May 29, 1963.

Public Law 88-32

May 29, 1963
[H. R. 2053]

AN ACT

To provide for the temporary suspension of the duty on corkboard insulation.

Corkboard insulation.
Suspension of duties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective with respect to articles entered, or withdrawn from warehouse, for consumption, during the three-year period beginning on the day after the date of the enactment of this Act, and with respect to articles covered by entries the liquidation of which has not become final on the date of enactment by virtue of the provisions of section 514 of the Tariff Act of 1930, no duty shall be imposed upon articles described in paragraph 1511 of the Tariff Act of 1930 as "cork insulation, wholly or in chief value of cork, cork waste, or granulated or ground cork, in blocks, slabs, boards, or planks".

46 Stat. 734.
19 USC 1514.
19 USC 1001, par. 1511.

Approved May 29, 1963.

Public Law 88-33

May 29, 1963
[S. 18]

AN ACT

To change the name of Harpers Ferry National Monument to Harpers Ferry National Historical Park.

Harpers Ferry National Historical Park.
Designation.
16 USC 450bb-450bb-2.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Harpers Ferry National Monument established pursuant to the Act entitled "An Act to provide for the establishment of the Harpers Ferry National Monument", approved June 30, 1944 (58 Stat. 645), shall hereafter be known as Harpers Ferry National Historical Park, and any law, regulation, document, or record of the United States in which such monument is designated or referred to under the name of Harpers Ferry National Monument shall be held to refer to such monument under and by the name of Harpers Ferry National Historical Park.

Approved May 29, 1963.

Public Law 88-34

May 29, 1963
[S. 247]

AN ACT

To authorize survey and establishment of a townsite for the Juneau Indian Village in Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of May 25, 1926 (44 Stat. 629; 48 U.S.C. 355a–355d), is hereby extended and made applicable to all lands of the Juneau Indian Village of Alaska, including uplands and filled in tidelands occupied on the date of this Act.

Approved May 29, 1963.

Public Law 88-35

AN ACT

May 29, 1963
[S. 873]

To direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the county of Lincoln, State of Nevada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall issue to the county of Lincoln, State of Nevada, upon the payment of the purchase price by the county into the Treasury of the United States, not more than five years after the Secretary has notified the county of such price, which shall be an amount equal to the fair market value plus the cost of any appraisal of the lands as of the effective date of this Act as determined by the Secretary after the appraisal of the lands by contract appraisal or otherwise, a patent for the following-described lands, situated in the State of Nevada and comprising approximately 2,844 acres (all range references are to the Mount Diablo base and meridian):

Lincoln county, Nev.
Conveyance.

The northwest quarter, west half of southwest quarter section 2; all section 3; north half, southwest quarter, west half of southeast quarter, northeast quarter of southeast quarter section 10; southeast quarter of northeast quarter, northwest quarter of northwest quarter, southeast quarter section 11; all section 14; north half, southwest quarter, northeast quarter of southeast quarter of northwest quarter of southeast quarter, southeast quarter of southeast quarter section 15, all in township 3 south, range 67 east, Mount Diablo meridian, Nevada.

SEC. 2. The conveyance authorized by this Act shall be made subject to any existing valid claims against the lands described in the first section of this Act, and to any reservations necessary to protect continuing uses of those lands by the United States.

SEC. 3. Nothing contained in the preceding provisions of this Act shall be construed to preclude the county of Lincoln, State of Nevada, from purchasing, in accordance with such preceding provisions, only such portion or portions, by legal subdivision of the public land surveys, of the above-described lands as such county elects, nor shall the purchase by such county of only a portion or portions of such lands be construed to constitute a waiver or relinquishment of any of its rights under this Act to purchase, in accordance with such preceding provisions and by legal subdivisions of the public land surveys, the remainder of such lands, or any portion thereof.

SEC. 4. All moneys received from the conveyance of lands under the terms of this Act shall be disposed of in the same manner as moneys received from the sale of public lands, except that moneys received as reimbursement for costs of appraisal, surveys, and extinguishing adverse claims may be used by the Secretary for said purposes without appropriation.

SEC. 5. The lands described in section 1 of this Act shall be segregated from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, from the date of approval of this Act until the Secretary shall provide otherwise by publication of an order in the Federal Register.

Publication in F. R.

SEC. 6. This Act shall not preclude the county of Lincoln from acquiring title or leases to any lands described in this Act for public or recreational purposes under the Act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869, et seq.).

68 Stat. 173.

SEC. 7. Any patent issued under this Act shall contain a reservation to the United States of any of the following named minerals for which the land is deemed valuable or prospectively valuable: coal, native asphalt, solid and semisolid bitumen, and bituminous rock (including oil-impregnated rock or sands from which oil is recoverable only by

special treatment after the deposit is mined or quarried), oil, gas, oil shale, phosphate, sodium, and potassium, together with the right of the United States, its lessees, permittees or licensees to prospect for, mine, and remove them under applicable provisions of law.

Approved May 29, 1963.

Public Law 88-36

June 4, 1963
[H. R. 5389]

AN ACT

To repeal certain legislation relating to the purchase of silver, and for other purposes.

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

TITLE I—SILVER BULLION, SILVER CERTIFICATES, AND FEDERAL RESERVE NOTES

Repeals.
48 Stat. 1178.
53 Stat. 998;
60 Stat. 750.

SECTION 1. The Silver Purchase Act of 1934 (31 U.S.C. 311a, 316a, 316b, 405a, 448–448e, 734a, and 734b), section 4 of the Act of July 6, 1939 (31 U.S.C. 316c), and the Act of July 31, 1946 (31 U.S.C. 316d), are hereby repealed.

SEC. 2. The Secretary of the Treasury shall maintain the ownership and the possession or control within the United States of an amount of silver of a monetary value equal to the face amount of all outstanding silver certificates. Unless the market price of silver exceeds its monetary value, the Secretary of the Treasury shall not dispose of any silver held or owned by the United States in excess of that required to be held as reserves against outstanding silver certificates, but any such excess silver may be sold to other departments and agencies of the Government or used for the coinage of standard silver dollars and subsidiary silver coins. Silver certificates shall be exchangeable on demand at the Treasury of the United States for silver dollars or, at the option of the Secretary of the Treasury, at such places as he may designate, for silver bullion of a monetary value equal to the face amount of the certificates.

40 Stat. 970.

SEC. 3. The first sentence of the ninth paragraph of section 16 of the Federal Reserve Act (12 U.S.C. 418) is amended by inserting "$1, $2," immediately after "notes of the denominations of".

TITLE II—REPEAL OF TAX ON TRANSFERS OF SILVER BULLION

68A Stat. 590.
26 USC 4891-4897.

SEC. 201. (a) Subchapter F of chapter 39 of the Internal Revenue Code of 1954 (relating to silver bullion) is hereby repealed.

(b) The table of subchapters for such chapter 39 is amended by striking out the last line thereof.

26 USC 6422.

(c) Section 6422 of such Code (relating to cross references) is amended by striking out paragraph (7) and by renumbering paragraphs (8), (9), (10), (11), (12), (13), and (14) as paragraphs (7), (8), (9), (10), (11), (12), and (13), respectively.

26 USC 6808.

(d) Section 6808 of such Code (relating to special provisions relating to stamps) is amended by striking out paragraph (11) and by renumbering paragraphs (12) and (13) as paragraphs (11) and (12), respectively.

SEC. 202. Section 201 shall apply only with respect to transfers after the date of the enactment of this title.

Approved June 4, 1963.

Public Law 88-37

AN ACT

June 4, 1963
[S. 386]

To consolidate Vicksburg National Military Park and to provide for certain adjustments necessitated by the installation of a park tour road, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in order to preserve and protect the essential historical features of Vicksburg National Military Park in the State of Mississippi and to enhance visitor enjoyment and safety by means of a park tour road and through the consolidation of park lands, the Secretary of the Interior is authorized, in his discretion, and under such terms and conditions as he determines are in the public interest—

Vicksburg National Military Park, consolidation.

(a) to quitclaim to the city of Vicksburg, Mississippi, approximately one hundred and fifty-four acres of land, including the roads thereon and the park land abutting said roads, in exchange for the city's agreeing to place the roads in its road system and thereby assume jurisdiction and maintenance thereof, and upon the further agreement of the city to maintain the parklike character of so much of the park land conveyed to it and abutting the road as the Secretary may prescribe, said land being generally that part of Vicksburg National Military Park lying south of Fort Garrott with the exception of Navy Circle, South Fort, and Louisiana Circle: *Provided*, That title to so much of said abutting park land prescribed by the Secretary and covered by said agreement of the city to maintain the parklike character thereof shall revert to the United States if its parklike character is not maintained; to quitclaim to Warren County, Mississippi, upon like terms and conditions approximately twenty-four acres of land, including the road and abutting park land, being known as Sherman Avenue and the Sherman Avenue spur; to release or quitclaim to Warren County or any other appropriate political subdivision of the State all interest which the United States of America has, if any, in those portions of any public road located on park land which are no longer required for park purposes: *Provided*, That the United States shall reserve from the conveyance or conveyances made pursuant to this subsection title to all historical monuments, means of access thereto, and such other easements as the Secretary determines are required for the continued administration of said monuments as a part of Vicksburg National Military Park; and

Reservations; special provisions.

(b) to acquire not in excess of five hundred and forty-four acres of land, or interests in land, for addition to Vicksburg National Military Park, such authority to include purchase and condemnation with appropriated funds but not to constitute a limitation upon existing authority to accept donations; and

(c) to enter into agreements with duly authorized officials of the city of Vicksburg and Warren County relative to the effect which the installation of a one-way park tour road with controlled access will have upon the existing local road systems; subject to the availability of funds, to obligate the United States to make provision for such alterations, relocations and construction of local roads, including procurement of rights-of-way therefor and the subsequent transfer thereof to the State or its appropriate political subdivisions which shall thereupon assume jurisdiction and maintenance, as the Secretary and said officials agree are directly attributable to the installation of the park tour road; and

to transfer to the city or county jurisdiction and maintenance of service roads which the Secretary constructs on park lands to properties that otherwise would be denied access because of the installation of the park tour road.

The Secretary of the Interior shall not, without first obtaining the consent of the city and county officials referred to in subsection (c), convert the portion of the existing road known as Confederate Avenue lying between Graveyard Road and Fort Garrott into a one-way park tour road with controlled access, or otherwise limit the use of such portion by local traffic, until the United States has provided for such alterations, relocations, and construction of local roads (including procurement of rights-of-way) as the Secretary and said officials agree are directly attributable to the installation of such park tour road.

Jurisdiction.

SEC. 2. Upon the delivery and acceptance of the conveyances herein authorized, any jurisdiction heretofore ceded to the United States by the State of Mississippi over the lands and roads transferred shall thereby cease and thereafter rest in the State of Mississippi.

Appropriation.

SEC. 3. There are hereby authorized to be appropriated such sums, but not more than $2,050,000, as are required for acquisition of lands and interests in lands and for construction and relocation of roads pursuant to this Act.

Approved June 4, 1963.

Public Law 88-38

June 10, 1963
[S. 1409]

AN ACT

To prohibit discrimination on account of sex in the payment of wages by employers engaged in commerce or in the production of goods for commerce.

Equal Pay Act of 1963.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Pay Act of 1963,".

DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds that the existence in industries engaged in commerce or in the production of goods for commerce of wage differentials based on sex—

(1) depresses wages and living standards for employees necessary for their health and efficiency;

(2) prevents the maximum utilization of the available labor resources;

(3) tends to cause labor disputes, thereby burdening, affecting, and obstructing commerce;

(4) burdens commerce and the free flow of goods in commerce; and

(5) constitutes an unfair method of competition.

(b) It is hereby declared to be the policy of this Act, through exercise by Congress of its power to regulate commerce among the several States and with foreign nations, to correct the conditions above referred to in such industries.

Discrimination prohibited.
52 Stat. 1062; 63 Stat. 912.
29 USC 206.

SEC. 3. Section 6 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. et seq.), is amended by adding thereto a new subsection (d) as follows:

"(d) (1) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which such employees are employed, between employees on the basis of sex by paying wages to employees in such establishment at a rate less

than the rate at which he pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (i) a seniority system; (ii) a merit system; (iii) a system which measures earnings by quantity or quality of production; or (iv) a differential based on any other factor other than sex: *Provided*, That an employer who is paying a wage rate differential in violation of this subsection shall not, in order to comply with the provisions of this subsection, reduce the wage rate of any employee.

"(2) No labor organization, or its agents, representing employees of an employer having employees subject to any provisions of this section shall cause or attempt to cause such an employer to discriminate against an employee in violation of paragraph (1) of this subsection.

"(3) For purposes of administration and enforcement, any amounts owing to any employee which have been withheld in violation of this subsection shall be deemed to be unpaid minimum wages or unpaid overtime compensation under this Act.

"(4) As used in this subsection, the term 'labor organization' means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work." "Labor organization."

SEC. 4. The amendments made by this Act shall take effect upon the expiration of one year from the date of its enactment: *Provided*, That in the case of employees covered by a bona fide collective bargaining agreement in effect at least thirty days prior to the date of enactment of this Act, entered into by a labor organization (as defined in section 6(d)(4) of the Fair Labor Standards Act of 1938, as amended), the amendments made by this Act shall take effect upon the termination of such collective bargaining agreement or upon the expiration of two years from the date of enactment of this Act, whichever shall first occur. Effective date.

Approved June 10, 1963, 12:00 m.

Public Law 88-39

June 13, 1963
[H. R. 5366]

AN ACT

Making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending June 30, 1964, and for other purposes.

Treasury, Post Office, and Executive Office Appropriation Act, 1964.

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 Treasury and Post Office Departments, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending June 30, 1964, namely:

TITLE I—TREASURY DEPARTMENT

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); the purchase of uniforms for elevator operators; and not to exceed $5,000 for official reception and representation expenses; $5,000,000.

60 Stat. 810.

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Accounts, $4,050,000.

SALARIES AND EXPENSES, DIVISION OF DISBURSEMENT

For necessary expenses of the Division of Disbursement, $30,750,000.

BUREAU OF CUSTOMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Customs, including purchase of seventy passenger motor vehicles (of which sixty shall be for replacement only) including fifty-five for police-type use which may exceed by $300 each the general purchase price limitation for the current fiscal year; uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and awards of compensation to informers as authorized by the Act of August 13, 1953 (22 U.S.C. 401); $72,370,000.

68 Stat. 1114.

67 Stat. 577.

BUREAU OF THE MINT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint, including purchase and maintenance of uniforms and accessories for guards; purchase of one passenger motor vehicle for replacement only; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and not to exceed $1,000 for the expenses of the annual assay commission; $7,500,000.

60 Stat. 810.

BUREAU OF NARCOTICS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Narcotics, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and hire of passenger motor vehicles; $5,350,000. 60 Stat. 810.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $48,000,000.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for, including hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); purchase of not to exceed thirty-two passenger motor vehicles for replacement only; maintenance, operation, and repair of aircraft; recreation and welfare; and uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); $249,000,000: *Provided*, That the number of aircraft on hand at any one time shall not exceed one hundred and forty-six exclusive of planes and parts stored to meet future attrition: *Provided further*, That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation: *Provided further*, That except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), this appropriation shall be available for expenses of primary and secondary schooling for dependents of Coast Guard personnel stationed outside the continental United States in amounts not exceeding an average of $285 per student, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and the Coast Guard may provide for the transportation of said dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation. 68 Stat. 1114. 64 Stat. 1100.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); $51,000,000, to remain available until expended: *Provided*, That repayment may be made to other Coast Guard appropriations for expenses incurred in support of activities carried out under this appropriation.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection Plan, $33,600,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law (14 U.S.C. 751–762; 37 U.S.C. 231–319), including repayment to other Coast Guard appropriations for indirect expenses, for regular personnel, or reserve personnel while on active duty, engaged primarily in administration and operation of the reserve program; for maintenance and operation of facilities; for supplies, equipment, and services; purchase of not to exceed two passenger motor vehicles; and the maintenance, operation, and repair of aircraft; $18,800,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

63 Stat. 551; 70A Stat. 624. 63 Stat. 804; 76 Stat. 499.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, including purchase (not to exceed two hundred for replacement only, of which two hundred for police-type use may exceed by $300 each the general purchase price limitation for the current fiscal year) and hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and of expert witnesses at such rates as may be determined by the Commissioner, including not to exceed $16,800,000 for temporary employment; $552,000,000.

60 Stat. 810.

OFFICE OF THE TREASURER

SALARIES AND EXPENSES

For necessary expenses of the Office of the Treasurer, $16,700,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed seventy-nine for police-type use which may exceed by $300 each the general purchase price limitation for the current fiscal year, of which sixty-six are for replacement only) and hire of passenger motor vehicles, $6,830,000.

SALARIES AND EXPENSES, WHITE HOUSE POLICE

For necessary expenses of the White House Police, including uniforms and equipment, $1,700,000.

SALARIES AND EXPENSES, GUARD FORCE

For necessary expenses of the guard force for Treasury Department buildings in the District of Columbia, including purchase, repair, and cleaning of uniforms, $400,000.

FUND FOR PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

To reduce the impairment in the capital of the "Fund for payment of Government losses in shipment", in accordance with section 2 of the Act approved July 8, 1937 (5 U.S.C. 134a), to remain available until expended, $550,000. 50 Stat. 479.

LIQUIDATION OF CORPORATE ASSETS

The Secretary of the Treasury is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available therefor 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 amended, as may be necessary in carrying out the programs set forth in the Budget for the current fiscal year for the Reconstruction Finance Corporation Liquidation Activities. 61 Stat. 584. 31 USC 849.

PAYMENT TO CHECK FORGERY INSURANCE FUND

To increase the capital of the "Check forgery insurance fund", in accordance with Section 1 of the Act approved November 21, 1941 (31 U.S.C. 561), $50,000, to remain available until expended. 55 Stat. 777.

This title may be cited as the "Treasury Department Appropriation Act, 1964". Citation of title.

TITLE II—POST OFFICE DEPARTMENT

CONTRIBUTION TO THE POSTAL FUND

For administration and operation of the Post Office Department and the postal service, there is hereby appropriated the aggregate amount of postal revenues for the current fiscal year, as authorized by law (39 U.S.C. 2201–2202), together with an amount equal to the difference between such revenues and the total of the appropriations hereinafter specified and the sum needed may be advanced to the Post Office Department upon requisition of the Postmaster General, for the following purposes, namely: 74 Stat. 594.

CURRENT AUTHORIZATIONS OUT OF POSTAL FUND

ADMINISTRATION AND REGIONAL OPERATION

For expenses necessary for administration of the postal service, operation of the inspection service and regional offices, uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); management studies; not to exceed $25,000 for miscellaneous and emergency expenses (including not to exceed $6,000 for official reception and representation expenses upon approval by the Postmaster General); rewards for information and services concerning violations of postal laws and regulations, current and prior fiscal years, in accordance with regulations of the Postmaster General in effect at the time the services are rendered or information furnished; expenses of delegates designated 68 Stat. 1114. 60 Stat. 810.

by the Postmaster General to attend meetings and congresses for the purpose of making postal arrangements with foreign governments pursuant to law, and not to exceed $20,000 of such expenses to be accounted for solely on the certificate of the Postmaster General; not to exceed $75,000 for expenses (including expenses of official reception) incidental to meetings in the United States of the Management Council of the Universal Postal Union's Consultative Committee on Postal Studies; and not to exceed $25,000 for rewards for information and services as provided for herein, shall be paid in the discretion of the Postmaster General and accounted for solely on his certificate; and settlement of claims, pursuant to law, current and prior fiscal years, for damages, and for losses resulting from unavoidable casualty; $83,500,000.

RESEARCH, DEVELOPMENT, AND ENGINEERING

For expenses necessary for administration and conduct of a research, development, and engineering program, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and including not to exceed $2,000,000 for reimbursement of additional costs incurred by contractors under prior year cost reimbursable contracts in addition to current increases in prior year orders or contracts as a result of changes in plans under such program, $12,000,000, to remain available until expended.

60 Stat. 810.

OPERATIONS

For expenses necessary for postal operations, including uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); for repair of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government where repairs are made necessary because of utilization of such vehicles in the postal service, and for other activities conducted by the Post Office Department pursuant to law; $3,925,000,000: *Provided*, That not to exceed 5 per centum of any appropriation available to the Post Office Department for the current fiscal year may be transferred, with the approval of the Bureau of the Budget, to any other such appropriation or appropriations; but the appropriation "Administration and regional operation" shall not be increased by more than $1,000,000 as a result of such transfers: *Provided further*, That functions financed by the appropriations available to the Post Office Department for the current fiscal year and the amounts appropriated therefor, may be transferred, in addition to the appropriation transfers otherwise authorized in this Act and with the approval of the Bureau of the Budget, between such appropriations to the extent necessary to improve administration and operations: *Provided further*, That Federal Reserve banks and branches may be reimbursed for expenditures as fiscal agents of the United States on account of Post Office Department operations.

68 Stat. 1114.

TRANSPORTATION

For payments for transportation of domestic and foreign mails by air, land, and water transportation facilities, including current and prior fiscal years settlements with foreign countries for handling of mail, $611,000,000.

FACILITIES

For expenses necessary for the operation of postal facilities, buildings, and field postal communication service; uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); procurement of stamps and accountable paper, and postal supplies; and storage of vehicles owned by, or under control of, units of the National Guard and departments and agencies of the Federal Government; $190,000,000. 68 Stat. 1114.

PLANT AND EQUIPMENT

For expenses necessary for modernization and acquisition of equipment and facilities for postal purposes, including not to exceed $2,000,000 for increases in prior year orders placed with other Government agencies in addition to current increases in prior year orders or contracts made as a result of changes in plans, $104,000,000: *Provided*, That the funds herein appropriated shall be available for repair, alteration, and improvement of the mail equipment shops at Washington, District of Columbia, and for payment to the General Services Administration for the repair, alteration, preservation, renovation, improvement, and equipment of federally owned property used for postal purposes, including improved lighting, color, and ventilation for the specialized conditions in space occupied for postal purposes.

This title may be cited as the "Post Office Department Appropriation Act, 1964". Citation of title.

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by the Act of January 19, 1949 (3 U.S.C. 102), $150,000. 63 Stat. 4.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for the White House Office, including not to exceed $215,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at such per diem rates for individuals as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; newspapers, periodicals, teletype news service, and travel, and official entertainment expenses of the President, to be accounted for solely on his certificate; $2,730,000. 60 Stat. 810.

SPECIAL PROJECTS

For expenses necessary to provide staff assistance for the President in connection with special projects, to be expended in his discretion and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, $1,500,000: *Provided*, That not to exceed 10 per centum of this appropriation may be used to reimburse the appropriation for "Salaries and expenses,

The White House Office", for administrative services: *Provided further*, That not to exceed $10,000 shall be available for allocation within the Executive Office of the President for official reception and representation expenses.

EXECUTIVE MANSION AND GROUNDS

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Mansion and the Executive Mansion grounds, and traveling expenses, to be expended as the President may determine, notwithstanding the provisions of this or any other Act, $671,000.

BUREAU OF THE BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Bureau of the Budget, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $75 per diem for individuals, $6,500,000.

60 Stat. 810.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $615,000.

60 Stat. 23.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Security Council, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and acceptance and utilization of voluntary and uncompensated services, $575,000.

FUNDS APPROPRIATED TO THE PRESIDENT

EMERGENCY FUND FOR THE PRESIDENT

For expenses necessary to enable the President, through such officers or agencies of the Government as he may designate, and without regard to such provisions of law regarding the expenditure of Government funds or the compensation and employment of persons in the Government service as he may specify, to provide in his discretion for emergencies affecting the national interest, security, or defense which may arise at home or abroad during the current fiscal year, $1,000,000: *Provided*, That no part of this appropriation shall be available for allocation to finance a function or project for which function or project a budget estimate of appropriation was transmitted pursuant to law during the Eighty-eighth Congress, and such appropriation denied after consideration thereof by the Senate or House of Representatives or by the Committee on Appropriations of either body.

EXPENSES OF MANAGEMENT IMPROVEMENT

For expenses necessary to assist the President in improving the management of executive agencies and in obtaining greater economy and efficiency through the establishment of more efficient business methods in Government operations, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed $75 per diem, by allocation to any agency or office in the executive branch for the conduct, under the general direction of the Bureau of the Budget, of examinations and appraisals of, and the development and installation of improvements in, the organization and operations of such agency or of other agencies in the executive branch, $100,000, to remain available until expended, and to be available without regard to the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended. 60 Stat. 810. 31 USC 665.

This title may be cited as the "Executive Office Appropriation Act, 1964". Citation of title.

TITLE IV—INDEPENDENT AGENCIES

TAX COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For necessary expenses, including contract stenographic reporting services, $1,890,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of September 24, 1959 (73 Stat. 703–706), $385,000. 5 USC 2371-2378.

PRESIDENT'S ADVISORY COMMITTEE ON LABOR-MANAGEMENT POLICY

For necessary expenses of the President's Advisory Committee on Labor-Management Policy, established by Executive Order 10918 of February 16, 1961, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $100 per diem, and $30 per diem in lieu of subsistence for members of the Committee while away from their homes or regular places of business, $200,000. 29 USC 141 note.

This Act may be cited as the "Treasury, Post Office, and Executive Office Appropriation Act, 1964". Short title.

Approved June 13, 1963.

93-025 O-64-7

Public Law 88-40

June 13, 1963
[H. R. 249]

AN ACT

To amend section 632 of title 38, United States Code, to provide for an extension of the program of grants-in-aid to the Republic of the Philippines for the hospitalization of certain veterans.

Veterans.
Hospitalization in Philippines.
72 Stat. 1145.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of paragraph (1) of section 632 of title 38, United States Code, is amended by striking out "five consecutive fiscal years", and inserting in lieu thereof "ten consecutive fiscal years,"; and by inserting before the period at the end of such sentence "ending before July 1, 1963, nor $500,000 for any one fiscal year beginning on or after such date".

SEC. 2. Section 632 of title 38, United States Code, is amended by adding at the end thereof the following: "Such agreement may also provide that during the contract period specified in paragraph (1) of this section, payments for hospital care and for medical services provided to Commonwealth Army veterans or to United States veterans may consist in whole or in part of available medicines, medical supplies, and equipment furnished by the Administrator to the Veterans Memorial Hospital at valuations therefor as determined by the Administrator. The Administrator is authorized to furnish through the revolving supply fund, pursuant to section 5011 of this title, such medicines, medical supplies, and equipment as necessary for this purpose and to use therefor, as applicable, appropriations available for such payments."

72 Stat. 1253; 75 Stat. 675.

Approved June 13, 1963.

Public Law 88-41

June 21, 1963
[H. R. 2439]

AN ACT

To authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Boy Scouts of America for use in the 1964 National Jamboree, and for other purposes.

Boy Scouts of America.
National Jamboree.
Equipment.
39 Stat. 227.
36 USC 21-29.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to lend to the Boy Scouts of America, a corporation created under the Act of June 15, 1916, for the use and accommodation of approximately fifty thousand Scouts and officials who are to attend the Sixth National Jamboree of the Boy Scouts of America to be held at Valley Forge State Park, Pennsylvania, during July and August 1964, such tents, cots, blankets, commissary equipment, flags, refrigerators, vehicles, and other equipment and services as may be necessary or useful to the extent that items are in stock and available and their issue will not jeopardize the national defense program.

(b) Such equipment is authorized to be delivered at such time prior to the holding of such jamboree and to be returned at such time after the close of such jamboree, as may be agreed upon by the Secretary of Defense and the National Council, Boy Scouts of America. No expense shall be incurred by the United States Government for the delivery and return of such equipment, and the Boy Scouts of America shall pay for the cost of the actual rehabilitation and repair, or replacement of such equipment.

(c) The Secretary of Defense, before delivering such property, shall take from the Boy Scouts of America a good and sufficient bond for the safe return of such property in good order and condition, and the whole without expense to the United States. Bond.

SEC. 2. The Secretary of Defense is hereby authorized, under such regulations as he may prescribe, to provide to the Boy Scouts of America, in support of the encampment referred to in subsection (a) of the first section of this Act, such communication, medical, engineering, protective, and other logistical services as may be necessary or useful to the extent that such services are available and the providing of them will not jeopardize the national defense program. Logistical services.

SEC. 3. Each department of the Federal Government is hereby authorized under such regulations as may be prescribed by the Secretary thereof to assist the Boy Scouts of America in the carrying out and the fulfillment of the plans for the encampment referred to in subsection (a) of the first section of this Act. Agency assistance.

Approved June 21, 1963.

Public Law 88-42

AN ACT

June 21, 1963
[H. R. 6441]

To amend Public Law 86-272, as amended, with respect to the reporting date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of Public Law 86-272 (73 Stat. 556), as amended, is amended to read as follows: 15 USC 381 note.

"SEC. 202. The committees shall report to their respective Houses the results of such studies, together with their proposals for legislation on or before March 31, 1964."

Approved June 21, 1963.

Public Law 88-43

AN ACT

June 21, 1963
[H. R. 2821]

To authorize modification of the repayment contract with the Grand Valley Water Users' Association.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized, pursuant to subsection 8(i) of the Act of August 4, 1939 (53 Stat. 1187), to modify the contractual obligation of the Grand Valley Water Users' Association (1) by deducting from such obligation the unaccrued construction charges in the amount of $109,158.19 against one thousand three hundred sixty-six and two-tenths acres originally classified as productive and now reclassified as permanently unproductive; (2) by crediting to the next annual installment from the Grand Valley Water Users' Association due to the United States under its contract of January 27, 1945, after enactment of this Act, the sum of $4,531.93, which represents construction charges paid by the association on one hundred twenty-three and six-tenths acres of land in canceled farm units included in the above acreage. Grand Valley Water Users' Association, Colo., contract modification. 43 USC 485g.

Approved June 21, 1963.

Public Law 88-44

June 21, 1963
[H. R. 131]

AN ACT

To provide for the renewal of certain municipal, domestic, and industrial water supply contracts entered into under the Reclamation Project Act of 1939, and for other purposes.

Reclamation projects.
Renewal of certain contracts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall, upon request of the other party to any long-term contract for municipal, domestic, or industrial water supply hereafter entered into under clause (2) in the proviso to the first sentence of section 9, subsection (c), of the Reclamation Project Act of 1939 (53 Stat. 1195, 43 U.S.C. 485h), include provision for renewal thereof subject to renegotiation of (1) the charges set forth in the contract in the light of circumstances prevailing at the time of renewal and (2) any other matters with respect to which the right to renegotiate is reserved in the contract. Any right of renewal shall be exercised within such reasonable time prior to the expiration of the contract as the parties shall have agreed upon and set forth therein.

SEC. 2. The Secretary shall also, upon like request, provide in any such long-term contract or in any contract entered into under clause (1) of the proviso aforesaid that the other party to the contract shall, during the term of the contract and of any renewal thereof and subject to fulfillment of all obligations thereunder, have a first right for the purposes stated in the contract (to which right the holders of any other type of contract for municipal, domestic, or industrial water supply shall be subordinate) to a stated share or quantity of the project's water supply available for municipal, domestic, or industrial use.

SEC. 3. The Secretary is hereby authorized, upon request by the other party, to negotiate amendments to existing contracts entered into pursuant to the first sentence of section 9, subsection (c), of the Reclamation Project Act of 1939 to conform said contracts to the provisions of this Act.

SEC. 4. As used in this Act, the term "long-term contract" means any contract the term of which is more than ten years.

Approved June 21, 1963.

Public Law 88-45

June 21, 1963
[H. R. 79]

AN ACT

To require authorization for certain appropriations for the Coast Guard, and for other purposes.

Coast Guard.
Certain appropriations, authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That after fiscal year 1964, funds may not be appropriated to or for the use of the Coast Guard for the construction of shore or offshore establishments, or for the procurement of vessels or aircraft, unless the appropriation of such funds has been authorized by legislation enacted after December 31, 1963.

63 Stat. 544-550; 76 Stat. 142.
14 USC 631-655.

SEC. 2. Chapter 17 of title 14, United States Code, is amended by adding at the end thereof the following new section:

"§ 656. Use of appropriations to restore, replace, establish, or develop facilities

"(a) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to restore, repair, or replace facilities that have been damaged or destroyed, including acquisition of sites.

"(b) The Secretary may use any funds appropriated to or for the use of the Coast Guard for other construction purposes to acquire, construct, convert, extend, and install at Coast Guard installations and facilities, needed permanent or temporary public works, including the preparation of sites and the furnishing of appurtenances, utilities, and equipment, but excluding the construction of family quarters, costing not more than $200,000 for any one project."

SEC. 3. The analysis of chapter 17 of title 14, United States Code, is amended by adding the following new item at the end thereof:

"656. Use of appropriations to restore, replace, establish, or develop facilities."

Approved June 21, 1963.

Public Law 88-46

AN ACT

June 21, 1963
[H. R. 3574]

To provide for the withdrawal and reservation for the use of the Department of the Air Force of certain public lands of the United States at Cuddeback Lake Air Force Range, California, for defense purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights, the public lands, and the minerals therein, within the areas described in section 2 of this Act are hereby withdrawn from all appropriations and other forms of disposition under the public land laws, including the mining and mineral leasing laws and disposals of materials under the Act of July 31, 1947, as amended (61 Stat. 681; 30 U.S.C. 601–604), except as provided in subsection (b) of this section, and reserved for the use of the Department of the Air Force for a period of ten years with an option to renew the withdrawal and reservation for a period of five years upon notice to the Secretary of the Interior, and subject to the condition that the reservation may be terminated at any time during either of such periods by the Secretary of the Air Force upon notice to the Secretary of the Interior.

Cuddeback Lake Air Force Range, Calif.
Public lands, withdrawal and reservation.

(b) The Secretary of the Interior may, with the concurrence of the Secretary of the Air Force, authorize use or disposition of any of the lands or resources withdrawn and reserved by subsection (a) of this section.

(c) Upon request of the Secretary of the Interior at the time of final termination of the reservation effected by this Act, the Department of the Air Force shall make safe for nonmilitary uses the land withdrawn and reserved or such portions thereof as may be specified by the Secretary of the Interior, by neutralizing unexploded ammunition, bombs, artillery projectiles, or other explosive objects and chemical agents. Thereafter the Secretary of the Interior pursuant to law shall provide for the appropriate use or disposition of all or any part of the land withdrawn and reserved under provisions of this Act. Nothing in this subsection, however, shall be construed to prevent the Secretary of the Air Force at that time from making application for further withdrawal and reservation of all or part of said lands under laws and regulations then existing.

Termination.
Special provisions.

SEC. 2. The lands withdrawn and reserved by this Act are those that are now or may hereafter become subject to the public land laws within the area described as follows:

Approximately 7,546 acres, more or less, within the Cuddeback Lake Air Force Range, San Bernardino County, California, and more fully described as follows: Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31 (except the south half of lot 2 in the southwest quarter of section 31), and 32, township 30 south, range 43 east, Mount Diablo Meridian, San Bernardino County, California, a total of 7,546 acres, more or less.

Approved June 21, 1963.

Public Law 88-47

June 21, 1963
[H. J. Res. 180]

JOINT RESOLUTION

To authorize the continued use of certain lands within the Sequoia National Park by portions of an existing hydroelectric project.

Sequoia National Park, Calif. Hydroelectric project permit.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to issue a permit to occupy and use lands of the United States within Sequoia National Park necessary for the continued operation, maintenance, and use of the hydroelectric project known as the Kaweah number 3 project of Southern California Edison Company.

SEC. 2. The term of such permit shall expire not later than August 6, 1974, and the permit shall contain such other terms and conditions as the Secretary of the Interior shall deem necessary for the protection and utilization of Sequoia National Park.

SEC. 3. Such permit shall specifically recite that the privileges granted thereby are to be exercised in accordance with the Federal Power Act (16 U.S.C. 791(a)–825(r)) and the rules and regulations thereunder which the Secretary of the Interior, after consultation with the Federal Power Commission, determines to be applicable.

41 Stat. 1063.

Approved June 21, 1963.

Public Law 88-48

June 29, 1963
[H. R. 2651]

AN ACT

To extend for one year the period during which responsibility for the placement and foster care of dependent children, under the program of aid to families with dependent children under title IV of the Social Security Act, may be exercised by a public agency other than the agency administering such aid under the State plan.

Dependent children, aid. Extension. 76 Stat. 207. 42 USC 608 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 155(b) of the Public Welfare Amendments of 1962 is amended—

(1) by striking out "June 30, 1963" and inserting in lieu thereof "June 30, 1964"; and

(2) by striking out "March 1, 1963" and inserting in lieu thereof "December 31, 1963".

Approved June 29, 1963.

Public Law 88-49

AN ACT

June 29, 1963
[H. R. 2827]

To extend until June 30, 1966, the suspension of duty on imports of crude chicory and the reduction in duty on ground chicory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1 and 3 of the Act entitled "An Act to suspend for two years the duty on crude chicory and to amend the Tariff Act of 1930 as it relates to chicory", approved April 16, 1958, as amended (72 Stat. 87; 19 U.S.C. 1001, par. 776 and note; Public Law 86-441; Public Law 86-479), are each amended by striking out "June 30, 1963" and inserting in lieu thereof "June 30, 1966".

Chicory.
Duty suspension.

74 Stat. 81, 150.

Approved June 29, 1963.

Public Law 88-50

AN ACT

June 29, 1963
[H.R. 4174]

To continue until the close of June 30, 1964, the suspension of duties for metal scrap, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 2 of the Act of September 30, 1950 (Public Law 869, Eighty-first Congress), is hereby amended by striking out "June 30, 1963" and inserting in lieu thereof "June 30, 1964": *Provided*, That this Act shall not apply to lead scrap, lead alloy scrap, antimonial lead scrap, scrap battery lead or plates, zinc scrap, or zinc alloy scrap, or to any form of tungsten scrap, tungsten carbide scrap, or tungsten alloy scrap; or to articles of lead, lead alloy, antimonial lead, zinc, or zinc alloy, or to articles of tungsten, tungsten carbide, or tungsten alloy, imported for remanufacture by melting.

Metal scrap.
Duty suspension.

76 Stat. 126, 19 USC 1001, par. 301 note.

SEC. 2. This Act shall not exempt any article provided for in section 4541 of the Internal Revenue Code of 1954 from import taxes imposed thereby.

68A Stat. 541. 26 USC 4541.

Approved June 29, 1963.

Public Law 88-51

AN ACT

June 29, 1963
[H.R. 5795]

To provide a three-year suspension of certain restrictions in the Supplemental Appropriation Act, 1951, on the withdrawal from the Treasury of postal appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph under the heading "GENERAL PROVISIONS" under the appropriations for the Post Office Department contained in chapter IV of the Supplemental Appropriation Act, 1951 (64 Stat. 1050), as amended by section 213 of the Postal Rate Increase Act, 1958 (72 Stat. 143; 31 U.S.C. 695), shall not be in effect during the period beginning on July 1, 1963, and ending June 30, 1966.

Postal Service.
Fourth-class mail, revenues.

Approved June 29, 1963.

Public Law 88-52

June 29, 1963
[H. R. 6755]

AN ACT

To provide a one-year extension of the existing corporate normal-tax rate and of certain excise-tax rates.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Tax Rate Extension Act of 1963".

Tax Rate Extension Act of 1963.

SEC. 2. ONE-YEAR EXTENSION OF CORPORATE NORMAL-TAX RATE.

Section 11(b) (relating to corporate normal tax), section 821(a)(1) (relating to normal tax on certain mutual insurance companies), and section 821(c)(1)(A) (relating to alternative normal tax for certain small mutual insurance companies) of the Internal Revenue Code of 1954 are amended as follows:

(1) By striking out "JULY 1, 1963" each place it appears and inserting in lieu thereof "JULY 1, 1964";

(2) By striking out "July 1, 1963" each place it appears and inserting in lieu thereof "July 1, 1964";

(3) By striking out "JUNE 30, 1963" each place it appears and inserting in lieu thereof "JUNE 30, 1964"; and

(4) By striking out "June 30, 1963" each place it appears and inserting in lieu thereof "June 30, 1964".

SEC. 3. ONE-YEAR EXTENSION OF CERTAIN EXCISE-TAX RATES.

(a) EXTENSION OF RATES.—The following provisions of the Internal Revenue Code of 1954 are amended by striking out "July 1, 1963" each place it appears and inserting in lieu thereof "July 1, 1964"—

(1) section 4061 (relating to motor vehicles);

(2) section 4251(b)(2) (relating to termination of tax on general telephone service);

(3) section 4261 (relating to transportation of persons by air);

(4) section 5001(a)(1) (relating to distilled spirits);

(5) section 5001(a)(3) (relating to imported perfumes containing distilled spirits);

(6) section 5022 (relating to cordials and liqueurs containing wine);

(7) section 5041(b) (relating to wines);

(8) section 5051(a) (relating to beer); and

(9) section 5701(c)(1) (relating to cigarettes).

(b) TECHNICAL AMENDMENTS.—

(1) The following provisions of the Internal Revenue Code of 1954 are amended as follows:

26 USC 5063.

(A) Subsections (a) and (b) of section 5063 (relating to floor stocks refunds on distilled spirits, wines, cordials, and beer) are amended by striking out "July 1, 1963" each place it appears and inserting in lieu thereof "July 1, 1964", and by striking out "October 1, 1963" and inserting in lieu thereof "October 1, 1964".

26 USC 5707.

(B) Subsections (a) and (b) of section 5707 (relating to floor stocks refunds on cigarettes) are amended by striking out "July 1, 1963" each place it appears and inserting in lieu thereof "July 1, 1964", and by striking out "October 1, 1963" and inserting in lieu thereof "October 1, 1964".

26 USC 6412.

(C) Section 6412(a)(1) (relating to floor stocks refunds on automobiles) is amended by striking out "July 1, 1963" each place it appears and inserting in lieu thereof "July 1, 1964", by striking out "October 1, 1963" and inserting in lieu thereof "October 1, 1964", and by striking out "November 10, 1963" each place it appears and inserting in lieu thereof "November 10, 1964".

(2) Section 497 of the Revenue Act of 1951 (relating to refunds on articles from foreign trade zones), as amended, is amended by striking out "July 1, 1963" each place it appears and inserting in lieu thereof "July 1, 1964". 26 USC 570 1 note.

(3) Section 5(e) of the Tax Rate Extension Act of 1962 (relating to special credit or refund of transportation tax) is amended by striking out "July 1, 1963" each place it appears and inserting in lieu thereof "July 1, 1964". 76 Stat. 119. 26 USC 4261 note.

Approved June 29, 1963.

Public Law 88-53

AN ACT

June 29, 1963 [H. R. 6791]

To continue for two years the existing reduction of the exemption from duty enjoyed by returning residents, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph 1798(c)(2) of the Tariff Act of 1930, as amended (19 U.S.C., sec. 1201, par. 1798(c)(2)), is amended— Returning residents. Exemptions from duty, extension. 67 Stat. 511; 75 Stat. 335.

(1) by striking out "July 1, 1963" each place it appears in subdivisions (A) and (B) and inserting in lieu thereof "July 1, 1965"; and

(2) by striking out "$200 in the case of persons arriving directly or indirectly from the Virgin Islands of the United States," in subdivision (A) and inserting in lieu thereof "$200 in the case of persons arriving before April 1, 1964, directly or indirectly from the Virgin Islands of the United States,".

(b) Section 2 of the Act entitled "An Act to amend paragraph 1798 (c)(2) of the Tariff Act of 1930 to reduce temporarily the exemption from duty enjoyed by returning residents, and for other purposes", approved August 10, 1961 (Public Law 87-132; 75 Stat. 335), is amended by striking out "June 30, 1963" and inserting in lieu thereof "March 31, 1964". 19 USC 1201, par. 1798 note.

Approved June 29, 1963.

Public Law 88-54

JOINT RESOLUTION

June 29, 1963 [H. J. Res. 467]

Amending section 221 of the National Housing Act to extend for two years the broadened eligibility presently provided for mortgage insurance thereunder.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the fifth sentence of section 221(f) of the National Housing Act is amended by striking out "1963" and inserting in lieu thereof "1965". 75 Stat. 152. 12 USC 1715*l*.

Approved June 29, 1963.

Public Law 88-55

June 29, 1963
[H. J. Res. 508]

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1964, and for other purposes.

Continuing appropriations, 1964.

Resolved 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, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government, for the fiscal year 1964, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1963 and for which appropriations, funds, or other authority would be available in the following appropriation Acts for the fiscal year 1964:

Department of the Interior and Related Agencies Appropriation Act;

Departments of Labor, and Health, Education, and Welfare Appropriation Act;

Legislative Branch Appropriation Act;

Department of Agriculture and Related Agencies Appropriation Act;

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act; and the

Department of Defense Appropriation Act.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House is different from that which would be available or granted under such Act as passed by the Senate, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority.

(4) Whenever an Act listed in this subsection has been passed by only one House or where an item is included in only one version of an Act as passed by both Houses, the pertinent project or activity shall be continued under the appropriation, fund, or authority, granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower: *Provided*, That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for the fiscal year 1963, and which by its terms is applicable to more than one appropriation, fund, or authority, shall be applicable to any appropriation, fund, or authority, provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and Senate.

(b) Such amounts as may be necessary for continuing projects or activities which were conducted in the fiscal year 1963 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority:

Foreign assistance and other activities for which provision was made in the Foreign Aid and Related Agencies Appropriation Act, 1963;

76 Stat. 1163.

Agencies for which provision was made in the Independent Offices Appropriation Act, 1963;

76 Stat. 716.

Activities for which provision was made in the District of Columbia Appropriation Act, 1963; 76 Stat. 1150.

Activities for which provision was made in the Public Works Appropriation Act, 1963; 76 Stat. 1216.

Activities for which provision was made in the Military Construction Appropriation Act, 1963; 76 Stat. 576.

United States Arms Control and Disarmament Agency;

Department of State,

Acquisition, operation, and maintenance of buildings abroad.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for the fiscal year 1964.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall remain available until (a) enactment into law of an appropriation for any project or activity provided in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) August 31, 1963, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations set forth in subsection (d)(2) of section 3679 of the Revised Statutes, as amended, and expenditures therefrom shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law. 31 USC 665.

SEC. 104. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity which was not being conducted during the fiscal year 1963. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

Approved June 29, 1963.

Public Law 88-56

AN ACT

July 8, 1963
[H. R. 5367]

To designate the Bear Creek Dam on the Lehigh River, Pennsylvania, as the Francis E. Walter Dam.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dam known as the Bear Creek Dam authorized to be constructed on the Lehigh River in the Delaware River Basin in the State of Pennsylvania by the Flood Control Act of 1946 (60 Stat. 644) shall be known and designated hereafter as the "Francis E. Walter Dam". Any law, regulation, map, document, record, or other paper of the United States in which such dam is referred to shall be held to refer to such dam as the "Francis E. Walter Dam". Francis E. Walter Dam. Designation.

Approved July 8, 1963.

Public Law 88-57

July 8, 1963
[H. R. 1937]

AN ACT

To amend the Act known as the "Life Insurance Act" of the District of Columbia, approved June 19, 1934, and the Act known as the "Fire and Casualty Act" of the District of Columbia, approved October 3, 1940.

D. C. insurance licenses, false statements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 26 and 29 of chapter II of the Life Insurance Act approved June 19, 1934, as amended (48 Stat. 1139, 1141; sec. 35–425 and sec. 35–428, D.C. Code, 1951 ed.), are hereby amended by adding after the second sentence of each such section the following: "Any such applicant who willfully files with or otherwise submits to the Superintendent, orally or in writing, any material statement, knowing such statement to be false, shall, in addition to any other penalty prescribed by law, be guilty of perjury and subject to the penalties thereof."

SEC. 2. The second sentence of section 32 of chapter II of the Fire and Casualty Act approved October 9, 1940, as amended (54 Stat. 1078; sec. 35–1336, D.C. Code, 1951 ed.), is amended to read: "The person to whom the license may be issued shall file sworn answers, subject to the penalties of perjury, to such interrogatories as the Superintendent may require."

72 Stat. 23.

SEC. 3. Section 35 of chapter II of said Fire and Casualty Act, as amended (54 Stat. 1079; sec. 35–1339, D.C. Code, 1951 ed.), is amended by adding: "Any applicant who, in connection with such application for renewal of an expiring license, willfully files with or otherwise submits to the Superintendent, orally or in writing, any material statement under oath, knowing such statement to be false, shall, in addition to any other penalty prescribed by law, be guilty of perjury and subject to the penalties thereof."

72 Stat. 25.

Approved July 8, 1963.

Public Law 88-58

July 8, 1963
[S. 1359]

AN ACT

To provide for an additional Assistant Secretary in the Treasury Department.

Treasury Department.
Assistant Secretary.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 234 of the Revised Statutes, as amended (5 U.S.C. 246), is amended by striking out "three Assistant Secretaries of the Treasury" and inserting in lieu thereof "four Assistant Secretaries of the Treasury".

Approved July 8, 1963.

Public Law 88-59

July 8, 1963
[H. R. 1819]

AN ACT

To amend the Federal Employees Health Benefits Act of 1959 to provide additional choice of health benefits plans, and for other purposes.

Federal employees.
Health benefits plans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(i) of the Federal Employees Health Benefits Act of 1959 (73 Stat. 710; 5 U.S.C. 3001(i)) is amended by striking out "1959" and inserting in lieu thereof "1963".

(b) Section 4(3) of such Act (73 Stat. 711; 5 U.S.C. 3003(3)) is amended by striking out ", and which on July 1, 1959, provided health benefits to members of the organization".

Approved July 8, 1963.

Public Law 88-60

AN ACT

July 8, 1963
[H. R. 3537]

To increase the jurisdiction of the Municipal Court for the District of Columbia in civil actions, to change the names of the court, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the court established by the first section of the Act entitled "An Act to consolidate the Police Court of the District of Columbia and the Municipal Court of the District of Columbia, to be known as 'the Municipal Court for the District of Columbia', to create 'the Municipal Court of Appeals for the District of Columbia', and for other purposes", approved April 1, 1942, as amended (56 Stat. 190; D.C. Code, sec. 11–751), hereafter shall be known as the "District of Columbia Court of General Sessions". Whenever reference is made in any Act of Congress (other than this Act or the amendments made by this Act) or in any regulation to the Municipal Court for the District of Columbia, such reference shall be held to be a reference to the District of Columbia Court of General Sessions.

District of Columbia Court of General Sessions. Designation.

SEC. 2. Subsection (a) of section 4 of such Act, approved April 1, 1942, as amended (D.C. Code, sec. 11–755 (a)), is amended to read as follows:

"(a) The District of Columbia Court of General Sessions, as established by this Act, shall consist of the criminal, civil, and small claims and conciliation, and domestic relations branches. The court and each judge thereof shall have and exercise the same powers and jurisdiction as were heretofore had or exercised by the Municipal Court for the District of Columbia or the judges thereof on the day before the effective date of this amendatory subsection, and in addition the said court shall have exclusive jurisdiction of civil actions commenced after the effective date of this amendatory subsection, including such actions against executors, administrators and other fiduciaries, in which the claimed value of personal property or the debt or damages claimed, does not exceed the sum of $10,000 exclusive of interest and costs, and, in addition, shall have jurisdiction of all cross-claims and counterclaims interposed in all actions over which it has jurisdiction regardless of the amount involved: *Provided, however*, That nothing herein shall deprive the United States District Court for the District of Columbia of jurisdiction over counterclaims, cross-claims, or any other claims whether or not arising out of the same transaction or occurrence and interposed in actions over which the United States District Court for the District of Columbia has jurisdiction. The District of Columbia Court of General Sessions shall also have jurisdiction over all cases properly pending in the Municipal Court for the District of Columbia on the effective date of this amendatory subsection."

Powers and jurisdiction.

SEC. 3. Subsection (a) of section 5 of such Act approved April 1, 1942, as amended (D.C. Code, sec. 11–756(a)), is amended to read as follows:

Transfer of actions.

"(a) If, in any action, other than an action for equitable relief, pending on the effective date of this amendatory subsection or thereafter commenced in the United States District Court for the District of Columbia, it shall appear to the satisfaction of the court at or subsequent to any pretrial hearing but prior to trial thereof that the action will not justify a judgment in excess of $10,000, the court may certify such action to the District of Columbia Court of General Sessions for trial. The pleadings in such action, together with a copy of the docket entries and of any orders theretofore entered therein, shall be sent to the clerk of the said Court of General Sessions, together with any deposit for costs, and the case shall be called for trial in that court promptly thereafter; and shall thereafter be treated as though it had been filed originally in the said Court of General Sessions, except that the jurisdiction of that court shall extend to the amount claimed in such action, even though it exceed the sum of $10,000."

Witnesses, attendance.

SEC. 4. Subsection (c) of section 5 of such Act approved April 1, 1942, as amended (D.C. Code, sec. 11–756(c)), is amended to read as follows:

"(c) The District of Columbia Court of General Sessions shall have the power to compel the attendance of witnesses by attachment and any judge thereof shall have the power in any case or proceeding whether civil or criminal to punish for disobedience of any order, or contempt committed in the presence of the court by a fine not exceeding $50 or imprisonment not exceeding thirty days. At the request of any party subpenas for attendance at a hearing or trial in the District of Columbia Court of General Sessions shall be issued by the clerk of the said court. A subpena may be served at any place within the District of Columbia, or at any place without the District of Columbia that is within twenty-five miles of the place of the hearing or trial specified in the subpena. The form, issuance and manner of service of a subpena shall be as otherwise prescribed by Rule 45 of the Federal Rules of Civil Procedure."

28 USC app.

SEC. 5. (a) Section 1114 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1189; D.C. Code, sec. 11–1520), is hereby repealed.

31 Stat. 1367.

Witness fees.

(b) The paragraph relating to witness fees under the heading "District of Columbia" in the Act entitled "An Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and two, and for prior years, and for other purposes", approved July 1, 1902 (32 Stat. 552, 561; D.C. Code, sec. 11–1520a), is amended by striking "cases in the police court of the District of Columbia" and inserting in lieu thereof "criminal cases in the District of Columbia Court of General Sessions".

(c) The fees and travel allowances to be paid any witness compelled by subpena to attend any branch of the District of Columbia Court of General Sessions other than the criminal branch shall be the same amount as paid a witness compelled to attend before the United States District Court for the District of Columbia.

District of Columbia Court of Appeals. Designation.

SEC. 6. The court established by section 6 of the Act of April 1, 1942 (56 Stat. 190; D.C. Code, sec. 11–771), hereafter shall be known as the "District of Columbia Court of Appeals". Wherever reference is made in any Act of Congress (other than this Act) or in any regulation to the Municipal Court of Appeals for the District of Columbia, such reference shall be held to be a reference to the District of Columbia Court of Appeals.

Effective date.

SEC. 7. This Act shall take effect as of January 1, 1963.

Approved July 8, 1963.

Public Law 88-61

AN ACT

To amend section 407 of the Packers and Stockyards Act of 1921, as amended.

July 8, 1963
[H. R. 5860]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Packers and Stockyards Act of 1921, as amended, is amended by adding the following new subsection (c) to section 407:

Packers and Stockyards Act of 1921, amendment.
42 Stat. 169.
7 USC 228.

"(c) Notwithstanding any other provision of law, the authority of the Secretary under this Act shall not apply to deductions made from sales proceeds for the purpose of financing promotion and research activities, including educational activities relating to livestock, meat, and other products covered by the Act."

Approved July 8, 1963.

Public Law 88-62

JOINT RESOLUTION

To change the name of Short Mountain Lock and Dam and Reservoir in the State of Oklahoma to Robert S. Kerr Lock and Dam and Reservoir.

July 8, 1963
[H. J. Res. 82]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Short Mountain Lock and Dam and Reservoir on the Arkansas River in the State of Oklahoma shall be known as Robert S. Kerr Lock and Dam and Reservoir in honor of the late Senator Robert S. Kerr of Oklahoma. Any law, regulation, document, or record of the United States in which such project is referred to by any other name shall be held and considered to refer to such project by the name of Robert S. Kerr Lock and Dam and Reservoir.

Robert S. Kerr Lock and Dam and Reservoir.
Designation.

Approved July 8, 1963.

Public Law 88-63

AN ACT

To improve the active duty promotion opportunity of Air Force officers from the grade of major to the grade of lieutenant colonel.

July 17, 1963
[H. R. 6681]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of September 1, 1961, Public Law 87-194 (75 Stat. 424), is amended by striking out the figure "1963" and inserting the figure "1965" in place thereof.

10 USC 8202 note.

Approved July 17, 1963.

Public Law 88-64

AN ACT

To provide for increased wheat acreage allotments in the Tulelake area of California.

July 17, 1963
[S. 762]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (i) of section 334 of the Agricultural Adjustment Act of 1938, as amended, is amended as follows:

72 Stat. 102.
7 USC 1334.

(a) Redesignate the subsection as subsection "(j)";
(b) Insert in the first and second sentences immediately preceding the word "farms" the words "privately owned";
(c) Strike out in the second sentence the word "eight" and insert in lieu thereof the word "twelve".

Approved July 17, 1963.

Public Law 88-65

July 17, 1963
[S. J. Res. 60]

JOINT RESOLUTION

Providing for acceptance by the United States of America of an instrument for the amendment of the constitution of the International Labor Organization.

Whereas the United States of America is a member of the International Labor Organization, having accepted membership in the Organization pursuant to authority granted by the joint resolution approved on June 19, 1934 (48 Stat. 1182; 22 U.S.C. 271); and

Whereas the United States of America accepted the revised constitution of the Organization adopted by the twenty-ninth session of the International Labor Conference on October 9, 1946, pursuant to authority granted by the joint resolution approved on June 30, 1948 (62 Stat. 1151; 22 U.S.C. 271 note); and

Whereas the International Labor Conference, considering the desirability of increasing the size of the governing body of the International Labor Office to take account of increases in the membership of the Organization and of deleting a provision of the constitution rendered unnecessary by developments in recent years, adopted for this purpose at Geneva on June 22, 1962, at its forty-sixth session an instrument for the amendment of the constitution of the International Labor Organization; and

Whereas the delegation of the United States of America to the forty-sixth session of the International Labor Conference unanimously supported the aforesaid instrument of amendment, which was approved by 309 votes to 0, with 1 abstention: Therefore be it

ILO constitutional amendment, acceptance authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to accept on behalf of the United States of America the instrument for the amendment of the constitution of the International Labor Organization adopted at Geneva on June 22, 1962, by the International Labor Conference at its forty-sixth session.

Approved July 17, 1963.

Public Law 88-66

July 19, 1963
[S. 535]

AN ACT

To extend the principles of equitable adjudication to sales under the Alaska Public Sale Act.

Alaska.
Sale of public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior may apply the principles of equity and justice as authorized by the Act of September 20, 1922 (42 Stat. 857; 43 U.S.C. 1161), to sales under the Act of August 30, 1949 (63 Stat. 679; 48 U.S.C. 364a–e), where the purchaser submits proof of compliance with the use requirements of section 3 of that Act more than three years after issuance of a certificate of purchase.

Approved July 19, 1963.

Public Law 88-67

AN ACT

To repeal the Inland Waterways Corporation Act.

July 19, 1963
[S. 1031]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) the Act entitled "An Act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes", approved June 3, 1924, as amended (49 U.S.C. 151–157), and (2) section 201 of the Transportation Act, 1920 (49 U.S.C. 141), are hereby repealed.

Inland Waterways Corporation Act, repeal.

43 Stat. 360.
41 Stat. 458.

SEC. 2. (a) For liquidation of the affairs of the Inland Waterways Corporation, and for this purpose only, notwithstanding any other provision of law, the Secretary of Commerce shall have all functions, powers, duties, authority, rights and immunities which were vested in, or available or applicable to the Corporation on the day before the date of enactment of this Act (except requirements relating to service in contracts for sale of facilities of the Inland Waterways Corporation which are deemed to be modified by section 1 hereof) which shall be performed, exercised, and administered by the Secretary of Commerce in the same manner and to the same extent as if the same were performed, exercised, and administered by the Corporation. The Secretary of Commerce shall assume and be subject in his official capacity to all rights and benefits, all liabilities and commitments, whether arising out of contract or otherwise, of the Corporation, but he shall pay into the Treasury, as miscellaneous receipts, all future receipts and all remaining funds of the Corporation transferred to, or received by, him. To assist in his liquidation of the Corporation, the books of account, records, documents, assets, and liabilities of every kind and nature, including but not limited to, all funds, notes (and accrued interest thereon), mortgages, deeds of trust, contracts, commitments, claims, and causes of action of Inland Waterways Corporation are transferred to the Secretary of Commerce for liquidation or assignment.

Secretary of Commerce.
Functions and duties.

(b) No suit, action, or other proceeding lawfully commenced by or against Inland Waterways Corporation before the date of enactment of this Act shall abate by reason of this Act; but the court may, on motion or supplemental petition filed at any time within twelve months after such dissolution and showing a necessity for the survival of such suit, action, or other proceeding to obtain a settlement of the questions involved, allow the same to be maintained by or against the United States in such court. After the date of enactment of this Act, any suit, action, or other proceeding which, but for this Act, would be commenced by or against the Corporation, shall be commenced by or against the United States in a Federal court of competent jurisdiction.

Approved July 19, 1963.

Public Law 88-68

AN ACT

To amend the Agricultural Adjustment Act of 1938 to extend for two additional years the provisions permitting the lease of tobacco acreage allotments.

July 19, 1963
[S. 581]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (1) subsection (a) of section 316 of the Agricultural Adjustment Act of 1938, as amended, is further amended—

75 Stat. 469;
76 Stat. 947.
7 USC 1314b.

(1) by striking out "and 1963" and inserting in lieu thereof ", 1963, 1964, and 1965";

(2) by striking out ", and for the 1963 crop year, other than" and inserting in lieu thereof "or"; and

(3) by striking out the last sentence and inserting in lieu thereof the following: "In the case of Maryland (type 32) tobacco, no farm shall be eligible for lease of 1962 or 1963 allotment from the farm unless at least 75 per centum of the allotment for the farm was actually planted during each of the years 1960 and 1961, nor shall a farm be eligible for lease of 1964 or 1965 Maryland tobacco allotment from the farm unless at least 75 per centum of the allotment for the farm was actually planted on such farm during each of the two immediately preceding years."; and

(2) Subsection (b) of such section, as amended, is amended to read as follows: "(b) Any lease shall be made on an annual basis and on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree."

Approved July 19, 1963.

Public Law 88-69

July 19, 1963
[H. J. Res. 405]

JOINT RESOLUTION

To amend the joint resolution providing for United States participation in the International Bureau for the Protection of Industrial Property.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 12, 1960 (74 Stat. 381), is hereby amended by striking out the figure "$7,250" in section (b) thereof and inserting in lieu thereof the figure "$15,000".

22 USC 269f.

Approved July 19, 1963.

Public Law 88-70

July 19, 1963
[H. R. 4946]

AN ACT

To amend the Legislative Branch Appropriation Act, 1959, to provide for reimbursement of transportation expenses for Members of the House of Representatives.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph under subheading "Administrative Provisions" under the heading "SENATE" in the Legislative Branch Appropriation Act, 1959 (2 U.S.C., sec. 43(b)), is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "and the contingent fund of the House of Representatives is hereafter made available for reimbursement of transportation expenses incurred by Members (including the Resident Commissioner from Puerto Rico) in traveling, on official business, by the nearest usual route, between Washington, District of Columbia, and any point in the district which he represents, for not to exceed two round trips in each year."

House of Representatives. Members, transportation expense. 73 Stat. 401. 2 USC 43b.

Approved July 19, 1963.

Public Law 88-71

AN ACT

July 19, 1963
[S. 969]

To provide medical care for certain Coast and Geodetic Survey retired ships' officers and crew members and their dependents, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to regulations of the President, retired ships' officers and retired members of the crews of vessels of the Coast and Geodetic Survey shall be entitled to medical, surgical, and dental treatment and hospitalization at facilities of the Public Health Service: *Provided*, That the ships' officer or crew member, (1) was on active duty as a vessel employee of the Coast and Geodetic Survey on July 1, 1963, or on the date of enactment of this Act, whichever is later, and his employment as a vessel employee was continuous from that date until retirement, or (2) was retired as a vessel employee of the Coast and Geodetic Survey on or before July 1, 1963, or on the date of enactment of this Act, whichever is later.

Coast and Geodetic Survey, officers and crew members.
Medical care.

(b) Subject to regulations of the President, dependent members of families (as defined in such regulations) of ships' officers and members of crews of vessels of the Coast and Geodetic Survey, whether such ships' officers and members of crew are on active duty or retired, shall be furnished medical advice and outpatient treatment by the Public Health Service at its hospitals and relief stations and, if suitable accommodations are available, they shall also be furnished hospitalization at hospitals of the Public Health Service: *Provided*, That the ships' officer or crew member (1) was on active duty as a vessel employee of the Coast and Geodetic Survey on July 1, 1963, or on the date of enactment of this Act, whichever is later, and his employment as a vessel employee has been continuous from that time, or (2) was on active duty as a vessel employee of the Coast and Geodetic Survey on July 1, 1963, or on the date of enactment of this Act, whichever is later, and his employment as a vessel employee was continuous from that time until retirement, or (3) was retired as a vessel employee of the Coast and Geodetic Survey on or before July 1, 1963, or on the date of enactment of this Act, whichever is later. When dependent members of families are hospitalized, a per diem charge, at such uniform rate as may be prescribed from time to time for the hospitalization of dependents of members of the uniformed services at hospitals of the uniformed services pursuant to section 1078(a) of title 10, United States Code, shall be made.

Dependents.

72 Stat. 1448.

(c) The Coast and Geodetic Survey shall furnish proper identification to those persons entitled to medical treatment under the provisions of this Act.

SEC. 2. (a) Section 326(b) of the Public Health Service Act (42 U.S.C. 253(b)) is repealed.

Repeal.
58 Stat. 697.

(b) Section 326(c) of the Public Health Service Act (42 U.S.C. 253(c)) is amended by inserting the words "or Coast and Geodetic Survey" after the words "Coast Guard" both times the words appear in the subsection.

Approved July 19, 1963.

Public Law 88-72

July 22, 1963
[S. 1745]

AN ACT

To authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

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

Atomic Energy Commission. Appropriation authorization.

SEC. 101. PLANT OR FACILITY ACQUISITION OR CONSTRUCTION.—There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 a. (1) of the Atomic Energy Act of 1954, as amended, the sum of $172,562,000 for acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, as follows:

71 Stat. 274.
42 USC 2017.

(a) SPECIAL NUCLEAR MATERIALS.—

Project 64–a–1, modifications to production and supporting installations, $5,000,000.

Project 64–a–2, waste fractionization facilities, Richland, Washington, $3,700,000.

Project 64–a–3, additional waste storage facilities, National Reactor Testing Station, Idaho, $3,400,000.

Project 64–a–4, additional waste storage facilities, Savannah River, South Carolina, $7,700,000.

(b) SPECIAL NUCLEAR MATERIALS.—

Project 64–b–1, additional boiler for heating plant, Richland, Washington, $700,000.

(c) ATOMIC WEAPONS.—

Project 64–c–1, weapons production, development, and test installations, $10,000,000.

Project 64–c–2, explosive component plant, Mound Laboratory, Miamisburg, Ohio, $1,590,000.

Project 64–c–3, radiography facility, Sandia Base, New Mexico, $275,000.

Project 64–c–4, nuclear safety facility, Rocky Flats, Colorado, $1,500,000.

Project 64–c–5, fabrication building addition, Rocky Flats, Colorado, $2,140,000.

(d) ATOMIC WEAPONS.—

Project 64–d–1, theoretical and computations building, Lawrence Radiation Laboratory, California, $3,500,000.

Project 64–d–2, additions to administration and computer buildings, Los Alamos Scientific Laboratory, New Mexico, $2,400,000.

Project 64–d–3, technical area utility improvements, Los Alamos Scientific Laboratory, New Mexico, $865,000.

Project 64–d–4, steamplant addition, Sandia Base, New Mexico, $655,000.

Project 64–d–5, test range improvements, Tonopah, Nevada, $760,000.

Project 64–d–6, base construction, Nevada Test Site, $4,000,000.

Project 64–d–7, manufacturing standards laboratory, Rocky Flats, Colorado, $720,000.

Project 64–d–8, instrument maintenance and standards addition, Y–12 plant, Oak Ridge, Tennessee, $590,000.

Project 64–d–9, addition to development laboratory, Y–12 plant, Oak Ridge, Tennessee, $1,700,000.

(e) REACTOR DEVELOPMENT.—

Project 64–e–1, modifications to reactor facilities, $3,000,000.

Project 64–e–2, fast reactor test facility, National Reactor Testing Station, Idaho, $17,000,000.

Project 64–e–3, SNAP development and test facilities, Santa Susana, California, $500,000.

Project 64–e–4, nuclear safety engineering test facilities, National Reactor Testing Station, Idaho, $19,400,000.

Project 64–e–5, expansion of expended core facility, National Reactor Testing Station, Idaho, $3,000,000.

Project 64–e–6, support facilities for advanced space power systems, National Reactor Testing Station, Idaho, $1,800,000.

Project 64–e–7, thorium-uranium fuel cycle development facility, Oak Ridge National Laboratory, Tennessee, $7,275,000.

Project 64–e–8, modifications to CANEL facilities, Middletown, Connecticut, $1,455,000.

Project 64–e–9, research and development test plants for Project Rover, Los Alamos Scientific Laboratory, New Mexico and Nevada Test Site, $3,000,000.

Project 64–e–10, modifications to radioactive materials handling facilities, Savannah River, South Carolina, $1,000,000.

Project 64–e–11, high temperature lattice testing reactor, Richland, Washington, $2,500,000.

(f) REACTOR DEVELOPMENT.—

Project 64–f–1, heating plant boiler No. 5, Argonne National Laboratory, Illinois, $1,500,000.

(g) PHYSICAL RESEARCH.—

Project 64–g–1, accelerator improvements, Lawrence Radiation Laboratory, California, $750,000.

Project 64–g–2, accelerator improvements, Argonne National Laboratory, Illinois, $500,000.

Project 64–g–3, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, $1,250,000.

Project 64–g–4, Tandem Van de Graaff facility, Brookhaven National Laboratory, New York, $12,000,000.

Project 64–g–5, accelerator improvements, Cambridge and Princeton accelerators, $700,000.

(h) PHYSICAL RESEARCH.—

Project 64–h–1, modifications and additions to cafeteria, Lawrence Radiation Laboratory, California, $250,000.

Project 64–h–2, steamplant addition, Brookhaven National Laboratory, New York, $850,000.

(i) BIOLOGY AND MEDICINE.—

Project 64–i–1, low-level radiation counting facility for clinical research, Brookhaven National Laboratory, New York, $430,000.

Project 64–i–2, additional animal quarters, Lovelace Foundation, Albuquerque, New Mexico, $500,000.

Project 64–i–3, addition to agricultural research laboratory, Oak Ridge, Tennessee, $685,000.

Project 64–i–4, molecular biology laboratory, Oak Ridge National Laboratory, Tennessee, $330,000.

(j) COMMUNITY.—

Project 64–j–1, water distribution system, phase II, White Rock, Los Alamos, New Mexico, $625,000.

Project 64–j–2, classroom additions, Barranca Mesa Elementary School, Los Alamos, New Mexico, $224,000.

Project 64–j–3, additional water well, Los Alamos, New Mexico, $194,000.

(k) GENERAL PLANT PROJECTS.—$40,649,000.

SEC. 102. LIMITATIONS.—(a) The Commission is authorized to start any project set forth in subsections 101 (a), (c), (e), and (g), only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101 (b), (d), (f), (h), (i), and (j), only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start a project under subsection 101(k) only if it is in accordance with the following:

1. For community operations, the maximum currently estimated cost of any project shall be $100,000 and the maximum currently estimated cost of any building included in such project shall be $10,000.

2. For all other programs, the maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000.

3. The total cost of all projects undertaken under subsection 101(k) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

SEC. 103. COOPERATION WITH EUROPEAN ATOMIC ENERGY COMMUNITY.—There is hereby authorized to be appropriated to the Atomic Energy Commission, in accordance with the provisions of section 261 a. (2) of the Atomic Energy Act of 1954, as amended, the sum of $7,500,000, in addition to the sum of $15,000,000 previously authorized, which shall be available for carrying out the purposes of section 3 of Public Law 85–846, providing for cooperation with the European Atomic Energy Community.

71 Stat. 274.
42 USC 2017.
72 Stat. 1084.
42 USC 2292.

SEC. 104. COOPERATIVE POWER REACTOR DEMONSTRATION PROGRAM.—(a) Section 111 of Public Law 85–162, as amended, is further amended as follows:

71 Stat. 409.

1. By striking out the figure "$3,600,000" in clause (2) of subsection (a) and inserting in lieu thereof the figure "$4,309,000".

2. By striking out the date "June 30, 1963" in clause (3) of subsection (a) and inserting in lieu thereof the date "June 30, 1964".

(b) The maximum amount of the program authorization, specified in subsection 110(b) of Public Law 86–50, section 109 of Public Law 86–457, section 109 of Public Law 87–315, and section 110 of Public Law 87–701, is increased by $10,000,000.

73 Stat. 84.
74 Stat. 123.
75 Stat. 679.
76 Stat. 602.

SEC. 105. SPECTRAL SHIFT POWER REACTOR.—

(a) The Commission is hereby authorized to enter into cooperative arrangements with privately, publicly, or cooperatively owned utilities or industrial organizations for participation in the development, design, construction, and operation of a Spectral Shift Nuclear Powerplant for which the sum of $30,000,000 is hereby authorized to be appropriated. The Commission is also authorized to waive use charges in connection with this project in an amount not to exceed $10,000,000.

(b) The cooperative arrangements authorized under paragraph (a) of this section may be entered into in accordance with either (i) the criteria for the third round of the Commission's power reactor demonstration program: *Provided, however*, That under any such arrangement the Commission may furnish funds for design assistance without regard to the provisions of section 169 of the Atomic Energy Act of 1954; or (ii) an arrangement under the following terms and conditions:

68 Stat. 952.
42 USC 2209.

(1) The Commission shall provide for the manufacture and construction of the nuclear reactor plant. The Commission may obtain such participation by the cooperating utility or organization as is consistent with Commission ownership and operation of the nuclear reactor plant.

(2) The cooperating utility or organization shall furnish the site and all equipment, facilities, and services necessary for a complete and operable nuclear powerplant except those furnished by the Commission as part of the nuclear reactor plant.

(3) The Commission may enter into a contract with the cooperating utility or organization for the operation of the nuclear reactor plant, including the training of personnel and other relevant matters. Any such contract may be for such period of time as the Commission may determine to be advisable for research and development purposes and for such additional period as the Commission may determine to be necessary in the best interest of the Government. Upon the expiration of such period, the Commission is authorized to offer the nuclear reactor plant for sale to the cooperating utility or organization at a price to reflect appropriate depreciation, but not to include construction costs assignable to research and development; or the Commission may dismantle and remove the reactor plant and its appurtenances.

(4) The Commission, without regard to the provisions of section 44 of the Atomic Energy Act of 1954, as amended, is authorized to sell to the cooperating utility or organization the steam produced in the nuclear reactor plant. The price of such steam shall be based upon the current or projected cost of steam from conventional sources in the area in which the powerplant is constructed. Such steam may be used by the cooperating utility or organization for the generation of electric energy and any other industrial purpose. 68 Stat. 929. 42 USC 2064.

(5) There are authorized to be appropriated such additional funds as may be required for the operation of said nuclear powerplant in accordance with any such arrangement.

(c) Before the Commission enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which the Commission proposes to execute (including the name of the proposed participating party or parties with whom the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by the Commission and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days) : *Provided, however*, That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five day period: *Provided further*, That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as provided herein: *And provided further*, That no basis for arrangement need be resubmitted to the Joint Committee for the sole reason that the estimated amount of the cost to be incurred by the Commission exceeds the estimated cost previously submitted to the Joint Committee by not more than fifteen per centum.

SEC. 106. COOPERATIVE RESEARCH AND DEVELOPMENT PROGRAM WITH WEST GERMAN AUTHORITIES.—There is hereby authorized to be appropriated to the Commission, the sum of $5,500,000, for use in a cooperative program of research and development with any person or persons in connection with Arbeitagemeinshaft-Versuch Reaktor at Juelich, Germany, to be conducted either under the Agreement for Cooperation Concerning Civil Uses of Atomic Energy Between the Govern-

ment of the United States of America and the Government of the Federal Republic of Germany signed on the 4th day of July 1957 as now or hereafter modified, or the additional agreement between the United States of America and the European Atomic Energy Community signed on the 11th day of June 1960 as now or hereafter modified.

SEC. 107.

71 Stat. 274.
42 USC 2017.

Section 261 of the Atomic Energy Act of 1954, as amended, is amended to read as follows effective January 1, 1964:

"SEC. 261. APPROPRIATIONS.—

"a. No appropriation shall be made to the Commission, nor shall the Commission waive charges for the use of materials under the Cooperative Power Reactor Demonstration Program, unless previously authorized by legislation enacted by the Congress.

"b. Any Act appropriating funds to the Commission may appropriate specified portions thereof to be accounted for upon the certification of the Commission only.

"c. Notwithstanding the provisions of subsection a., funds are hereby authorized to be appropriated for the restoration or replacement of any plant or facility destroyed or otherwise seriously damaged, and the Commission is authorized to use available funds for such purposes.

"d. Funds authorized to be appropriated for any construction project to be used in connection with the development or production of special nuclear material or atomic weapons may be used to start another construction project not otherwise authorized if the substituted construction project is within the limit of cost of the construction project for which substitution is to be made, and the Commission certifies that—

"(1) the substituted project is essential to the common defense and security;

"(2) the substituted project is required by changes in weapon characteristics or weapon logistic operations; and

"(3) the Commission is unable to enter into a contract with any person on terms satisfactory to it to furnish from a privately owned plant or facility the product or services to be provided by the new project."

Approved July 22, 1963.

Public Law 88-73

AN ACT

July 22, 1963
[H. R. 2461]

To direct the Secretary of the Interior to convey to the city of Henderson, Nevada, at fair market value, certain public lands in the State of Nevada.

Nevada.
Public lands,
conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That within five years after he has advised, by certified mail, the mayor of the city of Henderson, Nevada, of the appraised fair market value of the lands involved, the Secretary of the Interior shall convey to said city the fifteen thousand acres of public lands described in section 2 hereof.

SEC. 2. The lands to be conveyed under section 1 of this Act are hereby segregated from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, until said Secretary shall provide otherwise by publication of an order in the Federal Register, and comprise those fifteen thousand acres situated in the State of Nevada more particularly described as follows (all range references are to the Mount Diablo base and meridian):

Publication in
F. R.

(1) The east one-half and southwest quarter of section 21; all of section 27; the southwest quarter of section 28; and all of sections 29, 33, and 34 in township 22 south, range 63 east;

(2) all of sections 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, and 33, township 22 south, range 62 east;

(3) the south half of section 24; and all of sections 25, 35, and 36, township 22 south, range 61 east;

(4) all of sections 1, 2, and 3, township 23 south, range 61 east;

(5) all of section 32, lots 8 and 9, the south half of the southwest quarter, southwest quarter of the southeast quarter of section 35, township 21 south, range 63 east; and

(6) the southwest quarter, the west half of the southeast quarter, and the southeast quarter of the southeast quarter, and the south half of the northwest quarter of section 34, township 21 south, range 62 east.

SEC. 3. The conveyance authorized by this Act shall be made upon payment of the sum of the fair market value of the lands on the effective date of this Act, as determined by the Secretary of the Interior, plus reimbursement for the cost of appraisal, if accomplished by contract, minus any adjustment in the purchase price made by the Secretary of the Interior pursuant to section 5 of this Act, and subject to any existing valid claims against the lands described in section 2 of this Act, and to any reservations, restrictions, or conditions considered necessary by the Secretary of the Interior to protect continuing uses of those lands by the United States, its permittees, lessees, or licensees.

Any conveyance under this Act of section 32, the south half of the southwest quarter, the southwest quarter of the southeast quarter, lots 8 and 9, section 35, township 21 south, range 63 east; the east half of section 21, and sections 27 and 34, township 22 south, range 63 east, Mount Diablo base and meridian, Nevada, or of any portion of such lands, shall specifically reserve to the United States the right to use any of such lands so conveyed for reclamation purposes and for any purpose reasonably incident to the proposed southern Nevada water supply project.

SEC. 4. The city of Henderson, State of Nevada, may purchase, in accordance with this Act, such portion or portions, by legal subdivision of the public land surveys, of the above-described lands as such city elects; and the purchase by the city of only a portion or portions of such lands shall not constitute a waiver or relinquishment of its right to purchase, in accordance with the provisions of this Act, by legal subdivisions of the public land surveys, the remainder of such lands or any portion thereof.

SEC. 5. The Secretary of the Interior is authorized, notwithstanding any other provision of this Act, to negotiate and enter into an agreement with the city of Henderson providing for adjustment of the purchase price determined by appraisal to reflect any expenditures incurred by the city of Henderson in facilitating transfer of the lands during the period between enactment of this Act and notice to the city of Henderson of the appraised fair market value.

Purchase price, adjustment.

SEC. 6. This Act shall not preclude the city of Henderson from acquiring title or leases to any lands described in this Act for public or recreational purposes under the Act of June 14, 1926 (44 Stat. 741), as amended (43 U.S.C. 869, et seq.).

SEC. 7. Any patent issued under this Act shall contain a reservation to the United States of any of the following named minerals for which the land as of the date of issuance of patent is deemed by the Secretary of the Interior to be valuable or prospectively valuable: coal, native asphalt, solid and semisolid bitumen, and bituminous rock

68 Stat. 173.

Patents, reservation of mineral rights.

(including oil-impregnated rock or sands from which oil is recoverable only by special treatment after the deposit is mined or quarried), oil, gas, oil shale, phosphate, sodium, and potassium, together with the right of the United States, its lessees, permittees, or licensees to prospect for, mine, and remove them under applicable provisions of law.

SEC. 8. With respect to the conveyance of any land under this Act, which land is, at the time of issuance of patent therefor, subject to a mineral lease, permit, or license, for which mineral the land is deemed at that time by the Secretary of the Interior to be not valuable or prospectively valuable, the patent shall not convey such mineral rights in such lands until the mineral lease, permit, or license, or any extensions or renewals thereof, shall terminate or be relinquished, but upon such termination or relinquishment all the right, title, and interest of the United States to such mineral deposits shall automatically vest in the patentee.

Rights-of-way.

SEC. 9. Notwithstanding any other provision of this Act to the contrary, the Secretary of the Interior, with the concurrence of the city of Henderson, may, prior to the transfer of title to the city of Henderson, grant rights-of-way in, over, upon, through, or under any of the lands described in section 2 of this Act.

Approved July 22, 1963.

Public Law 88-74

July 22, 1963
[H. R. 40]

AN ACT

To assist the States to provide additional facilities for research at the State agricultural experiment stations.

Agricultural experiment stations.
Research facilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the policy of the Congress to continue its support of agricultural research at the State agricultural experiment stations through Federal-grant funds, on a matching basis, to help finance physical facilities as required for the effective conduct of an adequate research program.

SEC. 2. The purpose of this Act is to assist the State agricultural experiment stations in the construction, acquisition, and remodeling of buildings, laboratories, and other capital facilities (including the acquisition of fixtures and equipment which are to become a part of such buildings) which are necessary to more effectively conduct research in agriculture and sciences related thereto through means of grants from the Federal Government.

Definitions.

SEC. 3. As used in sections 2 to 11, inclusive, of this Act—

(1) the term "State" shall include Puerto Rico;

(2) the term "State agricultural experiment station" means a department established under the direction of a college or university in any State in accordance with the Act entitled "An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and mechanic arts", approved July 2, 1862 (7 U.S.C. 301); or a department otherwise established pursuant to standards prescribed by the State the purpose of which is to conduct agricultural research; and

12 Stat. 503.

(3) the term "Secretary" shall mean the Secretary of Agriculture.

SEC. 4. (a) There are hereby authorized to be appropriated for allocation to the States for the purposes of section 2 such sums as the Congress deems advisable. Allocation of funds.

(b) (1) One-third of the funds appropriated pursuant to this section for any fiscal year shall be allotted equally among the States.

(2) Two-thirds of the funds appropriated pursuant to this section for any fiscal year shall be allocated among the States as follows: One-half in an amount which bears the same ratio to the total amount to be allotted as the rural population of the State bears to the total rural population of all the States as determined by the last preceding decennial census current at the time each such sum is first appropriated; and one-half in an amount which bears the same ratio to the total amount to be allotted as the farm population of the State bears to the total farm population of all the States as determined by the last preceding decennial census current at the time such sum is first appropriated.

(c) It shall be the duty and responsibility of the Secretary to administer the provisions of section 4 of this Act under such rules and regulations as he may prescribe as necessary therefor.

SEC. 5. Any State in order to be eligible for payments from funds allocated pursuant to section 4 shall submit, in such form as the Secretary may require, specific proposals for acquisition or construction of physical facilities defined in section 2 of this Act. No State shall receive any payment for any such proposal unless such proposal is approved by the Secretary. Eligibility.

SEC. 6. (a) No payment shall be made to any State under the provisions of section 4 of this Act in any amount greater than the amount made available by such State from non-Federal funds for purposes for which payments are made under section 4 of this Act. Matching funds.

(b) Any unused portion of the allotment of any State for any fiscal year shall remain available, at the option of such State, for payment to such State for a period of not more than two fiscal years following the fiscal year in which such allotment is first made available.

SEC. 7. With respect to multiple-purpose physical facilities, the segment or portion thereof which is to be utilized for agricultural research shall be the basis for determination of fund support under this Act. Multiple-purpose facilities.

SEC. 8. For each fiscal year that funds are made available for allocation to States under the provisions of section 4 and section 6 of this Act, the Secretary shall ascertain, at the earliest practicable date during such year, the amount of the allocation to which each State is entitled, and shall notify each State in writing promptly thereafter as to the amount of such allocation. Notification to States.

SEC. 9. (a) Any State agricultural experiment station authorized to receive payments under the provisions of section 4 of this Act shall have a chief administrative officer, to be known as a director, and a treasurer or other officer appointed by the governing board of such station. Such treasurer or other officer shall receive and account for all funds paid to such station pursuant to the provisions of this Act, and shall submit a report, approved by the director of such station, to the Secretary on or before the first day of September of each year. Such report shall contain a detailed statement of the amount received under the provisions of this Act during the preceding fiscal year, and of its disbursements on schedules prescribed by the Secretary. Administrative officer, duties. Report to Secretary.

(b) If any portion of the allotted funds received by the authorized receiving officer of any State agricultural experiment station shall by any action or contingency be diminished, lost, or misapplied, it shall be repaid by the State concerned, and until repaid no part of any subsequent appropriation shall be allocated or paid to such State.

Report to Congress.

SEC. 10. The Secretary shall make an annual report to the Congress during the first regular session of each year with respect to (1) payments made under this Act, (2) the facilities, by States, for which such payments were made, and (3) whether any portion of the appropriation available for allotment to any State has been withheld and, if so, the reasons therefor.

SEC. 11. (a) Any agricultural experiment station established by State law shall be eligible for benefits under this Act.

(b) With respect to any State in which more than one agricultural experiment station has been established, any appropriations allocated for the use of such State pursuant to the provisions of this Act shall be divided between or among such institutions as the legislature of such State shall direct.

Appropriation authorization.

SEC. 12. There is hereby authorized to be appropriated such sums as may be necessary for proper administration of this Act.

Approved July 22, 1963.

Public Law 88-75

July 25, 1963
[H. R. 3845]

AN ACT

To amend the Lead-Zinc Small Producers Stabilization Act of October 3, 1961 (75 Stat. 766).

Lead and zinc. "Principal product or products."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(a) of the Lead-Zinc Small Producers Stabilization Act of October 3, 1961 (75 Stat. 766, 768; 30 U.S.C. 686), is amended by (a) adding the following before the period at the end of clause (2): "*Provided*, That the principal product or products of such producer is either lead or zinc or a combination of lead and zinc"; and (b) adding the following clause: "(6) The term 'principal product or products' means that the dollar value of lead or zinc sold or the combination of lead and zinc sold must have been 50 per centum or more of the total dollar value of all minerals and metals contained in the ores and concentrates produced and sold by the small domestic producer, calculated on the basis of the product of the total metal and mineral content of the ores and concentrates sold, as determined from the settlement assays, and the quoted market prices of those metals or minerals at the time of the sale."

Approved July 25, 1963.

Public Law 88-76

July 25, 1963
[S. 582]

AN ACT

To extend for two years the definition of "peanuts" which is now in effect under the Agricultural Adjustment Act of 1938, as amended.

Peanuts. Definition extended.

71 Stat. 344; 75 Stat. 512.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last paragraph of the Act entitled "An Act to amend the peanut marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, and for other purposes", approved August 13, 1957, as amended (7 U.S.C. 1359 note), is amended by striking out "and 1963" and inserting in lieu thereof "1963, 1964, and 1965".

Approved July 25, 1963.

Public Law 88-77

AN ACT

July 25, 1963
[H. R. 2998]

To amend titles 10, 14, and 38, United States Code, with respect to the award of certain medals and the Medal of Honor Roll.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 357 of title 10, United States Code, is amended as follows:

Armed Forces.
Award of certain medals.
Army.
70A Stat. 215.

(1) Section 3741 is amended to read as follows:

"§ 3741. Medal of Honor: award

"The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to a person who, while a member of the Army, distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

(2) Section 3742 is amended to read as follows:

"§ 3742. Distinguished-service Cross: award

"The President may award a distinguished-service cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Army, distinguishes himself by extraordinary heroism not justifying the award of a medal of honor—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

(3) Section 3746 is amended to read as follows:

70A Stat. 216.

"§ 3746. Silver star: award

"The President may award a silver star of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Army, is cited for gallantry in action that does not warrant a medal of honor or distinguished-service cross—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

SEC. 2. Chapter 567 of title 10, United States Code, is amended as follows:

Navy.

(1) Section 6241 is amended to read as follows:

70A Stat. 389.

"§ 6241. Medal of honor

"The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to a person who, while a member of the naval service, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force;

"(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

70A Stat. 389. (2) Section 6242 is amended to read as follows:

"§ 6242. Navy cross

"The President may award a Navy cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Navy or Marine Corps, distinguishes himself by extraordinary heroism not justifying the award of a medal of honor—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

(3) Section 6244 is amended to read as follows:

"§ 6244. Silver star medal

"The President may award a silver star medal of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Navy or Marine Corps, is cited for gallantry in action that does not warrant a medal of honor or Navy cross—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

Air Force. SEC. 3. Chapter 857 of title 10, United States Code, is amended as follows:

70A Stat. 540. (1) Section 8741 is amended to read as follows:

"§ 8741. Medal of honor: award

"The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to a person who, while a member of the Air Force, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

70A Stat. 540; 74 Stat. 331. (2) Section 8742 is amended to read as follows:

"§ 8742. Air Force Cross: award

"The President may award an Air Force cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Air Force, distinguishes himself by extraordinary heroism not justifying the award of a medal of honor—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

(3) Section 8746 is amended to read as follows: 70A Stat. 541.

"§ 8746. Silver star: award

"The President may award a silver star of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Air Force, is cited for gallantry in action that does not warrant a medal of honor or Air Force cross—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

SEC. 4. Section 491 of title 14, United States Code, is amended to read as follows: Coast Guard. 63 Stat. 535.

"§ 491. Medal of honor

"The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to a person who, while a member of the Coast Guard, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

"(1) while engaged in an action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force;

"(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

SEC. 5. Title 38, United States Code, is amended as follows: Medal of Honor Roll.

(1) By amending section 560 (a) and (b) to read as follows: 72 Stat. 1139; 75 Stat. 338.

"(a) There shall be in the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Department of the Treasury, respectively, a roll designated as the 'Army, Navy, Air Force, and Coast Guard Medal of Honor Roll'."

"(b) Upon written application to the Secretary concerned, the Secretary shall enter and record on such roll the name of each surviving person who has served on active duty in the armed forces of the United States, who has attained the age of fifty years, and who has been awarded a medal of honor for distinguishing himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

"(1) while engaged in action against an enemy of the United States;

"(2) while engaged in military operations involving conflict with an opposing foreign force; or

"(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party."

(2) by striking out of sections 561 and 562 the words "Army, Navy, and Air Force" and inserting in place thereof the words "Army, Navy, Air Force, and Coast Guard"; and 72 Stat. 1139; 75 Stat. 338.

(3) by striking out of the analysis of chapter 15, and the heading of subchapter IV of chapter 15, the words "Army, Navy, and Air Force" and inserting in place thereof the words "Army, Navy, Air Force, and Coast Guard."

Approved July 25, 1963.

Public Law 88-78

July 26, 1963
[H. J. Res. 513]

JOINT RESOLUTION

Authorizing the President to proclaim the week beginning July 28, 1963, as Veterinary Medicine Week.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week beginning July 28, 1963, as Veterinary Medicine Week, and calling upon the people of the United States to observe such week with appropriate ceremonies and activities, in recognition of the contributions which the veterinarians of this Nation have made through the eradication of diseases, the maintenance of high standards for food inspection, and research in various fields of veterinary medicine, and for services they have rendered to all lovers of pets.

Approved July 26, 1963.

Public Law 88-79

July 26, 1963
[H. R. 5279]

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1964, and for other purposes.

Department of the Interior and Related Agencies Appropriation Act, 1964.

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 Department of the Interior and related agencies for the fiscal year ending June 30, 1964, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

PUBLIC LAND MANAGEMENT

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, $44,152,500.

CONSTRUCTION

For acquisition and construction of buildings and appurtenant facilities, $300,000, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of rights-of-way and of existing connecting roads on or adjacent to such lands; an amount equivalent to 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands, to remain available until expended: *Provided*, That the amount appropriated herein for the purposes of this appropriation on lands administered by the Forest Service shall be transferred to the Forest Service, Department of Agriculture: *Provided further*, That the amount appropriated herein for road construction on lands other than those administered by the Forest Service shall be transferred to the Bureau of Public Roads, Department of Commerce: *Provided further*, That the amount appropriated herein is hereby made a reimbursable charge against the Oregon and California land-grant fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876). 43 USC 1181f.

RANGE IMPROVEMENTS

For construction, purchase, and maintenance of range improvements pursuant to the provisions of sections 3 and 10 of the Act of June 28, 1934, as amended (43 U.S.C. 315), sums equal to the aggregate of all moneys received, during the current fiscal year, as range improvements fees under section 3 of said Act, 25 per centum of all moneys received, during the current fiscal year, under section 15 of said Act, and the amount designated for range improvements from grazing fees from Bankhead-Jones lands transferred to the Department of the Interior by Executive Order 10787, dated November 6, 1958, to remain available until expended. 48 Stat. 1270. 43 USC 315b, 315i. 48 Stat. 1275. 43 USC 315m. 3 CFR 1954-1958 Comp., p. 424.

PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, $760,000, to remain available until expended. 72 Stat. 906.

93-025 O-64-9

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase of seven passenger motor vehicles for replacement only; purchase of one aircraft for replacement only; purchase, erection, and dismantlement of temporary structures; and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title: *Provided*, That of appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land-grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended on a reimbursable basis for (1) surveys of lands other than those under the jurisdiction of the Bureau of Land Management and (2) protection and leasing of lands and mineral resources for the State of Alaska.

43 USC 1181f.

BUREAU OF INDIAN AFFAIRS

EDUCATION AND WELFARE SERVICES

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission), of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order, and payment of rewards for information or evidence concerning violations of law on Indian reservations or lands; and operation of Indian arts and crafts shops and museums; $89,235,250.

RESOURCES MANAGEMENT

For expenses necessary for management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; and development of Indian arts and crafts, as authorized by law; $37,691,300.

REVOLVING FUND FOR LOANS

For payment to the revolving fund for loans, as authorized by section 10 of the Act of June 18, 1934, as amended (25 U.S.C. 470), $2,000,000. 48 Stat. 986.

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in lands; preparation of lands for farming; and architectural and engineering services by contract; $58,300,000, to remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the acquisition of land within the States of Arizona, California, Colorado, New Mexico, South Dakota, Utah, and Wyoming outside of the boundaries of existing Indian reservations: *Provided further*, That no part of this appropriation shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, and Washington either inside or outside the boundaries of existing reservations: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed $219,000 shall be available for assistance to the public school district for construction of additional classroom facilities at Ignacio, Colorado: *Provided further*, That not to exceed $450,000 shall be for assistance to the Newtown, North Dakota, Public School District Numbered 1, for construction of an addition to the Newtown Public School: *Provided further*, That not to exceed $370,000 shall be for assistance to the Grants, New Mexico, Municipal School District Numbered 3, Valencia County, New Mexico, for construction of an addition to the public high school serving the Pueblos of Laguna and Acoma.

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, $15,000,000, to remain available until expended. 72 Stat. 906.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, $4,265,000.

MENOMINEE EDUCATIONAL GRANTS

For grants to the State of Wisconsin or the County or Town of Menominee for school district costs, as authorized by the Act of April 4, 1962 (76 Stat. 53), $132,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed two hundred and seventy-five passenger motor vehicles (including sixty-eight for police-type use which may exceed by $300 each the general purchase price limitation for the current fiscal year), of which two hundred and thirty-three shall be for replacement only, which may be used for the transportation of Indians; advance payments for service (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U.S.C. 452), the Act of August 3, 49 Stat. 1458.

25 USC 309, 309a.

1956 (70 Stat. 986), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions.

TRIBAL FUNDS

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated $3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391), including cash grants; and employment of a curator for the Osage Museum, who shall be appointed with the approval of the Osage Tribal Council and without regard to the classification laws: *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary, except that tribal funds derived from appropriations in satisfaction of awards of the Indian Claims Commission and the Court of Claims shall not be further appropriated until a report of the purposes for which the funds are to be used has been submitted to the Senate and House Committees on Interior and Insular Affairs and those purposes either have been approved by resolution of each of said committees or have not been disapproved by resolution of either of said committees within sixty calendar days from the date the report is submitted, not counting days on which either House is not in session because of an adjournment of more than three calendar days to a day certain: *Provided, however*, That no part of this appropriation or other tribal funds shall be used for the acquisition of land or water rights within the States of Nevada, Oregon, Washington, and Wyoming, either inside or outside the boundaries of existing Indian reservations, if such acquisition results in the property being exempted from local taxation, except as provided for by the Act of July 24, 1956 (70 Stat. 627).

Report to congressional committees.

Restriction.

NATIONAL PARK SERVICE

MANAGEMENT AND PROTECTION

For expenses necessary for the management and protection of the areas and facilities administered by the National Park Service, including protection of lands in process of condemnation; and for plans, investigations, and studies of the recreational resources (exclusive of preparation of detail plans and working drawings) and archeological values in river basins of the United States (except the Missouri River Basin); $27,124,000, including not to exceed $650,000 for travel and transportation of persons.

MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES

For expenses necessary for the operation, maintenance, and rehabilitation of roads (including furnishing special road maintenance service to trucking permittees on a reimbursable basis), trails, buildings, utilities, and other physical facilities essential to the operation of areas administered pursuant to law by the National Park Service, $21,566,750, including not to exceed $187,500 for travel and transportation of persons.

CONSTRUCTION

For construction and improvement, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of buildings, utilities, and other physical facilities; the repair or replacement of roads, trails, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, or storm, or the construction of projects deferred by reason of the use of funds for such purposes; the acquisition of water rights; and not to exceed $5,300,000 for the acquisition of lands, interest therein, improvements, and related personal property; $32,697,000, including not to exceed $350,000 for travel and transportation of persons, to remain available until expended: *Provided*, That no part of this appropriation shall be used for the condemnation of any land for Grand Teton National Park in the State of Wyoming. 37 Stat. 460; 54 Stat. 36.

CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, $29,000,000, including not to exceed $500,000 for travel and transportation of persons, to remain available until expended: *Provided*, That none of the funds herein provided shall be expended for planning or construction on the following: Fort Washington and Greenbelt Park, Maryland, except minor roads and trails; Great Falls Park, Virginia; Daingerfield Island Marina, Virginia; and extension of the George Washington Memorial Parkway from vicinity of Brickyard Road to Great Falls, Maryland, or in Prince Georges County, Maryland. 72 Stat. 906.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the National Park Service, including such expenses in the regional offices, $2,136,750, including not to exceed $103,000 for travel and transportation of persons.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed one hundred and twenty passenger motor vehicles of which one hundred and fourteen shall be for replacement only, including not to exceed sixty-two for police-type use which may exceed by $300 each the general purchase price limitation for the current fiscal year; and purchase of not to exceed one aircraft.

BUREAU OF OUTDOOR RECREATION

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Outdoor Recreation, $1,900,000.

OFFICE OF TERRITORIES

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories and for the departmental administration of the Trust Territory of the Pacific Islands, under the jurisdiction of the Department of the Interior, including expenses of the offices of the Governors of Guam and American Samoa, as authorized by law (48 U.S.C., secs. 1422, 1431a(c)); salaries of the Governor of the Virgin Islands, the Government Secretary, the Government Comptroller, and the members of their immediate staffs as authorized by law (48 U.S.C. 1591, 72 Stat. 1095); compensation and mileage of members of the legislatures in Guam, American Samoa, and the Virgin Islands as authorized by law (48 U.S.C. secs. 1421d(e), 1431a(c), and 1572e); compensation and expenses of the judiciary in American Samoa as authorized by law (48 U.S.C. 1431a(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; and personal services, household equipment and furnishings, and utilities necessary in the operation of the houses of the Governors of Guam and American Samoa; $13,000,000: *Provided*, That the Territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (76 Stat. 171), including the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions; $15,000,000: *Provided*, That the revolving fund for loans to locally owned private trading enterprises shall continue to be available during the fiscal year 1964: *Provided further*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6(2) of the Trusteeship Agreement approved by Congress: *Provided further*, That notwithstanding the provisions of any law, the Trust Territory of the Pacific Islands is authorized to receive, during the current fiscal year, from the Department of Agriculture for distribution on the same basis as domestic distribution in any State, Territory, or possession of the United States,

61 Stat. 3301.
48 USC 1681 and notes.
31 USC 1.
31 USC 65 note.
61 Stat. 3302.

without exchange of funds, such surplus food commodities as may be available pursuant to section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c) and section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431).

49 Stat. 774.
68 Stat. 458;
73 Stat. 250.

ALASKA RAILROAD

ALASKA RAILROAD REVOLVING FUND

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served; and payment of compensation and expenses as authorized by section 42 of the Act of September 7, 1916 (5 U.S.C. 793), to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS–15, except the general manager of said railroad, one assistant general manager at not to exceed the salaries prescribed by said Act for GS–17, and five officers at not to exceed the salaries prescribed by said Act for grade GS–16.

39 Stat. 750.

76 Stat. 843.
5 USC 1113.

MINERAL RESOURCES

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (72 Stat. 837 and 76 Stat. 427); classify lands as to mineral character and water and power resources; give engineering supervision to power permits and Federal Power Commission licenses; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; control the interstate shipment of contraband oil as required by law (15 U.S.C. 715); and publish and disseminate data relative to the foregoing activities; $63,700,000, of which $10,150,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality.

5 USC 485 note.
43 USC 31.

49 Stat. 30.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed sixty-eight passenger motor vehicles, for replacement only; reimbursement of the General Services Administration for security guard service for protection of confidential files; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gaging stations and observation wells; expenses of U.S. National Committee on Geology; and payment

of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

BUREAU OF MINES

CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

For expenses necessary for promoting the conservation, exploration, development, production, and utilization of mineral resources, including fuels, in the United States, its Territories, and possessions; and developing synthetics and substitutes; $29,404,000, including not to exceed $700,000 for travel and transportation of persons.

HEALTH AND SAFETY

For expenses necessary for promotion of health and safety in mines and in the minerals industries, and controlling fires in coal deposits, as authorized by law, $8,664,000.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Mines, including such expenses in the regional offices, $1,460,000, including not to exceed $54,000 for travel and transportation of persons.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Bureau of Mines may be expended for purchase of not to exceed seventy-six passenger motor vehicles for replacement only; providing transportation services in isolated areas for employees, student dependents of employees, and other pupils, and such activities may be financed under cooperative arrangements, purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work: *Provided*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

DEVELOPMENT AND OPERATION OF HELIUM PROPERTIES

The Secretary is authorized to borrow from the Treasury for payment to the helium production fund pursuant to section 12(a) of the Helium Act Amendments of 1960 to carry out the provisions of the Act and contractual obligations thereunder, including helium purchases, to remain available without fiscal year limitation, $6,000,000, in addition to amounts heretofore authorized to be borrowed.

74 Stat. 923.
50 USC 167j.

OFFICE OF COAL RESEARCH

SALARIES AND EXPENSES

For necessary expenses to encourage and stimulate the production and conservation of coal in the United States through research and development, as authorized by law (74 Stat. 337), $5,075,000, to remain

30 USC 668.

available until expended, of which not to exceed $325,000 shall be available for administration and supervision.

OFFICE OF MINERALS EXPLORATION

SALARIES AND EXPENSES

For expenses necessary to provide a program for the discovery of the minerals reserves of the United States, its territories and possessions, by encouraging exploration for minerals, including administration of contracts entered into prior to June 30, 1958, under section 303 of the Defense Production Act of 1950, as amended, $850,000, including not to exceed $234,000 for administrative and technical services, to remain available until expended.

65 Stat. 133.
50 USC app. 2093.

OFFICE OF OIL AND GAS

SALARIES AND EXPENSES

For necessary expenses to enable the Secretary to discharge his responsiblities with respect to oil and gas, including cooperation with the petroleum industry and State authorities in the production, processing, and utilization of petroleum and its products, and natural gas, $615,500.

FISH AND WILDLIFE SERVICE

OFFICE OF THE COMMISSIONER OF FISH AND WILDLIFE

SALARIES AND EXPENSES

For necessary expenses of the Office of the Commissioner, $386,000.

BUREAU OF COMMERCIAL FISHERIES

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of commercial fishery resources, including whales, sea lions, and related aquatic plants and products; collection, compilation, and publication of information concerning such resources; promotion of education and training of fishery personnel; and the performance of other functions related thereto, as authorized by law; $17,832,900.

MANAGEMENT AND INVESTIGATIONS OF RESOURCES (SPECIAL FOREIGN CURRENCY PROGRAM)

For purchase of foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for the purposes authorized by section 104(k) of that Act, $300,000, which shall be available to purchase only those currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States.

72 Stat. 275.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required for the conservation, management, investigation, protection, and utilization of commercial fishery resources and the acquisition of lands and interests therein, $4,450,000, to remain available until expended.

CONSTRUCTION OF FISHING VESSELS

For expenses necessary to carry out the provisions of the Act of June 12, 1960, Public Law 86–516, to assist in the construction of fishing vessels, $750,000.

74 Stat. 212.
46 USC 1401-1413.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Commercial Fisheries, including such expenses in the regional offices, $653,000.

ADMINISTRATION OF PRIBILOF ISLANDS

For carrying out the provisions of the Act of February 26, 1944, as amended (16 U.S.C. 631a–631q), there are appropriated amounts not to exceed $2,468,000, to be derived from Pribilof Islands fund.

58 Stat. 100.

LIMITATION ON ADMINISTRATIVE EXPENSES, FISHERIES LOAN FUND

During the current fiscal year not to exceed $270,000 of the Fisheries loan fund shall be available for administrative expenses.

BUREAU OF SPORT FISHERIES AND WILDLIFE

MANAGEMENT AND INVESTIGATIONS OF RESOURCES

For expenses necessary for scientific and economic studies, conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; operation of the industrial properties within the Crab Orchard National Wildlife Refuge (61 Stat. 770); and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; $30,589,900.

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein, $5,243,500.

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the Migratory bird conservation account, as authorized by the Act of October 4, 1961 (16 U.S.C. 715k–3, 5), $10,000,000, to remain available until expended.

75 Stat. 813.

GENERAL ADMINISTRATIVE EXPENSES

For expenses necessary for general administration of the Bureau of Sport Fisheries and Wildlife, including such expenses in the regional offices, $1,359,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Fish and Wildlife Service shall be available for purchase of not to exceed one hundred and three passenger motor vehicles of which ninety-eight shall be for replacement only (including fifty-three for police-type use which may exceed by $300 each the general purchase price limitation for the

current fiscal year); purchase of not to exceed three aircraft, for replacement only; not to exceed $50,000 for payment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Fish and Wildlife Service; publication and distribution of bulletins as authorized by law (7 U.S.C. 417); rations or commutation of rations for officers and crews of vessels at rates not to exceed $3 per man per day; repair of damage to public roads within and adjacent to reservation areas caused by operations of the Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purposes; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

34 Stat. 690.

OFFICE OF SALINE WATER

SALARIES AND EXPENSES

For expenses necessary to carry out provisions of the Act of July 3, 1952, as amended (42 U.S.C. 1951–1958), authorizing studies of the conversion of saline water for beneficial consumptive uses, to remain available until expended, $10,000,000, of which not to exceed $690,000 shall be available for administration and coordination during the current fiscal year.

75 Stat. 628.

OPERATION AND MAINTENANCE

For operation and maintenance of demonstration plants for the production of water suitable for agricultural, industrial, municipal, and other beneficial consumptive uses, as authorized by the Act of September 2, 1958, as amended (42 U.S.C. 1958a–1958g), $1,850,000, of which not to exceed $225,000 shall be available for administration.

72 Stat. 1706.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $4,000,000, and in addition, not to exceed $142,000 may be reimbursed or transferred to this appropriation from other accounts available to the Department of the Interior: *Provided*, That hearing officers appointed for Indian probate work need not be appointed pursuant to the Administrative Procedures Act (60 Stat. 237), as amended.

5 USC 1001 note.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, including teletype rentals and service, and not to exceed $2,000 for official reception and representation expenses, $3,858,400.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoid-

Emergency reconstruction.

able causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Forest or range fires.

SEC. 102. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

Operation of warehouses, etc.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

47 Stat. 417.

SEC. 104. Appropriations made to the Department of the Interior in this title or in the Public Works Appropriations Act, 1964 shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), when authorized by the Secretary, at rates not to exceed $75 per diem for individuals, and in total amount not to exceed $175,000; maintenance and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

60 Stat. 810.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131 and D.C. Code 4–204).

68 Stat. 1114; 43 Stat. 175.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For expenses necessary for forest protection and utilization, as follows:

Forest land management: For necessary expenses of the Forest Service, not otherwise provided for, including the administration, improvement, development, and management of lands under Forest Service administration, fighting and preventing forest fires on or threatening such lands and for liquidation of obligations incurred in the preceding fiscal year for such purposes, control of white pine blister rust and other forest diseases and insects on Federal and non-Federal lands; $147,312,000, of which $5,000,000 for fighting and preventing forest fires and $1,910,000 for insect and disease control shall be apportioned for use, pursuant to section 3679 of the Revised

31 USC 665.

Statutes, as amended, to the extent necessary under the then existing conditions: *Provided*, That not more than $962,000 may be used for acquisition of land under the Act of March 1, 1911, as amended (16 U.S.C. 513–519): *Provided further*, That funds appropriated for "Cooperative range improvements", pursuant to section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), may be advanced to this appropriation.

36 Stat. 962.

64 Stat. 85.

Forest research: For forest research at forest and range experiment stations, the Forest Products Laboratory, or elsewhere, as authorized by law; $25,893,000.

State and private forestry cooperation: For cooperation with States in forest-fire prevention and suppression, in forest tree planting on non-Federal public and private lands, and in forest management and processing, and for advising timberland owners, associations, wood-using industries, and others in the application of forest management principles and processing of forest products, as authorized by law; $15,943,000.

FOREST ROADS AND TRAILS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For expenses necessary for carrying out the provisions of title 23, United States Code, sections 203 and 205, relating to the construction and maintenance of forest development roads and trails, $63,200,000, to remain available until expended, for liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203: *Provided*, That funds available under the Act of March 4, 1913 (16 U.S.C. 501), shall be merged with and made a part of this appropriation: *Provided further*, That not less than the amount made available under the provisions of the Act of March 4, 1913, shall be expended under the provisions of such Act.

72 Stat. 906, 907.

37 Stat. 843.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

ACQUISITION OF LANDS FOR WASATCH NATIONAL FOREST

For the acquisition of land in the Wasatch National Forest, Utah, in accordance with the Act of September 14, 1962 (76 Stat. 545–546), $250,000, to remain available until expended.

SPECIAL ACTS

For acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forests, in accordance with the provisions of the following Acts, authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amounts from such receipts, Cache National Forest, Utah, Act of May 11, 1938 (52 Stat. 347), as amended, $10,000; Uinta and Wasatch National Forests, Utah, Act of August 26, 1935 (49 Stat. 866), as amended, $20,000; Toiyabe National Forest, Nevada, Act of June 25, 1938 (52 Stat. 1205), as amended, $8,000; Angeles National Forest, California, Act of June 11, 1940 (54 Stat. 299), $8,000; Cleveland National Forest in San Diego County, California, Act of June 11, 1940 (54 Stat. 297–298), $8,000; San Bernardino and Cleveland National Forests in Riverside County, California, Act of June 15, 1938 (52 Stat. 699), $8,000; Sequoia National Forest, California, Act of June 17, 1940 (54 Stat. 402), $8,000; in all, $70,000: *Provided*, That no part of this appropriation shall be used for acquisition of any land which is not within the boundaries of the national forests and/or for the acquisition of any land without the approval of the local government concerned.

58 Stat. 227.

Restriction.

COOPERATIVE RANGE IMPROVEMENTS

For artificial revegetation, construction, and maintenance of range improvements, control of rodents, and eradication of poisonous and noxious plants on national forests in accordance with section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), to be derived from grazing fees as authorized by said section, $700,000, to remain available until expended.

64 Stat. 85.

ASSISTANCE TO STATES FOR TREE PLANTING

For expenses necessary to carry out section 401 of the Agricultural Act of 1956, approved May 28, 1956 (16 U.S.C. 568e), $1,000,000, to remain available until expended.

70 Stat. 207.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Passenger motor vehicles.

Appropriations available to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed one hundred and thirty-six passenger motor vehicles of which one hundred and twenty-six shall be for replacement only, and hire of such vehicles; operation and maintenance of aircraft and the purchase of not to exceed five of which three shall be for replacement only; (b) employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), in an amount not to exceed $25,000; (c) uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); (d) purchase, erection, and alteration of buildings and other public improvements (5 U.S.C. 565a); (e) expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U.S.C. 514); and (f) acquisition of land and interests therein for sites for administrative purposes and acquisition of such outstanding interests in lands administered by the Forest Service in the northeast Georgia land utilization project, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a).

58 Stat. 742.
60 Stat. 810.
68 Stat. 1114.
58 Stat. 742.
36 Stat. 963.
70 Stat. 1034.

Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated to the Forest Service shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States.

Funds appropriated under this Act shall not be used for acquisition of forest lands under the provisions of the Act approved March 1, 1911, as amended (16 U.S.C. 513–519, 521), where such land is not within the boundaries of an established national forest or purchase unit nor shall these lands be acquired without approval of the local government concerned.

36 Stat. 962.

FEDERAL COAL MINE SAFETY BOARD OF REVIEW

SALARIES AND EXPENSES

For necessary expenses of the Federal Coal Mine Safety Board of Review, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $65,000.

60 Stat. 810.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), including payment of actual traveling expenses of the members and secretary of the Commission in attending meetings and Committee meetings of the Commission either within or outside the District of Columbia, to be disbursed on vouchers approved by the Commission, $91,000. 36 Stat. 371.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

INDIAN HEALTH ACTIVITIES

For expenses necessary to enable the Surgeon General to carry out the purposes of the Act of August 5, 1954 (68 Stat. 674), as amended; purchase of not to exceed sixty-nine passenger motor vehicles for replacement only; hire of passenger motor vehicles and aircraft; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the purposes set forth in sections 301 (with respect to research conducted at facilities financed by this appropriation), 321, 322(d), 324, and 509 of the Public Health Service Act; $58,960,750. 42 USC 2001 *et seq.* 58 Stat. 691. 42 USC 241, 248, 249, 251, 227.

CONSTRUCTION OF INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings; purchase of trailers; and provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a); $5,350,000, to remain available until expended. 73 Stat. 267.

ADMINISTRATIVE PROVISIONS, PUBLIC HEALTH SERVICE

Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a). 60 Stat. 810.

Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131). 68 Stat. 1114.

Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities. Attendance at meetings.

INDIAN CLAIMS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the Act of August 13, 1946 (25 U.S.C. 70), creating an Indian Claims Commission, $297,000, of which not to exceed $10,000 shall be available for expenses of travel. 60 Stat. 1049.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131); $650,000.

66 Stat. 781. D. C. Code 1-1001 note.

NATIONAL CAPITAL TRANSPORTATION AGENCY

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of title II of the Act of July 14, 1960 (74 Stat. 537), including payment in advance for membership in societies whose publications or services are available to members only or to members at a price lower than to the general public; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131); $1,000,000.

40 USC 661-665.

68 Stat. 1114.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For all necessary expenses for the preservation, exhibition, and increase of collections from the surveying and exploring expeditions of the Government and from other sources; for the system of international exchanges between the United States and foreign countries; for anthropological researches among the American Indians and the natives of lands under the jurisdiction or protection of the United States, independently or in cooperation with State, educational, and scientific organizations in the United States, and the excavation and preservation of archeological remains; for maintenance of the Astrophysical Observatory and making necessary observations in high altitudes; for the administration of the National Collection of Fine Arts and the National Portrait Gallery; for the administration, construction, and maintenance of laboratory and other facilities on Barro Colorado Island, Canal Zone, under the provisions of the Act of July 2, 1940, as amended by the provisions of Reorganization Plan Numbered 3 of 1946; for the maintenance and administration of a national air museum as authorized by the Act of August 12, 1946 (20 U.S.C. 77); for expenses of the National Armed Forces Museum Advisory Board; including not to exceed $35,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); purchase, repair, and cleaning of uniforms for guards and elevator operators, and uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131), for other employees; repairs and alterations of buildings and approaches; and preparation of manuscripts, drawings, and illustrations for publications; $13,124,000.

REMODELING OF CIVIL SERVICE COMMISSION BUILDING

For an additional amount for necessary expenses of preparing plans and specifications for remodeling the Civil Service Commission Building to make it suitable to house certain art galleries of the Smithsonian Institution, as authorized by the Act of March 28, 1958 (72 Stat. 68), including construction and not to exceed $25,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $5,465,000.

60 Stat. 810.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, $1,275,000, to remain available until expended: *Provided*, That such portion of this amount as may be necessary may be transferred to the District of Columbia (20 U.S.C. 81–84; 75 Stat. 779). 26 Stat. 78.

NATIONAL AIR MUSEUM

For necessary expenses of preparing plans and specifications for the construction of a suitable building for a National Air Museum for the use of the Smithsonian Institution, as authorized by the Act of September 6, 1958 (20 U.S.C. 77b note), and not to exceed $60,000 for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $511,000. 72 Stat. 1794. 60 Stat. 810.

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For the upkeep and operation of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators and uniforms, or allowances therefor for other employees as authorized by law (5 U.S.C. 2131); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance and repair of buildings, approaches, and grounds; and not to exceed $15,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper; $2,138,000. 20 USC 71. 53 Stat. 577. 68 Stat 1114.

TRANSITIONAL GRANTS TO ALASKA

For grants to the State of Alaska to assist in accomplishing an orderly transition from territorial status to statehood and to facilitate the assumption of responsibilities hitherto performed in Alaska by the Federal Government, and for expenses of providing Federal services or facilities in Alaska for an interim period, as authorized by law (73 Stat. 151), $3,000,000.

CIVIL WAR CENTENNIAL COMMISSION

For expenses necessary to carry out the provisions of the Act of September 7, 1957 (71 Stat. 626), as amended (72 Stat. 1769), $100,000. 36 USC 749.

GENERAL PROVISIONS, RELATED AGENCIES

The per diem rate paid from appropriations made available under this title for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a) or other law, shall not exceed $75.

93-025 O-64—10

TITLE III—VIRGIN ISLANDS CORPORATION

LIMITATION ON ADMINISTRATIVE EXPENSES, VIRGIN ISLANDS CORPORATION

During the current fiscal year the Virgin Islands Corporation is hereby authorized to make such expenditures, within the limits of funds 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 amended, as may be necessary in carrying out its programs as set forth in the budget for the current fiscal year: *Provided*, That not to exceed $186,000 shall be available for administrative expenses (to be computed on an accrual basis) of the Corporation, covering the categories set forth in the 1964 budget estimates for such expenses.

61 Stat. 594.
31 USC 849.

Short title.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriation Act, 1964."

Approved July 26, 1963.

Public Law 88-80

July 30, 1963
[H. J. Res. 403]

JOINT RESOLUTION

To amend section 316 of the Agricultural Adjustment Act of 1938 to extend the time by which a lease transferring a tobacco acreage allotment may be filed.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 316 of the Agricultural Adjustment Act of 1938 is amended by adding thereto a new subsection (h) to read:

Agricultural Adjustment Act of 1938, amendment.
75 Stat. 469; 76 Stat. 151.
7 USC 1314b.

"(h) Notwithstanding the provisions of subsection (c) relating to the filing of a lease with the county committee, the lease and transfer of an allotment for the 1963 crop year shall be effective if, (1) the County Committee, with the approval of a representative of the State Committee, finds that a lease in compliance with the provisions of this section was agreed upon prior to the normal planting time in the county, as determined by the Secretary, or June 15, 1963, whichever is earlier, and (2) the terms of the lease are reduced to writing and filed in the county office in which the farms involved are located within twenty days of the date this subsection becomes law."

Approved July 30, 1963.

Public Law 88-81

July 30, 1963
[H. R. 1933]

AN ACT

To amend the Act of February 9, 1907, entitled "An Act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia", as amended, with respect to the minimum age limitation for registration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second and fourth sentences of section 4 of the Act of February 9, 1907, entitled "An Act to define the term 'registered nurse' and to provide for the registration of nurses in the District of Columbia" (D.C. Code, sec. 2-404), as amended, are amended by striking "twenty-one" wherever it appears therein and inserting, in lieu thereof, "nineteen".

D.C. Nurses, registration.

45 Stat. 1520.

Approved July 30, 1963.

Public Law 88-82

AN ACT

July 30, 1963
[S. 546]

To authorize the Secretary of the Navy to grant easements for the use of lands in the Camp Joseph H. Pendleton Naval Reservation, California, for a nuclear electric generating station.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be and he hereby is authorized and empowered to grant to Southern California Edison Company, a California corporation, and to San Diego Gas and Electric Company, a California corporation, and to each of them, their respective successors and assigns, upon such terms and conditions as the Secretary deems necessary to protect the interests of the United States, an easement in, over, under and upon lands of the United States of America, approximately ninety acres in area, within the Camp Joseph H. Pendleton Naval Reservation, California, for the construction, operation, maintenance, and use of a nuclear electric generating station, consisting of one or more generating units, and appurtenances thereto; and easements in, under, over, and upon such additional lands of the United States of America within the Camp Joseph H. Pendleton Naval Reservation, California, as are necessary or desirable for the purpose of constructing, operating, maintaining, and using electric transmission and communication lines, switchyards and substations, cooling water conduits, pipelines for water, gas and sewage, railroad spur tracks, access roads and other appurtenances to said facilities and to said nuclear electric generating station.

California.
Camp Pendleton, land easement.

SEC. 2. Upon such terms and conditions as he deems necessary to protect the interests of the United States and within the scope set forth in Section 1, the Secretary or his successors in interest, may amend any such easement by mutual agreement of the parties thereto, or their successors in interest, in such manner as to change the lands affected thereby, either by substitution, addition or deletion, as well as to change the terms and conditions of the grant.

Conditions.

SEC. 3. A reasonable charge, which may be paid in installments or in a lump sum or in a combination thereof, as determined by the Secretary, or his successor in interest, based upon the fair value of each easement granted pursuant to the authority herein contained, shall be payable by the grantee or grantees thereof, their respective successors and assigns.

Charges.

Approved July 30, 1963.

Public Law 88-83

AN ACT

August 5, 1963
[H. R. 3272]

To provide for the free entry of an orthicon image assembly for the use of the Medical College of Georgia, Augusta, Georgia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to admit free of duty one orthicon image assembly imported for the use of the Medical College of Georgia, Augusta, Georgia.

Orthicon image assembly.
Free entry.

(b) If the liquidation of the entry of the article described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

Approved August 5, 1963.

Public Law 88-84

AN ACT

August 5, 1963
[S. 1036]

To amend the inland and western rivers rules concerning anchor lights and fog signals required in special anchorage areas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That article 11 of section 1 of the Act of June 7, 1897, as amended (33 U.S.C. 180), is further amended to read as follows:

Anchored vessels.
Lights and fog signals, requirements.
54 Stat. 150.

"ART. 11. (a) Except as provided in paragraph (c) of this article, a vessel under one hundred and fifty feet in length when at anchor shall carry forward, where it can best be seen, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least two miles.

"(b) Except as provided in paragraph (c) of this article, a vessel of one hundred and fifty feet or upward in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

Special anchorage areas.

"(c) The Secretary of the Army may, after investigation, by rule, regulation, or order, designate such areas as he may deem proper as 'special anchorage areas'; such special anchorage areas may from time to time be changed, or abolished, if after investigation the Secretary of the Army shall deem such change or abolition in the interest of navigation. When anchored within such an area—

"(1) a vessel of not more than sixty-five feet in length shall not be required to carry or exhibit the white light required by this article;

"(2) a barge, canal boat, scow, or other nondescript craft of one hundred and fifty feet or upward in length may carry and exhibit the single white light prescribed by paragraph (a) of this article in lieu of the two white lights prescribed by paragraph (b) of this article; and

"(3) where two or more barges, canal boats, scows, or other nondescript craft are tied together and anchored as a unit, the anchor light prescribed by this article need be displayed only on the vessel having its anchor down."

30 Stat. 99.

SEC. 2. Subparagraph (d) of article 15 of section 1 of the Act of June 7, 1897 (33 U.S.C. 191), is amended to read as follows:

"(d) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds, except that the following vessels shall not be required to sound this signal when anchored in a special anchorage area established pursuant to paragraph (c) of article 11:

"(1) a vessel of not more than sixty-five feet in length; and

"(2) a barge, canal boat, scow, or other nondescript craft."

SEC. 3. The rule numbered 13 in section 4233 of the Revised Statutes, as amended (33 U.S.C. 322), is further amended to read as follows:

"RULE NUMBERED 13. (a) Except as provided in paragraph (c) of this rule, a vessel under one hundred and fifty feet in length, when at anchor, shall carry forward, where it can best be seen, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least two miles.

"(b) Except as provided in paragraph (c) of this rule, a vessel of one hundred and fifty feet or upward in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty feet above the hull, one such light, and at or near the stern of

the vessel, at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

"(c) The Secretary of the Army may, after investigation, by rule, regulation, or order, designate such areas as he may deem proper as 'special anchorage areas'; such special anchorage areas may from time to time be changed, or abolished, if after investigation the Secretary of the Army shall deem such change or abolition in the interests of navigation. When anchored within such an area— Special anchorage areas.

"(1) a vessel of not more than sixty-five feet in length shall not be required to carry or exhibit the white light required by this rule;

"(2) a barge, canal boat, scow, or other nondescript craft of one hundred and fifty feet or upward in length may carry and exhibit the single white light prescribed by paragraph (a) of this rule in lieu of the two white lights prescribed by paragraph (b) of this rule; and

"(3) where two or more barges, canal boats, scows, or other nondescript craft are tied together and anchored as a unit, the anchor light prescribed by this rule need be displayed only on the vessel having its anchor down."

SEC. 4. Subparagraph (d) of rule numbered 15 in section 4233 of the Revised Statutes, as amended (33 U.S.C. 331), is further amended to read as follows:

"(d) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds, except that the following vessels shall not be required to sound this signal when anchored in a special anchorage area established pursuant to paragraph (c) of rule 13:

"(1) a vessel of not more than sixty-five feet in length; and

"(2) a barge, canal boat, scow or other nondescript craft."

Approved August 5, 1963.

Public Law 88-85

AN ACT

August 5, 1963
[S. 489]

To amend the Act of March 5, 1938, establishing a small claims and conciliation branch in the municipal court for the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subsection (g) of section 5 of the Act entitled "An Act establishing a small claims and conciliation branch in the municipal court of the District of Columbia for improving the administration of justice in small cases and providing assistance to needy litigants, and for other purposes", approved March 5, 1938, as amended (52 Stat. 105; D.C. Code, 1961 edition, sec. 11–805(g)), is amended by inserting after the word "action" a colon and the following: "*Provided*, That where in any case controlled by any other statute a greater or lesser time for hearing is specified by such other statute, such other specified period of time shall be controlling". D. C. Small claims, hearing time.

SEC. 2. The second sentence of subsection (g) of section 5 of such Act is amended by striking "herein" and inserting in lieu thereof "therein".

Approved August 5, 1963.

Public Law 88-86

August 5, 1963
[H. R. 3674]

AN ACT

To amend the Tariff Act of 1930 to provide that polished sheets and plates of iron or steel shall be subject to the same duty as unpolished sheets and plates.

Iron and steel sheets.
Duty regulations.
46 Stat. 612.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph 309 of the Tariff Act of 1930, as amended (19 U.S.C. 1001), be amended by striking out "sheets and plates of iron or steel, polished, planished, or glanced, by whatever name designated, 1¼ cents per pound" and also by striking out "other than polished, planished, or glanced, herein provided for,".

SEC. 2. This Act shall take effect 30 days after the date of its enactment.

Approved August 5, 1963.

Public Law 88-87

August 5, 1963
[H. R. 2221]

AN ACT

To provide for the free entry of a mass spectrometer for the use of Stanford University, Stanford, California.

Stanford University, Calif.
Mass spectrometer, free importation..

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to admit free of duty the mass spectrometer (and its accompanying spare parts assortment) imported for the use of Stanford University, Stanford, California, which was entered during October 1962, pursuant to Consumption Entry 1232.

(b) If the liquidation of the entry of the articles described in subsection (a) has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

Approved August 5, 1963.

Public Law 88-88

August 5, 1963
[H. R. 4646]

AN ACT

To declare a portion of the Benton Harbor Canal, Benton Harbor, Michigan, a nonnavigable stream.

Benton Harbor Canal, Mich.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Benton Harbor Canal, from the west line of Ninth Street extended northerly to the west line of Riverview Drive extended northerly, in the city of Benton Harbor and State of Michigan, be, and the same is hereby, declared to be not a navigable water of the United States within the meaning of the Constitution and laws of the United States.

USC prec. title 1.

SEC. 2. That the project for the Benton Harbor Canal, authorized by the River and Harbor Act of June 14, 1880, insofar as said project relates to said canal from the west line of Ninth Street extended northerly to the west line of Riverview Drive extended northerly, in the city of Benton Harbor and State of Michigan, be, and the same is hereby, abandoned.

21 Stat. 183.

Approved August 5, 1963.

Public Law 88-89

AN ACT

August 5, 1963
[S. 490]

To amend the Act of July 2, 1940, as amended, relating to the recording of liens on motor vehicles and trailers registered in the District of Columbia, so as to eliminate the requirement that an alphabetical file on such liens be maintained.

D. C.
Motor vehicles and trailers, liens file.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act to provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes", approved July 2, 1940, as amended (54 Stat. 736, 738; sec. 40–706, D.C. Code, 1951 edition), is amended by striking from the sixth sentence "each of two cards" and "cards" and inserting in lieu thereof respectively "a card" and "card", and by striking from the eighth sentence "each of the said cards" and inserting in lieu thereof "the said card".

SEC. 2. Section 7 of such Act approved July 2, 1940 (sec. 40–707, D.C. Code, 1951 edition), is amended by striking "cards" wherever such word appears in the first sentence and inserting in lieu thereof "a card", and by striking "each of said cards" in the second sentence and inserting in lieu thereof "said card".

SEC. 3. Section 8 of such Act approved July 2, 1940 (sec. 40–708, D.C. Code, 1951 edition), is amended by striking from the second sentence "each of the cards" and inserting in lieu thereof "the card", and by striking from the third sentence "each of the cards" and inserting in lieu thereof "the said card".

SEC. 4. Section 11 of such Act approved July 2, 1940 (sec. 40–711, D.C. Code, 1951 edition), is amended by striking from the first sentence "each of the cards" and inserting in lieu thereof "the card", and by striking from the last sentence "cards" and inserting in lieu thereof "card".

SEC. 5. Section 13 of such Act approved July 2, 1940 (sec. 40–713, D.C. Code, 1951 edition), is amended by striking "files wherein he shall file one set of the cards hereinbefore described alphabetically under the name of owner and the other", and inserting in lieu thereof "a file wherein he shall file a set of cards hereinbefore described".

SEC. 6. Alphabetical files established and maintained in accordance with the requirements of section 13 of such Act approved July 2, 1940, may, with the approval of the Commissioners of the District of Columbia, be destroyed.

Approved August 5, 1963.

Public Law 88-90

AN ACT

August 8, 1963
[H. R. 6011]

To continue for a temporary period the existing suspension of duty on certain istle or Tampico fiber.

Istle or Tampico fiber.
74 Stat. 119.
19 USC 1201, par. 1684 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of Public Law 85–284 (71 Stat. 609), approved September 4, 1957 (relating to the suspension for a three-year period of the duty on certain istle or Tampico fiber), is amended to read as follows:

"SEC. 2. The amendments made by the first section of this Act shall apply only in the case of articles entered for consumption, or withdrawn from warehouse for consumption, after September 4, 1957, and before September 5, 1966."

Approved August 8, 1963.

Public Law 88-91

August 8, 1963
[S. 1122]

AN ACT

Relating to the exchange of certain lands between the town of Powell, Wyoming, and the Presbyterian Retirement Facilities Corp.

Wyoming.
Land exchange.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior is authorized to accept from the town of Powell, Wyoming, a deed conveying to the United States all right, title, and interest of the town of Powell, Wyoming, in and to all or part of the property comprising block 116 conveyed to such town by patent numbered 1056913, dated August 23, 1932.

(b) Upon the receipt of a deed from the town of Powell, Wyoming, conveying the property comprising all or part of block 116 to the United States, the Secretary of the Interior is authorized to convey by patent or other appropriate conveyance to the Presbyterian Retirement Facilities Corp. all right, title, and interest of the United States in and to such property upon the condition that—

(1) the Presbyterian Retirement Facilities Corp. convey to the United States fee simple title to a parcel of property of approximately equal value to that property received by it from the United States under this Act;

(2) if it is determined after an appraisal by the Secretary of the Interior that the parcel of property to be conveyed to the United States under paragraph (1) of this subsection is of less value than the property conveyed by it to the Presbyterian Retirement Facilities Corp., the corporation shall pay to the United States an amount equal to that difference in value.

SEC. 2. (a) The Secretary of the Interior is authorized to convey by patent or other appropriate conveyance to the town of Powell, Wyoming, all right, title, and interest of the United States in and to that parcel of property conveyed to the United States by the Presbyterian Retirement Facilities Corp. pursuant to the first section of this Act.

(b) The conveyance authorized under subsection (a) of this section shall be made subject to the same covenants, conditions, and limitations as those contained in patent numbered 1056913, dated August 23, 1932, referred to in the first section of this Act.

SEC. 3. The town of Powell, Wyoming, and the Presbyterian Retirement Facilities Corp. shall pay to the United States such sum as may be fixed by the Secretary of the Interior to compensate the United States for its administrative costs in carrying out the provisions of this Act, which sum shall be covered into the Treasury as miscellaneous receipts.

Approved August 8, 1963.

Public Law 88-92

August 8, 1963
[H. R. 2675]

AN ACT

To extend for three years the period during which certain tanning extracts, and extracts of hemlock or eucalyptus suitable for use for tanning, may be imported free of duty.

19 USC 1201,
par. 1670 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 86-427 (74 Stat. 54), approved April 22, 1960, is amended by striking out "September 30, 1963" and inserting in lieu thereof "September 30, 1966"

Approved August 8, 1963.

Public Law 88-93

AN ACT

August 8, 1963
[H. R. 5712]

To suspend for a temporary period the import duty on heptanoic acid.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That heptanoic acid, provided for in paragraph 1 of the Tariff Act of 1930, shall be admitted free of duty if entered, or withdrawn from warehouse, for consumption, after the date of the enactment of this Act and before the expiration of the three-year period beginning on the day after such date.

Heptanoic acid.
74 Stat. 1051.
19 USC 1001, par. 1 note.

Approved August 8, 1963.

Public Law 88-94

AN ACT

August 12, 1963
[H. R. 5207]

To amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 295), is amended by adding at the end thereof the following new subsection:

Foreign Service Buildings Act, 1926, amendment.
44 Stat. 404; 74 Stat. 847.

"(d) In addition to amounts authorized before the date of enactment of this section, there is hereby authorized to be appropriated to the Secretary of State—

"(1) for acquisition, by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

"(A) for use in Africa, not to exceed $7,140,000 of which not to exceed $3,270,000 may be appropriated for the fiscal year 1964;

"(B) for use in the American Republics, not to exceed $5,360,000, of which not to exceed $4,030,000 may be appropriated for the fiscal year 1964;

"(C) for use in Europe, not to exceed $6,839,000, of which not to exceed $1,820,000 may be appropriated for the fiscal year 1964;

"(D) for use in the Far East, not to exceed $2,350,000, of which not to exceed $2,200,000 may be appropriated for the fiscal year 1964;

"(E) for use in the Near East, not to exceed $2,710,000, of which not to exceed $2,100,000 may be appropriated for the fiscal year 1964;

"(F) for facilities for the United States Information Agency, not to exceed $1,125,000, of which not to exceed $720,000 may be appropriated for the fiscal year 1964, and

"(G) for facilities for agricultural and defense attaché housing, not to exceed $800,000, of which not to exceed $400,000 may be appropriated for the fiscal year 1964;

"(2) for use to carry out the other purposes of this Act, not to exceed $23,500,000, of which not to exceed $11,500,000 may be appropriated for the fiscal year 1964.

Sums appropriated pursuant to this authorization shall remain available until expended. To the maximum extent feasible, expenditures under this Act shall be made out of foreign currencies owned by or owed to the United States."

SEC. 2. (a) Section 2 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 293), is repealed.

(b) The first section of such Act (22 U.S.C. 292) is amended—

(1) by striking out ", subject to the direction of the commission hereinafter established,";

(2) by striking out "under such terms and conditions as in the judgment of the commission may best protect the interests of the United States,";

(3) by striking out ", to the extent deemed advisable by the commission,"; and

(4) by striking out ", which buildings shall be appropriately designated by the commission, and the space in which shall be allotted by the Secretary of State under the direction of the commission" and inserting a period and the following: "The space in such buildings shall be allotted by the Secretary of State".

(c) Section 3 of such Act (22 U.S.C. 294) is amended—

(1) by striking out ", subject to the direction of the commission," and "in the judgment of the commission,"; and

(2) by inserting immediately before the period at the end thereof the following: "and without regard to section 3648 of the Revised Statutes of the United States (31 U.S.C. 529)".

(d) Section 4 of such Act (22 U.S.C. 295) is amended by striking out ", subject to the direction of the commission,".

(e) Section 9 of such Act (22 U.S.C. 300) is amended—

(1) by striking out "with the concurrence of the Foreign Service Buildings Commission,"; and

(2) by striking out ", as in the judgment of the Commission may best serve the Government's interest".

(f) Section 1(e) of Reorganization Plan Numbered II of May 9, 1939 (53 Stat. 1432), is repealed.

22 USC 293 note.

(g) All references to the Foreign Service Buildings Commission, originally established by the Foreign Service Buildings Act, 1926, in all laws of the United States are hereby repealed.

SEC. 3. (a) The first section of the Act entitled "An Act to authorize the payment of the balance of awards for war damage compensation made by the Philippine War Damage Commission under the terms of the Philippine Rehabilitation Act of April 30, 1946, and to authorize the appropriation of $73,000,000 for that purpose", approved August 30, 1962, (50 App. U.S.C. 1751–1785 note; Public Law 87–616), is amended by inserting before the period at the end of the second sentence thereof a comma and the following: "or $25,000, whichever is the lesser".

60 Stat. 128.

50 USC app. 1751 note.
76 Stat. 411.

(b) Section 6 of such Act is amended by inserting immediately before the first sentence therein the letter "(a)"; by striking the word "section" in the last two sentences therein and inserting the word "subsection"; and by adding the following new subsection:

"(b) Notwithstanding the provisions of subsection (a), no sum shall be paid by any claimant directly or indirectly to, or received or accepted by, any former commissioner or employee of the Philippine War Damage Commission or their assigns, or any person employed by or associated with any such former commissioner or employee in connection with the preparation, filing, allowance, or collection of any claim under this Act, as compensation on account of services rendered or as reimbursement on account of expenses incurred in connection with any application filed under this Act. Whoever, subject to the jurisdiction of the United States, makes a payment in violation of the provisions of this subsection shall be fined not more than $5,000 or imprisoned for not more than one year or both. Whoever, subject to the jurisdiction of the United States, receives or accepts a payment

in violation of this subsection, shall be fined not more than $5,000 or imprisoned for not more than five years or both. Whoever, subject to the jurisdiction of the United States, receives or accepts a payment in violation of this subsection, shall forfeit to the Government of the United States a sum equal to three times the amount of such payment, and the Commission shall take action to recover such sum from the person receiving the payment."

(c) Section 5(a) of such Act is amended by striking out the next to the last sentence thereof and inserting in lieu thereof the following: "Any balance of the appropriation made pursuant to section 8 remaining after the payments authorized by the first section of this Act have been made and after any administrative expenses incurred by the Commission in connection with such payments have been paid shall be paid into a special fund in the United States Treasury to be used for the purpose of furthering educational exchange and other educational programs to the mutual advantage of the Republic of the Philippines and the United States in such manner as the Presidents of those two Republics shall from time to time determine. There shall be withheld from the payment authorized by the preceding sentence a sum equal to the difference between $73,000,000 (less administrative expenses) and the total amount which would have been paid to the claimants under the provisions of Public Law 87–616, which sum shall revert to the general funds in the United States Treasury. The acceptance by any claimant of a payment under this Act shall be considered to be in full satisfaction and final settlement of all claims of such claimant arising out of awards for war damage compensation made by the Philippine War Damage Commission."

76 Stat. 411. 50 USC app. 1751-1785 note.

Approved August 12, 1963.

Public Law 88-95

JOINT RESOLUTION

August 12, 1963 [H. J. Res. 324]

Extending an invitation to the International Olympic Committee to hold the 1968 winter Olympic games in the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, whereas the United States Olympic Association will invite the International Olympic Committee to hold the winter Olympic games in the United States at Lake Placid, New York, in 1968, the Government of the United States would welcome the holding of the 1968 winter Olympic games in the United States and expresses the sincere hope that the United States will be selected as the site for this great enterprise in international good will.

1968 winter Olympic games. Invitation to Lake Placid, N. Y.

Approved August 12, 1963.

Public Law 88-96

AN ACT

August 15, 1963 [S. 850]

To change the name of the Bruces Eddy Dam and Reservoir in the State of Idaho to the Dworshak Dam and Reservoir.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bruces Eddy Dam and Reservoir, Idaho, a unit in the comprehensive plan of development of the Columbia River Basin, authorized by the Flood Control Acts of 1958 and 1962, shall hereafter be known and designated as the Dworshak Dam and Reservoir, in honor of the late Sen-

Idaho. Dworshak Dam and Reservoir. Designation. 72 Stat. 315; 76 Stat. 1193.

ator from Idaho, who was a champion of full development of our Nation's water resources and a patient and persevering promoter of this project. Any law, regulation, document, or record of the United States in which such dam and reservoir are designated or referred to under the name of Bruces Eddy Dam and Reservoir shall be held and considered to refer to such dam and reservoir by the name of Dworshak Dam and Reservoir.

Approved August 15, 1963.

Public Law 88-97

August 15, 1963
[S. 130]

AN ACT

To change the name of Fort Randall Reservoir in the State of South Dakota to Lake Francis Case.

South Dakota.
Lake Francis Case.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Fort Randall Reservoir in the State of South Dakota shall be known as Lake Francis Case in honor of the late Senator of South Dakota, who was so very instrumental in the development of the Missouri River Basin program. Any law, regulation, document, or record of the United States in which such reservoir is referred to by any other name shall be held and considered to refer to such reservoir by the name of Lake Francis Case.

Approved August 15, 1963.

Public Law 88-98

August 15, 1963
[S. 131]

AN ACT

To change the name of the Big Bend Reservoir in the State of South Dakota to Lake Sharpe.

South Dakota.
Lake Sharpe.
Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Big Bend Reservoir in the State of South Dakota shall be known and designated hereafter as Lake Sharpe in honor of M. Q. Sharpe, the late Governor of South Dakota, who was so very instrumental in the development of the Missouri River Basin program. Any law, regulation, document, or record of the United States in which such reservoir is referred to by any other name shall be held and considered to refer to such reservoir by the name of Lake Sharpe.

Approved August 15, 1963.

Public Law 88-99

August 19, 1963
[S. 1388]

AN ACT

To add certain lands to the Cache National Forest, Utah.

Cache National Forest, Utah.
Land addition.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the exterior boundaries of the Cache National Forest, Utah, are hereby extended to include the following described lands:

A tract of land in the north half of the northeast quarter of section 24, township 6 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the northeast corner of said section 24, and running thence south following the east line of said section 24 522.4 feet; thence north 65 degrees 16 minutes west 250.3 feet; thence along a regular curve to the left with a radius of 3,743.2 feet, for an arc distance of 1,606.0 feet; thence north 0 degrees 08 minutes east 78.9 feet to the north line of said section 24; thence south 89 degrees 52 minutes east along the section line 1,783.4 feet to the point of beginning, containing 10.2 acres.

A tract of land in sections 18 and 19, township 6 north, range 2 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southwest corner of said section 18 and running thence north 0 degrees 21 minutes east along the west line of said section 18, 3,960.0 feet; thence north 88 degrees 39 minutes east 150.0 feet; thence south 1 degree 22 minutes east 318.2 feet; thence north 88 degrees 38 minutes east 15.0 feet; thence south 1 degree 00 minutes east 137.0 feet; thence east 280.0 feet; thence south 159.0 feet;

thence north 88 degrees 49 minutes east 406.0 feet; thence south 51 degrees 20 minutes east 96.1 feet; thence south 71 degrees 13 minutes east 158.4 feet; thence south 54 degrees 15 minutes east 162.6 feet; thence south 25.0 feet; thence south 41 degrees 53 minutes east 233.7 feet; thence south 57 degrees 04 minutes east 408.1 feet;

thence north 88 degrees 39 minutes east 120.0 feet; thence south 1 degree 21 minutes east 64.0 feet; thence south 67 degrees 27 minutes east 144.4 feet; thence north 1 degree 21 minutes west 59.1 feet; thence north 89 degrees 14 minutes east 58.7 feet; thence south 3 degrees 43 minutes east 228.1 feet;

thence east 55.5 feet; thence south 18 degrees 28 minutes east 139.2 feet; thence south 27 degrees 28 minutes east 332.6 feet; thence south 89 degrees 11 minutes east 131.3 feet; thence south 4 degrees 30 minutes east 494.1 feet; thence south 43 degrees 29 minutes east 307.2 feet; thence south 85 degrees 12 minutes east 145.9 feet;

thence south 4 degrees 45 minutes east 769.2 feet; thence south 3 degrees 48 minutes west 300.0 feet; thence westerly 70.0 feet, more or less; thence south 6 degrees 15 minutes east 235.0 feet; thence south 42 degrees 00 minutes east 115.2 feet; thence east 164.5 feet; thence south 9 degrees 00 minutes east 1,025.2 feet; thence south 54 degrees 00 minutes east 365.7 feet;

thence along a regular curve to the right with a radius of 1,850.08 feet for an arc distance of 1,126.0 feet, the tangent at the beginning of the curve bears south 64 degrees 09 minutes west; thence north 5 degrees 00 minutes east 61.8 feet; thence north 9 degrees 15 minutes east 400.0 feet; thence north 85 degrees 14 minutes west 1,191.0 feet; thence north 401.0 feet; thence south 82 degrees 20 minutes west 256.0 feet; thence south 31 degrees 38 minutes west 231.8 feet;

thence west 120.0 feet; thence south 1 degree 30 minutes west 204.6 feet; thence north 65 degrees 16 minutes west 766.7 feet to the west line of said section 19; thence north 522.4 feet to the point of beginning, containing 246.0 acres.

A tract of land in the northwest quarter of the northeast quarter of section 13, township 6 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southwest corner of said northwest quarter northeast quarter, from which point the north quarter corner of said section 13 bears north 0 degrees 57 minutes east 1,320.0 feet, and running thence north 0 degrees 57 minutes east along the

west line of said northwest quarter northeast quarter 195.0 feet; thence north 65 degrees 04 minutes east 361.3 feet;

thence south 51 degrees 18 minutes east 284.6 feet; thence east 322.0 feet; thence south 170.0 feet, more or less, to the south line of said northwest quarter northeast quarter; thence north 89 degrees 57 minutes west 875.0 feet, more or less, to the point of beginning, containing 4.4 acres.

A tract of land in the southeast quarter of the southeast quarter of section 12 and the northeast quarter of the northeast quarter of section 13, township 6 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the northeast corner of said section 13 and running thence south along the east line of said section 13 576.0 feet to a point on the north line of First Street of the Huntsville townsite; thence south 88 degrees 39 minutes west 473.3 feet; thence north 0 degrees 07 minutes east 75.0 feet;

thence north 61 degrees 26 minutes west 496.4 feet; thence north 4 degrees 53 minutes west 284.7 feet to a point on the south line of section 12; thence continuing north 4 degrees 53 minutes west 349.3 feet; thence north 9 degrees 37 minutes east 196.5 feet;

thence east 40.0 feet; thence north 2 degrees 47 minutes east 120.0 feet, more or less, to the north line of the south half southeast quarter southeast quarter of section 12; thence east along said line, 900.0 feet, more or less, to the east line of said section 12, thence south 0 degrees 21 minutes west 660.0 feet to the point of beginning, containing 24.9 acres.

A tract of land in the southwest quarter of the southwest quarter of section 6 and in the west half of section 7 and in the north half of the northwest quarter of section 18, township 6 north, range 2 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southwest corner of said section 7 and running thence north 0 degrees 21 minutes east along the section line 5,280.0 feet to the southwest corner of said section 6; thence continuing north along the section line 1,320.0 feet, thence east 1,320.0 feet; thence south 1,320.0 feet to the north line of said section 7;

thence south 3,960.0 feet; thence north 88 degrees 43 minutes east 500.0 feet; thence south 3 degrees 00 minutes east 1,232.0 feet; thence south 71 degrees 24 minutes west 301.3 feet to the south line of said section 7; thence south 24 degrees 44 minutes west 310.2 feet; thence south 130.5 feet; thence south 88 degrees 39 minutes west 335.25 feet;

thence north 130.5 feet; thence south 88 degrees 08 minutes west 121.5 feet; thence north 76.0 feet; thence south 88 degrees 27 minutes west 414.9 feet; thence south 6 degrees 45 minutes east 192.0 feet; thence west 100.0 feet; thence south 34 degrees 02 minutes west 220.0 feet; thence south 88 degrees 39 minutes west 419.1 feet to west line of said section 18; thence north 576.0 feet to the point of beginning, containing 230 acres, more or less.

A tract of land in sections 1, 2, 3 and 12, township 6 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the northwest corner of said section 2 and running thence east along the section line 5,280.0 feet to the northwest corner of said section 1; thence east along the section line 5,280.0 to the northeast corner of said section 1; thence south along the section line 5,280.0 feet to the northeast corner of said section 12; thence south along the section line 1,320.0 feet;

thence west 1,320.0 feet; thence north 1,320.0 feet to a point on the south line of said section 1; thence west along the section

line 1,320.0 feet; thence north 3,960.0 feet; thence west 2,640.0 feet to a point on the east line of said section 2; thence south along the section line 2,640.0 feet; thence west 1,320.0 feet; thence south 1,320.0 feet to a point on the south line of said section 2;

thence west along the section line 1,320.0 feet; thence north 3,960.0 feet; thence west 2,640.0 feet to the east line of said section 3; thence west 3,960.0 feet; thence north 1,320.0 feet to the north line of said section 3; thence east along the section line 3,960.0 feet to the point of beginning, containing 920.0 acres.

A tract of land in the south half of the south half of section 36, township 7 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southwest corner of said section 36 and running thence north along the west line of said section 36 1,320.0 feet; thence east 3,300.0 feet; thence south 1,320.0 feet to the south line of said section 36; thence west along said south line 3,300.0 feet to the point of beginning, containing 100 acres.

A tract of land in the south half of section 34, township 7 north, range 1 east, Salt Lake base and meridian, being more particularly described as follows:

Beginning at the southeast corner of said section 34 and running thence north along the east line of said section 34 1,980.0 feet; thence west 3,960.0 feet; thence south 1,980.0 feet to the south line of said section 34; thence east along said south line 3,960.0 feet to the point of beginning, containing 180 acres.

SEC. 2. All lands of the United States within such extended boundaries together with all federally owned lands within the former forest boundary which are included within the enlarged Pineview Reservoir site in sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, and 24, township 6 north, range 1 east, sections 6, 7, 18, and 19, township 6 north, range 2 east, and sections 34 and 36, township 7 north, range 1 east, Salt Lake base and meridian, and including any lands within such boundaries hereafter acquired by the United States in connection with the Weber Basin project, shall hereafter be national forest lands subject to the laws, rules, and regulations applicable to lands acquired pursuant to the Act of March 1, 1911 (36 Stat. 961), as amended: *Provided*, That none of these lands shall be sold, exchanged, or otherwise be disposed of by the Secretary of Agriculture without the approval of the Secretary of the Interior and any revenue from disposal so authorized shall be credited pursuant to reclamation law.

16 USC 480, 500, 513-519, 521, 552, 563.

SEC. 3. (a) The Secretary of Agriculture shall make available, from the lands referred to in the foregoing sections of this Act, to the Bureau of Reclamation of the Department of the Interior, such lands as the Secretary of the Interior finds are needed in connection with the Weber Basin and Ogden River reclamation projects, and shall include particularly as a minimum area needed for such project, all the normal water surface area of the Pineview Reservoir and an adjacent border strip extending out from such water surface area a minimum horizontal distance of 100 feet around said reservoir, and in addition all the reclamation acquired land in section 16, township 6 north, range 1 east.

(b) The Secretary of the Interior is authorized to enter into such agreements with the Secretary of Agriculture with respect to the relative responsibilities of the aforesaid Secretaries for the administration of, as well as accountings for and use of revenues arising from, lands made available to the Bureau of Reclamation of the Department of the Interior pursuant to subsection (a) as the Secretary of the Interior finds to be proper in carrying out the purpose of this Act.

Approved August 19, 1963.

Public Law 88-100

August 19, 1963
[S. 1652]

AN ACT

To amend the National Cultural Center Act to extend the termination date contained therein, and to enlarge the Board of Trustees.

National Cultural Center Amendments Act of 1963.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 2 of the National Cultural Center Act (72 Stat. 1698) is amended in its last clause by striking out the word "fifteen" and inserting in lieu thereof the word "thirty".

SEC. 2. Subsection (b) of section 2 of the National Cultural Center Act (72 Stat. 1698) is amended to read as follows:

"(b) The general trustees shall be appointed by the President of the United States and each such trustee shall hold office as a member of the Board for a term of ten years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, (2) the terms of any members appointed prior to the date of enactment of the National Cultural Center Amendments Act of 1963 shall expire as designated by the President at the time of appointment, and (3) the terms of the first fifteen members appointed to the Board pursuant to the amendments made by the National Cultural Center Amendments Act of 1963 shall expire, as designated by the President at the time of appointment, three on September 1, 1964, three on September 1, 1966, three on September 1, 1968, three on September 1, 1970, and three on September 1, 1972."

SEC. 3. Subsection (a) of section 6 of the National Cultural Center Act (72 Stat. 1699) is amended in its second sentence by deleting the word "eight" and substituting in lieu thereof "twelve".

SEC. 4. Subsection (a) of section 7 of the National Cultural Center Act (72 Stat. 1700) is amended by deleting the word "five" and substituting in lieu thereof the word "eight".

Short title.

SEC. 5. This Act may be cited as the "National Cultural Center Amendments Act of 1963".

Approved August 19, 1963.

Public Law 88-101

August 20, 1963
[H. R. 3872]

AN ACT

To increase the lending authority of the Export-Import Bank of Washington, to extend the period within which the Export-Import Bank of Washington may exercise its functions, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2 (c) (1) of the Export-Import Bank of 1945 is amended by striking out "$1,000,000,000" and inserting in lieu thereof "$2,000,000,000".

59 Stat. 526, 529.
12 USC 635.

(b) Section 7 of such Act is amended by striking out "$7,000,000,000" and inserting in lieu thereof "$9,000,000,000".

12 USC 635e.

SEC. 2. Section 8 of the Export-Import Bank Act of 1945 is amended by striking out "June 30, 1963" and inserting in lieu thereof "June 30, 1968".

12 USC 635f.

Approved August 20, 1963.

Public Law 88-102

AN ACT

To authorize the construction and equipping of buildings required in connection with the operations of the Bureau of the Mint.

August 20, 1963
[S. 874]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized, acting through the Administrator of General Services, (1) to design and construct such buildings as may be required in connection with the operations of the Bureau of the Mint; (2) to furnish and equip such buildings with all necessary building equipment, facilities, and utilities; and (3) to acquire suitable sites for such buildings by purchase, condemnation, donation, exchange, or otherwise. The Secretary of the Treasury is authorized to furnish and equip such buildings with all necessary coinage and other special equipment and facilities.

Bureau of the Mint.
Buildings, construction and equipping.

SEC. 2. All functions with respect to the operation, maintenance, and custody of any building constructed pursuant to this Act are hereby vested in the Secretary of the Treasury, and all functions with respect to the repair and improvement of any such building are hereby vested in the Administrator of General Services.

SEC. 3. Nothing contained in this Act shall be construed as authorizing the construction of any public building as defined in the Public Buildings Act of 1959.

73 Stat. 482.
40 USC 612.

SEC. 4. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for each fiscal year which begins after June 30, 1963, and ends before July 1, 1973, such sums as may be necessary to carry out this Act, except that the aggregate of sums appropriated under this section shall not exceed $30,000,000. Sums appropriated to the Department of the Treasury for the purposes of this Act may be available for transfer to the Administrator of General Services to remain available until expended.

Approved August 20, 1963.

Public Law 88-103

AN ACT

To exclude cargo which is lumber from certain tariff filing requirements under the Shipping Act, 1916, as amended.

August 22, 1963
[S. 1032]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 18(b)(1) of the Shipping Act, 1916, as amended (46 U.S.C. 817(b)(1)), is amended by striking out the period at the end thereof and inserting in lieu thereof a comma and the following: "or to cargo which is lumber. As used in this paragraph, the term 'lumber' means lumber not further manufactured than passing lengthwise through a standard planing machine and crosscut to length, logs, poles, piling, and ties, including such articles preservatively treated, or bored, or framed, but not including plywood or finished articles knocked down or set up."

Lumber.
Tariff filing requirements, exclusion.
75 Stat. 764.

Approved August 22, 1963.

93-025 O-64-11

Public Law 88-104

August 27, 1963
[H. R. 6177]

AN ACT

To provide for increased Federal Government participation in meeting the costs of maintaining the Nation's Capital City and to authorize Federal loans to the District of Columbia for capital improvement programs.

D.C. Federal payment, increase. 72 Stat. 183.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 2 of article VI of the District of Columbia Revenue Act of 1947 (D.C. Code, sec. 47–2501b) is amended by striking out "and the sum of $21,000,000 for the fiscal year 1959 and for each fiscal year thereafter" and inserting in lieu thereof the following: "the sum of $21,000,000 for each of the fiscal years 1959 through 1963, inclusive, and the sum of $39,000,000 for the fiscal year 1964 and for each fiscal year thereafter", and in the proviso in such subsection (a) by striking out "and subsequent fiscal years" and inserting in lieu thereof "and for each subsequent fiscal year through and including fiscal year 1963".

Borrowing authority, increase.

SEC. 2. (a) Subsection (b) of section 1 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City", approved June 6, 1958 (72 Stat. 183), is amended by striking "$75,000,000" and inserting in lieu thereof "$175,000,000".

D. C. Code 9-220.

(b) Subsection (f) of section 1 of such Act is amended by striking out "June 30, 1968" and inserting in lieu thereof "June 30, 1973".

Approved August 27, 1963.

Public Law 88-105

August 27, 1963
[H. R. 7043]

AN ACT

To amend the Act of March 2, 1931, to provide that certain proceedings of the Veterans of World War I of the United States, Incorporated, shall be printed as a House document, and for other purposes.

World War I Veterans. Encampments, printing of proceedings. *Post*, p. 469.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of March 2, 1931, as amended (44 U.S.C. 275b), is amended to read as follows:

"That hereafter the proceedings of the national encampments of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Military Order of the Purple Heart, the Veterans of World War I of the United States of America, Incorporated, and the Disabled American Veterans of the World War, respectively, shall be printed annually, with accompanying illustrations, as separate House documents of the session of the Congress to which they may be submitted."

Repeal. 72 Stat. 374.

SEC. 2. The last sentence of section 16 of Public Law 85–530 (36 U.S.C. 776) is repealed.

Approved August 27, 1963.

Public Law 88-106

AN ACT

August 27, 1963
[H. R. 7824]

To continue, for the period ending November 30, 1963, the existing temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the period beginning on September 1, 1963, and ending on November 30, 1963, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act, as amended (31 U.S.C. 757b), shall be temporarily increased to $309,000,000,000.

Debt limit.
Temporary increase.

Ante, p. 50.

Approved August 27, 1963.

Public Law 88-107

JOINT RESOLUTION

August 27, 1963
[S. J. Res. 51]

To authorize the presentation of an Air Force Medal of Recognition to Major General Benjamin D. Foulois, retired.

Whereas Major General Benjamin D. Foulois (retired) enlisted in the Army Corps of Engineers on July 7, 1898, was subsequently commissioned as an officer in the Army, became associated with the aviation section of the Signal Corps of the Army in 1908, and qualified as a pilot in 1909; and

Whereas during the punitive expedition into Mexico in 1915 and 1916, he commanded the First Aero Squadron with that expedition; and

Whereas during World War I he served as Chief of the Air Services of the American Expeditionary Forces in France, was elevated to the post of Assistant Chief of the Air Corps in 1927, became Chief of the Army Air Corps in 1931, and continued in that assignment until his retirement as a major general on December 31, 1935; and

Whereas Major General Benjamin D. Foulois (retired), during his twenty-seven years of commissioned service, played a major role in the development of the role of military air power and of the military department now having primary cognizance over military air power, the United States Air Force; and

Whereas General Foulois, now nearly eighty-four years of age, has devoted twenty-seven years in a retired status to the furtherance of aviation, which matches the twenty-seven years of his active commissioned service in behalf of aviation, and totals fifty-four years of uninterrupted dedication and service to the development of aviation; and

Whereas military decorations and awards in specific recognition of aviation service were not authorized during the active military career of General Foulois and he has, therefore, never received a military decoration or award for such service: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Air Force is authorized to cause an appropriate medal to be struck, with suitable emblems, devices, and inscriptions, in recognition of more than fifty years of devoted service by Major General Benjamin D. Foulois (retired) to the advancement of aviation and to present said medal to Major General Benjamin D. Foulois (retired), together with a copy of this joint resolution engrossed on parchment.

Maj. Gen. Benjamin D. Foulois (retired).
Medal.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sum as may be necessary to carry out the provisions of this joint resolution.

Appropriation authorization.

Approved August 27, 1963.

Public Law 88-108

JOINT RESOLUTION

August 28, 1963
[S. J. Res. 102]

To provide for the settlement of the labor dispute between certain carriers by railroad and certain of their employees.

Whereas the labor dispute between the carriers represented by the Eastern, Western, and Southeastern Carriers' Conference Committees and certain of their employees represented by the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors and Brakemen, Brotherhood of Railroad Trainmen, and the Switchmen's Union of North America, labor organizations, threatens essential transportation services of the Nation; and

Whereas it is essential to the national interest, including the national health and defense, that essential transportation services be maintained; and

Whereas all the procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute; and

45 USC 151.

Whereas the Congress finds that emergency measures are essential to security and continuity of transportation services by such carriers; and

Whereas it is desirable to achieve the above objectives in a manner which preserves and prefers solutions reached through collective bargaining; and

Whereas, on August 2, 1963, the Secretary of Labor submitted to the carrier and organization representatives certain suggestions as a basis of negotiation for disposition of the fireman (helper) and crew consist issues in the dispute and thereupon through such negotiations tentative agreement was reached with respect to portions of such suggestions; and

Whereas, on August 16, 1963, the carrier parties to the dispute accepted and the organization parties to the dispute accepted with certain reservations the Secretary of Labor's suggestion that the fireman (helper) and crew consist issues be resolved by binding arbitration but the said parties have been unable to agree upon the terms and procedures of an arbitration agreement: Therefore be it

Railroads, settlement of disputes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no carrier which served the notices of November 2, 1959, and no labor organization which received such notices or served the labor organization notices of September 7, 1960, shall make any change except by agreement, or pursuant to an arbitration award as hereinafter provided, in rates of pay, rules, or working conditions encompassed by any of such notices, or engage in any strike or lockout over any dispute arising from any of such notices. Any action heretofore taken which would be prohibited by the foregoing sentence shall be forthwith rescinded and the status existing immediately prior to such action restored.

Arbitration board.

SEC. 2. There is hereby established an arbitration board to consist of seven members. The representatives of the carrier and organization parties to the aforesaid dispute are hereby directed, respectively, within five days after the enactment hereof each to name two persons to serve as members of such arbitration board. The four members thus chosen shall select three additional members. The seven members shall then elect a chairman. If the members chosen by the parties shall fail to name one or more of the additional three members within ten days, such additional members shall be named by the President. If either party fails to name a member or members to the arbitration board within the five days provided, the President shall name such

member or members in lieu of such party and shall also name the additional three members necessary to constitute a board of seven members, all within ten days after the date of enactment of this joint resolution. Notwithstanding any other provision of law, the National Mediation Board is authorized and directed: (1) to compensate the arbitrators not named by the parties at a rate not in excess of $100 for each day together with necessary travel and subsistence expenses, and (2) to provide such services and facilities as may be necessary and appropriate in carrying out the purposes of this joint resolution.

SEC. 3. Promptly upon the completion of the naming of the arbitration board the Secretary of Labor shall furnish to the board and to the parties to the dispute copies of his statement to the parties of August 2, 1963, and the papers therewith submitted to the parties, together with memorandums and such other data as the board may request setting forth the matters with respect to which the parties were in tentative agreement and the extent of disagreement with respect to matters on which the parties were not in tentative agreement. The arbitration board shall make a decision, pursuant to the procedures hereinafter set forth, as to what disposition shall be made of those portions of the carriers' notices of November 2, 1959, identified as "Use of Firemen (Helpers) on Other Than Steam Power" and "Consist of Road and Yard Crews" and that portion of the organizations' notices of September 7, 1960, identified as "Minimum Safe Crew Consist" and implementing proposals pertaining thereto. The arbitration board shall incorporate in such decision any matters on which it finds the parties were in agreement, shall resolve the matters on which the parties were not in agreement, and shall, in making its award, give due consideration to those matters on which the parties were in tentative agreement. Such award shall be binding on both the carrier and organization parties to the dispute and shall constitute a complete and final disposition of the aforesaid issues covered by the decision of the board of arbitration.

SEC. 4. To the extent not inconsistent with this joint resolution the arbitration shall be conducted pursuant to sections 7 and 8 of the Railway Labor Act, the board's award shall be made and filed as provided in said sections and shall be subject to section 9 of said Act. The United States District Court for the District of Columbia is hereby designated as the court in which the award is to be filed, and the arbitration board shall report to the National Mediation Board in the same manner as arbitration boards functioning pursuant to the Railway Labor Act. The award shall continue in force for such period as the arbitration board shall determine in its award, but not to exceed two years from the date the award takes effect, unless the parties agree otherwise.

44 Stat. 582-585.
45 USC 157, 158, 159.

SEC. 5. The arbitration board shall begin its hearings thirty days after the enactment of this joint resolution or on such earlier date as the parties to the dispute and the board may agree upon and shall make and file its award not later than ninety days after the enactment of this joint resolution: *Provided, however*, That said award shall not become effective until sixty days after the filing of the award.

Hearings.

SEC. 6. The parties to the disputes arising from the aforesaid notices shall immediately resume collective bargaining with respect to all issues raised in the notices of November 2, 1959, and September 7, 1960, not to be disposed of by arbitration under section 3 of this joint resolution and shall exert every reasonable effort to resolve such issues by agreement. The Secretary of Labor and the National Mediation Board are hereby directed to give all reasonable assistance to the parties and to engage in mediatory action directed toward promoting such agreement.

SEC. 7. (a) In making any award under this joint resolution the arbitration board established under section 2 shall give due consideration to the effect of the proposed award upon adequate and safe transportation service to the public and upon the interests of the carrier and employees affected, giving due consideration to the narrowing of the areas of disagreement which has been accomplished in bargaining and mediation.

(b) The obligations imposed by this joint resolution, upon suit by the Attorney General, shall be enforcible through such orders as may be necessary by any court of the United States having jurisdiction of any of the parties.

Expiration date.

SEC. 8. This joint resolution shall expire one hundred and eighty days after the date of its enactment, except that it shall remain in effect with respect to the last sentence of section 4 for the period prescribed in that sentence.

SEC. 9. If any provision of this joint resolution or the application thereof is held invalid, the remainder of this joint resolution and the application of such provision to other parties or in other circumstances not held invalid shall not be affected thereby.

Approved August 28, 1963.

Public Law 88-109

JOINT RESOLUTION

August 28, 1963
[H. J. Res. 667]

Making continuing appropriations for the fiscal year 1964, and for other purposes.

Continuing appropriations, 1964.
Ante, p. 74.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 29, 1963 (Public Law 88–55), is hereby amended by striking out "August 31, 1963" and inserting in lieu thereof "October 31, 1963".

Approved August 28, 1963.

Public Law 88-110

AN ACT

September 3, 1963
[H. R. 6996]

To repeal section 262 of the Armed Forces Reserve Act, as amended, and to amend the Universal Military Training and Service Act, as amended, to revise and consolidate authority for deferment from, and exemption from liability for induction for, training and service for certain Reserve membership and participation, and to provide a special enlistment program, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 262 of the Armed Forces Reserve Act of 1952, as amended (50 U.S.C. 1013), is repealed.

Armed Forces. Enlistment programs.
69 Stat. 600.

SEC. 2. Section 6(c)(2) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 456(c)(2)), is further amended to read as follows:

69 Stat. 603.

"(A) Any person, other than a person referred to in subsection (d) hereof, who, prior to attaining the age of twenty-six years and prior to the issuance of orders for him to report for induction, enlists or accepts appointment in the Ready Reserve of any reserve component of the Armed Forces, the Army National Guard, or the Air National Guard, shall be deferred from training and service under this Act so long as he serves satisfactorily as a

member of an organized unit of such Ready Reserve or National Guard in accordance with section 270 of title 10 or section 502 of title 32, United States Code, as the case may be, or satisfactorily performs such other Ready Reserve service as may be prescribed by the Secretary of Defense. Notwithstanding the provisions of subsection (h) hereof, no person deferred under this clause who has completed six years of such satisfactory service as a member of the Ready Reserve or National Guard, and who during such service has performed active duty for training with an armed force for not less than four consecutive months, shall be liable for induction for training and service under this Act, except after a declaration of war or national emergency made by the Congress after August 9, 1955.

72 Stat. 1438; 75 Stat. 807. *Post*, p. 136. 70A Stat. 610.

"(B) A person who, under any provision of law, is exempt or deferred from training and service under this Act by reason of membership in a reserve component, the Army National Guard, or the Air National Guard, as the case may be, shall, if he becomes a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, continue to be exempt or deferred to the same extent as if he had not become a member of another reserve component, the Army National Guard, or the Air National Guard, as the case may be, so long as he continues to serve satisfactorily.

"(C) Except as provided in subsection (b) and the provisions of this subsection, no person who becomes a member of a reserve component after February 1, 1951, shall thereby be exempt from registration or training and service by induction under the provisions of this Act.

"(D) Notwithstanding any other provision of this Act, the President, under such rules and regulations as he may prescribe, may provide that any person enlisted or appointed after October 4, 1961, in the Ready Reserve of any reserve component of the Armed Forces (other than under section 511(b) of title 10, United States Code), the Army National Guard, or the Air National Guard, prior to attaining age of twenty-six years, or any person enlisted or appointed in the Army National Guard or the Air National Guard or enlisted in the Ready Reserve of any reserve component prior to attaining the age of eighteen years and six months and deferred under the prior provisions of this paragraph as amended by the Act of October 4, 1961, Public Law 87–378 (75 Stat. 807), or under section 262 of the Armed Forces Reserve Act of 1952, as amended, who fails to serve satisfactorily during his obligated period of service as a member of such Ready Reserve or National Guard or the Ready Reserve of another reserve component or the National Guard of which he becomes a member, may be selected for training and service and inducted into the armed force of which such reserve component is a part, prior to the selection and induction of other persons liable therefor."

72 Stat. 1439.

50 USC app. 456. 69 Stat. 600. 50 USC 1013.

SEC. 3. Section 511 of title 10, United States Code, is amended by adding the following new subsection at the end thereof:

72 Stat. 1439.

"(d) Under regulations to be prescribed by the Secretary of Defense, or the Secretary of the Treasury with respect to the Coast Guard when it is not operating as a service in the Navy, a non-prior-service person who is under twenty-six years of age, who is qualified for induction for active duty in an armed force, and who is not under orders to report for induction into an armed force under section 451–473 of title 50, appendix, may be enlisted in the Army National Guard or the Air National Guard, or as a Reserve for service in the Army Reserve, Naval Reserve. Air Force Reserve, Marine Corps Reserve,

or Coast Guard Reserve, for a term of six years. Each person enlisted under this subsection shall perform an initial period of active duty for training of not less than four months and shall subject to section 269 (e) (4) of this title, serve the rest of his period of enlistment as a member of the Ready Reserve."

70A Stat. 12; 72 Stat. 1437.

SEC. 4. Section 270(b) of title 10, United States Code, is amended by striking out the following: ", other than one enlisted under section 456(c) (2) (C) of title 50, appendix,".

69 Stat. 603.

SEC. 5. This Act shall not affect any term of obligated service incurred before the effective date of this Act. In addition, the enactment of this Act shall not increase the minimum period of active duty or active duty for training that is required on the day before the effective date of this Act to earn an exemption from training and service under the Universal Military Training and Service Act, as amended (50 U.S.C. App. 451 et seq.), in the case of persons who entered the Armed Forces before the effective date of this Act.

62 Stat. 604.

SEC. 6. Section 13(a) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 463(a)), is amended by striking out "sections 281, 283, or 284 of title 18 of the United States Code, in section 190 of the Revised Statutes (U.S.C., title 5, sec. 99)", and inserting in place thereof "sections 203, 205, or 207 of title 18 of the United States Code".

76 Stat. 1126.

Approved September 3, 1963.

Public Law 88-111

September 3, 1963
[H. R. 4330]

AN ACT

To amend the District of Columbia Business Corporation Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Business Corporation Act, approved June 8, 1954 (68 Stat. 179; D.C. Code 29–901), is amended as follows:

D. C. Business Corporation Act Amendments of 1963.

D. C. Code 29-904.

(1) Section 4 of such Act is amended by adding at the end of subsection (h) the following new sentence: "No corporation formed hereunder shall plead any statutes against usury in any action."

D. C. Code 29-907a.

(2) Section 11 of such Act is amended by adding the following subsections at the end thereof:

"(e) The registered agent of one or more domestic corporations may change the address of the registered office of such domestic corporation or corporations by filing with the Commissioners a statement setting forth:

"(1) the name of the registered agent;

"(2) the present address, including street and number, if any, of such registered agent;

"(3) the names of the corporation or corporations represented by such registered agent at such address;

"(4) the address, including street and number, if any, to which the office of such registered agent is to be changed; and

"(5) the date upon which such change will take place.

"(f) Such statement shall be executed in duplicate by such registered agent in his individual name, but if such agent is a corporation, domestic or foreign, such statement shall be executed by such corporation by its president or vice president and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary and delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall, when all fees and charges have been paid as prescribed in this Act:

"(1) endorse on each of such duplicate originals the word 'Filed' and the month, day, and year of the filing thereof;

"(2) file one of such duplicate originals in their office; and

"(3) return the other duplicate original to the registered agent.

"(g) The change of address of such registered agent as to the domestic corporation or corporations named in such statement shall become effective upon the filing of such statement by the Commissioners or on the date set forth in such statement as the date on which such change of location of such registered office will take place, whichever is later."

(3) Subsection (b) of section 12 of such Act is amended to read as follows: D. C. Code 29-907b.

"(b) Whenever a corporation shall fail to appoint or maintain a registered agent in the District, or whenever any such registered agent cannot with reasonable diligence be found at the registered office of such corporation in the District, or whenever the articles of incorporation of any domestic corporation shall be revoked, then the Commissioners shall be an agent of such corporation upon whom any process against such corporation may be served and upon whom any notice or demand required or permitted by law to be served upon such corporation may be served. Service on the Commissioners of any such process, notice, or demand shall be made by delivering to and leaving with the Commissioners, or with any clerk having charge of their office duplicate copies of such process, notice, or demand. In the event any such process, notice, or demand is so served, the Commissioners shall immediately cause one of such copies thereof to be forwarded by registered or certified mail, addressed to the corporation at its registered office."

(4) Section 32 of such Act is amended by adding the following sentence at the end thereof: "Unless otherwise provided in the articles of incorporation or bylaws, the board of directors, by the affirmative vote of a majority of the directors then in office, and irrespective of any personal interest of any director, shall have authority to establish reasonable compensation of all directors for services to the corporation as directors, officers, or otherwise." D. C. Code 29-916.

(5) Section 3 of such Act is amended by striking therefrom the following: ": *Provided further*, That no corporation may be organized under this Act unless the place where it conducts its principal business is located within the District of Columbia"., D. C. Code 29-903.

(6) Section 71(b) of such Act is amended (1) by striking out "and" in paragraph (2), (2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and "and", and (3) by adding at the end thereof the following new paragraph: D. C. Code 29-927g.

"(4) a post office address to which the Commissioners may mail a copy of any process against the corporation that may be served on them."

(7) Section 107 of such Act is amended by adding the following subsections at the end thereof: D. C. Code 29-933h.

"(f) A registered agent of one or more foreign corporations may change the address of the registered office of such foreign corporation or corporations by filing with the Commissioners a statement setting forth:

"(1) the name of the registered agent;

"(2) the present address, including street and number, if any, of such registered agent;

"(3) the names of the corporation or corporations represented by such registered agent at such address;

"(4) the address, including street and number, if any, to which the office of such registered agent is to be changed; and

"(5) the date upon which such change will take place."

"(g) Such statement shall be executed in duplicate by such registered agent in his individual name but if such agent is a corporation, domestic or foreign, such statement shall be executed by such corporation by its president or a vice president and the corporate seal shall be thereto affixed, attested by its secretary or an assistant secretary, and delivered to the Commissioners. If the Commissioners find that such statement conforms to law, they shall, when all fees and charges have been paid as in this Act prescribed:

"(1) endorse on each of such duplicate originals the word 'Filed' and the month, day, and year of the filing thereof;

"(2) file one of such duplicate originals in their office; and

"(3) return the other duplicate original to the registered agent.

"(h) The change of address of such registered agent as to each corporation named in such statement shall become effective upon the filing of such statement by the Commissioners or on the date set forth in such statement as the date on which such change of location of such registered office will take place, whichever is later."

D. C. Code 29-933i.

(8) Section 108 of such Act is amended to read as follows:

"SERVICE OF PROCESS ON FOREIGN CORPORATION

"SEC. 108. (a) The registered agent so appointed by a foreign corporation authorized to transact business in the District shall be an agent of such foreign corporation upon whom process against such corporation may be served, and upon whom any notice or demand required or permitted by law to be served upon such corporation may be served. Service of any process, notice, or demand upon a corporate agent, as such agent, may be had by delivering a copy of such process, notice, or demand to the president, vice president, the secretary, or an assistant secretary of such corporate agent.

"(b) Whenever a foreign corporation authorized to transact business in the District shall fail to appoint or maintain a registered agent in the District, or whenever any such registered agent cannot with reasonable diligence be found at the registered office of such corporation in the District, or whenever the certificate of authority of a foreign corporation shall be revoked, then the Commissioners shall be an agent of such foreign corporation upon whom any process against such corporation may be served and upon whom any notice or demand required or permitted by law to be served upon such corporation may be served. Service on the Commissioners of any such process, notice, or demand shall be made by delivering to and leaving with the Commissioners, or with any clerk having charge of their office, duplicate copies of such process, notice, or demand. In the event any such process, notice, or demand is served on the Commissioners, they shall immediately cause one of such copies thereof to be forwarded by registered or certified mail, addressed to such corporation at its principal office in the State under the laws of which it is organized as the same appears in the records of the Commissioners.

"(c) If any foreign corporation shall transact business in the District without a certificate of authority, it shall, by transacting such business, be deemed to have thereby appointed the Commissioners its agent and representatives upon whom any process, notice, or demand may be served. Service shall be made by delivering to and leaving with the Commissioners, or with any clerk having charge of their office, duplicate copies of such process, notice, or demand, together with an affidavit giving the latest known post office address of such corporation and such service shall be sufficient if notice thereof and

a copy of the process, notice, or demand are forwarded by registered mail or certified mail addressed to such corporation at the address given in such affidavit.

"(d) The Commissioners shall keep a record of all processes, notices, and demands served upon them under this section, and shall record therein the time of such service and their action with reference thereto.

"(e) Nothing herein contained shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served upon a foreign corporation in any other manner now or hereafter permitted by law."

(9) Subsection (b) of section 121 of such Act is amended (1) by striking out the period at the end thereof and inserting in lieu thereof a semicolon, and (2) by adding at the end thereof the following: D. C. Code 29-936.

"(20) filing by a registered agent of corporations of a statement of change of address of such registered agent, $5, plus $1 for each corporation, domestic or foreign, listed in such statement; and

"(21) furnishing a certificate as to the status of a corporation, domestic or foreign, or as to the existence or nonexistence of facts relating to corporations, domestic or foreign, such fee as they may, from time to time, determine to be reasonable."

(10) Section 127 of such Act is amended to read as follows: D. C. Code 29-938d.

"REINSTATEMENT OF PROCLAIMED CORPORATIONS

"SEC. 127. (a) A corporation, the articles of incorporation or certificate of authority of which have been revoked by proclamation, may at any time after the date of the issuance of the proclamation of revocation deliver to the Commissioners a petition for reinstatement, in duplicate, accompanied by the delinquent annual report or reports, or payment of delinquent annual report fee or fees in full, or both, as the case may be, plus interest thereon as provided by this Act, together with any penalties imposed by this Act.

"(b) If the petition for reinstatement of a proclaimed corporation is delivered to the Commissioners after the period for reservation of the name has expired and if they find that the name is not available for corporate use pursuant to the provisions of this Act, then, in addition to complying with the provisions of the preceding paragraph, the proclaimed corporation shall set forth in its petition for reinstatement its name at the time of issuance of the proclamation of revocation and its new name, which shall be a name available for corporate use pursuant to the provisions of this Act.

"(c) If the Commissioners find that all such documents conform to law, and that the period for reservation of the name has not expired, or if such period has expired, that the name is available for corporate use pursuant to the provisions of this Act, they shall, when all fees, charges, interest, and penalties have been paid as in this Act prescribed—

"(1) endorse on each of such duplicate originals and any such annual report or reports the word 'Filed' and the month, day, and year of the filing thereof;

"(2) file one of such duplicate originals and any such annual report or reports in their office;

"(3) issue a certificate of reinstatement to which they shall affix the other duplicate original;

"(4) deliver such certificate of reinstatement and other duplicate original to the corporation or its representative.

"(d) Upon the issuance of the certificate of reinstatement, the revocation proceedings theretofore taken as to such corporation by proclamation shall be deemed to be annulled, and such corporation

shall have such powers, rights, duties, and obligations as it had at the time of the issuance of the proclamation with the same force and effect as to such corporation as if the proclamation had not been issued."

D. C. Code 29-941.

(11) Subsection (a) of section 130 of such Act is amended by adding at the end thereof the following: "Nothing in this section shall prevent the filing, without the payment of all such fees, charges and penalties, of a written notice of resignation by a registered agent of a corporation, domestic or foreign."

D. C. Code 29-947.

(12) Section 136 of such Act is amended to read as follows:

"ACTION WITHOUT A MEETING

"SEC. 136. Any action required or permitted to be taken at a meeting of the shareholders of a corporation or of the board of directors or of any committee thereof may be taken without a meeting if a consent in writing setting forth the action so taken shall be signed by all of the shareholders entitled to vote with respect to the subject matter thereof, or by all of the members of the board or of such committee as the case may be, and such written consent is filed with the minutes of proceedings of the shareholders or the board or the committee. Such consent shall have the same force and effect as a unanimous vote of the shareholders or the board or the committee, as the case may be, and may be stated as such in any article or document filed with the Commissioners under this Act."

(13) Such Act is amended by adding at the end thereof the following new section:

"VERIFICATION NO LONGER REQUIRED

"SEC. 151. A requirement in this Act that any instrument be verified by oath need not be complied with after the effective date of the District of Columbia Business Corporation Act Amendments of 1963. A person who signs any instrument delivered to the Commissioners pursuant to this Act knowing it to contain a misstatement of fact shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500, or by imprisonment not exceeding one year, or both, in the discretion of the court."

Short title.

SEC. 2. This Act may be cited as the "District of Columbia Business Corporation Act Amendments of 1963".

Effective date.

SEC. 3. This Act shall become effective sixty days after the date of its enactment.

Approved September 3, 1963.

Public Law 88-112

September 6, 1963
[H. R. 5883]

AN ACT

To correct a land description in the Act entitled "To provide for an exchange of lands between the United States and the Southern Ute Indian Tribe, and for other purposes".

Indians.
Southern Ute Tribe.
Exchange of land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection 1(a) of the Act of October 15, 1962 (Public Law 87-828; 76 Stat. 954), is amended by deleting the comma after "Section 9: West half".

Approved September 6, 1963.

Public Law 88-113

AN ACT

September 6, 1963
[H. R. 7500]

To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration the sum of $5,350,820,400, as follows:

National Aeronautics and Space Administration Authorization Act, 1964.

(a) For "Research and development", $4,119,575,000, of which amount $20,000,000 is authorized only for implementing Project Surveyor-Orbiter as requested by the National Aeronautics and Space Administration in its budget estimates for fiscal year 1964, and enumerated as follows:

(1) Manned spacecraft systems programs, $1,496,600,000;

(2) Launch vehicle and propulsion systems program, $1,147,500,000;

(3) Aerospace medicine program, $11,000,000;

(4) Integration and checkout program, $125,000,000;

(5) Systems engineering program, $37,000,000;

(6) Meteorological satellites program, $63,700,000;

(7) Communications satellites program, $42,175,000: *Provided, however*, That no part of any funds authorized to be appropriated by this Act may be obligated or expended for the furnishing of any scientific or technological services for the exclusive benefit of any person providing satellite communications services other than an agency of the United States Government, except at the request of such person and on a reimbursable basis;

(8) Industrial applications program, $3,500,000;

(9) Geophysics and astronomy program, $194,400,000;

(10) Lunar and planetary exploration program, $274,400,000;

(11) Bioscience program, $21,200,000;

(12) Launch vehicle development program, $127,700,000;

(13) Facility, training, and research grants program, $40,000,000;

(14) Space vehicle systems program, $53,462,000;

(15) Electronic systems program, $30,362,000;

(16) Human factor systems program, $13,200,000;

(17) Nuclear electric systems program, $68,768,000;

(18) Nuclear rockets program, $94,187,000;

(19) Chemical propulsion program, $24,497,000;

(20) Space power program, $16,524,000;

(21) Aeronautics program, $16,200,000;

(22) Tracking and data acquisition program, $218,200,000.

(b) For "Construction of facilities", including land acquisitions, $713,060,400 as follows:

(1) Ames Research Center, Moffett Field, California, $11,044,000.

(2) Flight Research Center, Edwards, California, $1,157,000.

(3) Goddard Space Flight Center, Greenbelt, Maryland, $17,032,500.

(4) Jet Propulsion Laboratory, Pasadena, California, $2,998,200.

(5) Langley Research Center, Hampton, Virginia, $8,204,700.

(6) Launch Operations Center, Cape Canaveral, Florida, $284,916,000.

(7) Lewis Research Center, Cleveland and Sandusky, Ohio, $18,634,000.

(8) Manned Spacecraft Center, Houston, Texas, $35,102,000.
(9) Marshall Space Flight Center, Huntsville, Alabama, $28,980,000.
(10) Michoud Plant, New Orleans, Louisiana, $8,688,000.
(11) Mississippi Test Facility, Mississippi, $100,196,000.
(12) Nuclear Rocket Development Station, Nevada, $15,650,000.
(13) Various locations, $159,953,000.
(14) Wallops Station, Wallops Island, Virginia, $505,000.
(15) Facility planning and design not otherwise provided for, $20,000,000.

(c) For "Administrative operations", $518,185,000.

Research and development.

(d) Appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required for the performance of research and development contracts and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used for construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

Report to congressional committees.

(e) When so specified in an appropriation Act, any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation.

Scientific consultations.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations or extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

(g) No part of the funds appropriated pursuant to subsection 1(c) for maintenance, repairs, alterations, and minor construction shall be used for the construction of any new facility the estimated cost of which, including collateral equipment, exceeds $100,000.

(h) No part of the funds authorized by this section may be expended for the establishment of an Electronic Research Center unless the Administrator has transmitted to the Committee on Aeronautical and Space Sciences of the Senate and to the Committee on Science and Astronautics of the House of Representatives a detailed study of the geographic location of, the need for, and the nature of, the proposed Center, and (1) each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to the establishment of such Center, or (2) forty-five days have passed after the transmittal by the Administrator of such study to those committees.

Construction of facilities.

(i) Until such time as the National Aeronautics and Space Administration shall establish uniform design criteria and construction standards for facilities for which appropriations are authorized pursuant to this Act, the National Aeronautics and Space Administration shall utilize for such facilities design criteria and construction

standards established either by the General Services Administration, the United States Navy Bureau of Yards and Docks, or the United States Army Corps of Engineers.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14), of subsection 1(b) may in the discretion of the Administrator of the National Aeronautics and Space Administration, be varied upward 5 per centum to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed a total of $693,060,400.

Transfers of funds.

SEC. 3. Not to exceed 2 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $30,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (15) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Committee on Science and Astronautics of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Report to congressional committees.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Astronautics or the Senate Committee on Aeronautical and Space Sciences,

(2) no amount appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee,

unless (A) a period of thirty days has passed after the receipt by each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Transfer of funds.

SEC. 5. The Administrator is hereby authorized to transfer, with the approval of the Bureau of the Budget, funds appropriated pursuant to this Act (other than funds appropriated pursuant to paragraph (15) of subsection 1(b)), to any other agency of the Government whenever the Administrator determines such transfer necessary for the efficient accomplishment of the objectives for which the funds have been appropriated. Not more than $20,000,000 of the funds authorized by this Act may be transferred by the Administrator under this section, and no transfer in excess of $250,000 shall be made under this section unless the Administrator has transmitted to the Committee on Aeronautical and Space Sciences of the Senate and to the Committee on Science and Astronautics of the House of Representatives a written statement concerning the amount and purpose of, and the reason for, such transfer, and (1) each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to that transfer, or (2) thirty days have passed after the transmittal by the Administrator of such statement to those committees.

Report to Congressional Committees.

72 Stat. 438.
42 USC 2459.

SEC. 6. Section 307 of the National Aeronautics and Space Act of 1958 is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, the authorization of any appropriation to the Administration shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made."

Short title.

SEC. 7. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1964".

Approved September 6, 1963.

Public Law 88-114

September 6, 1963
[S. 1194]

AN ACT

To remove the percentage limitations on retirement of enlisted men of the Coast Guard, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

Coast Guard.
Enlisted men, retirement.
63 Stat. 521.

(1) Section 357(c) is amended by striking out the words "or any enlisted man so retired whose average marks in conduct during his service in the Coast Guard were not less than 97½ per centum of the maximum, or any enlisted man so retired who shall have been both so cited and shall have received such average marks,".

63 Stat. 522.

(2) Section 358 is repealed.

(3) The analysis of chapter 11 is amended by striking out the following item:

"358. Limitation of retirements."

SEC. 2. The amendment made by subsection (1) of section 1 of this Act does not apply to any enlisted man in service on the effective date of this Act.

Approved September 6, 1963.

Public Law 88-115

JOINT RESOLUTION

September 6, 1963
[S. J. Res. 33]

Consenting to an extension and renewal of the Interstate Compact To Conserve Oil and Gas.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to an extension and renewal for a period of four years from September 1, 1963, to September 1, 1967, of the Interstate Compact To Conserve Oil and Gas, which was signed in the city of Dallas, Texas, the 16th day of February 1935 by the representatives of Oklahoma, Texas, California, and New Mexico, and at the same time and place was signed by the representatives, as a recommendation for approval to the Governors and Legislatures of the States of Arkansas, Colorado, Illinois, Kansas, and Michigan, and which prior to August 27, 1935, was presented to and approved by the Legislatures and Governors of the States of New Mexico, Kansas, Oklahoma, Illinois, Colorado, and Texas, and which so approved by the six States last above-named was deposited in the Department of State of the United States, and thereafter was consented to by the Congress in Public Resolution Numbered 64, Seventy-fourth Congress, approved August 27, 1935, for a period of two years, and thereafter was extended by the representatives of the compacting States and consented to by the Congress for successive periods, without interruption, the last extension being for the period from September 1, 1959, to September 1, 1963, consented to by Congress by Public Law Numbered 143, Eighty-sixth Congress, approved August 7, 1959. The agreement to extend and renew said compact for a period of four years from September 1, 1963, to September 1, 1967, duly executed by representatives of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, and Wyoming, has been deposited in the Department of State of the United States, and reads as follows:

Interstate oil and gas compact. Extension and renewal.

49 Stat. 939.

73 Stat. 290.

"AN AGREEMENT TO EXTEND THE INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"WHEREAS, on the 16th day of February, 1935, in the City of Dallas, Texas, there was executed 'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS' which was thereafter formally ratified and approved by the States of Oklahoma, Texas, New Mexico, Illinois, Colorado, and Kansas, the original of which is now on deposit with the Department of State of the United States, a true copy of which follows:

"'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"'ARTICLE I

"'This agreement may become effective within any compacting state at any time as prescribed by that state, and shall become effective within those states ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing state may become a party hereto as hereinafter provided.

"'ARTICLE II

"'The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

"'ARTICLE III

"'Each State bound hereby agrees that within a reasonable time it will enact laws, or if the laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

"'(a) The operation of any oil well with an inefficient gas-oil ratio.

"'(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas, in paying quantities.

"'(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

"'(d) The creation of unnecessary fire hazards.

"'(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"'(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

"'The enumeration of the foregoing subjects shall not limit the scope of the authority of any state.

"'ARTICLE IV

"'Each state bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted then that it will continue the same in force, providing in effect that oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

"'ARTICLE V

"'It is not the purpose of this compact to authorize the states joining herein to limit the production of oil or gas for the purpose of stabilizing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

"'ARTICLE VI

"'Each State joining herein shall appoint one representative to a commission hereby constituted and designated as

THE INTERSTATE OIL COMPACT COMMISSION,

the duty of which said commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances, and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

"'The Commission shall have power to recommend the co-ordination of the exercise of the police powers of the several states within their

several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said states, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"'No action shall be taken by the Commission except: (1) by the affirmative votes of the majority of the whole number of the compacting States represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: such vote of each State shall be in the decimal proportion fixed by the ratio of its daily average production during the preceding calendar half-year to the daily average production of the compacting States during said period.

"'ARTICLE VII

"'No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

"'ARTICLE VIII

"'This compact shall expire September 1, 1937. But any State joining herein may, upon sixty (60) days notice, withdraw herefrom.

"'The representatives of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory states.

"'This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified, and ratified.'

"WHEREAS, the said Interstate Compact to Conserve Oil and Gas has heretofore been duly renewed and extended with the consent of the Congress to September 1, 1963; and,

"WHEREAS, it is desired to renew and extend the said Interstate Compact to Conserve Oil and Gas for a period of four (4) years from September 1, 1963, to September 1, 1967:

"Now, therefore, this writing witnesseth:

"It is hereby agreed that the Compact entitled

"'AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS' executed in the City of Dallas, Texas, on the 16th day of February, 1935, and now on deposit with the Department of State of the United States, a correct copy of which appears above, be, and the same hereby is, extended for a period of four (4) years from September 1, 1963, its present date of expiration, to September 1, 1967. This agreement shall become effective when executed, ratified, and approved as provided in Article I of the original Compact.

"The signatory States have executed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States and a duly certified copy thereof shall be forwarded to the Governor of each of the signatory States. Any oil-producing state may become a party hereto by executing a counterpart of this agreement to be similarly deposited, certified, and ratified.

"EXECUTED by the several undersigned states, at their several state capitols, through their proper officials on the dates as shown, as duly authorized by statutes and resolutions, subject to the limitations and qualifications of the acts of the respective State Legislatures.

"THE STATE OF ALABAMA
"By JOHN PATTERSON, Governor
"Dated: 9–4–62
"Attest: BETTYE FRINK
"Secretary of State
"(SEAL)

"THE STATE OF ALASKA
"By WILLIAM A. EGAN, Governor
"Dated: 9–21–62
"Attest: HUGH J. WADE
"Secretary of State
"(SEAL)

"THE STATE OF ARIZONA
"By PAUL J. FANNIN, Governor
"Dated: 11–1–61
"Attest: WESLEY BOLIN
"Secretary of State
"(SEAL)

"THE STATE OF ARKANSAS
"By ORVAL E. FAUBUS, Governor
"Dated: 8–15–62
"Attest: NANCY J. HALL
"Secretary of State
"(SEAL)

"THE STATE OF COLORADO
"By STEVE MCNICHOLS, Governor
"Dated:
"Attest: GEORGE J. BAKER
"Secretary of State
"(SEAL)

"THE STATE OF FLORIDA
"By FARRIS BRYANT, Governor
"Dated: 5–28–62
"Attest: TOM ADAMS
"Secretary of State
"(SEAL)

"THE STATE OF ILLINOIS
"By OTTO KERNER, Governor
"Dated: 12–12–61
"Attest: CHARLES F. CARPENTIER
"Secretary of State
"(SEAL)

"THE STATE OF INDIANA
"By MATTHEW E. WELSH, Governor
"Dated:
"Attest: CHARLES O. HENDRICKS
"Secretary of State
"(SEAL)

"THE STATE OF KANSAS
"By JOHN ANDERSON, Jr., Governor
"Dated:
"Attest: PAUL R. SHANAHAN
"Secretary of State
"LEONE M. POWERS
"Assistant Secretary of State
"(SEAL)

"THE STATE OF KENTUCKY
"By BERT COMBS, Governor
"Dated: 11–30–61
"Attest: HENRY H. CARTER
"Secretary of State
"(SEAL)

"THE STATE OF LOUISIANA
"By JIMMIE H. DAVIS, Governor
"Dated: 6–12–62
"Attest: WADE O. MARTIN, Jr.
"Secretary of State
"(SEAL)

"THE STATE OF MARYLAND
"By J. MILLARD TAWES, Governor
"Dated: 11–20–62
"Attest: LLOYD L. SIMPKINS
"Secretary of State
"(SEAL)

"THE STATE OF MICHIGAN
"By JOHN B. SWAINSON, Governor
"Dated: 7–6–62
"Attest: JAMES M. HARE
"Secretary of State
"(SEAL)

"THE STATE OF MISSISSIPPI
"By ROSS R. BARNETT, Governor
"Dated:
"Attest: HEBER LADNER
"Secretary of State
"(SEAL)

"THE STATE OF MONTANA
"By DONALD G. NUTTER, Governor
"Dated: 1–18–62
"Attest: FRANK MURRAY
"Secretary of State
"(SEAL)

"THE STATE OF NEBRASKA
"By FRANK B. MORRISON, Governor
"Dated: 1–24–62
"Attest: FRANK MARSH
"Secretary of State
"(SEAL)

"THE STATE OF NEVADA
"By GRANT SAWYER, Governor
"Dated: 4–25–62
"Attest: JOHN KOONTZ
"Secretary of State
"(SEAL)

"THE STATE OF NEW MEXICO
"By E. L. MECHEM, Governor
"Dated: 10–23–61
"Attest: BETTY FIORINA
"Secretary of State
"(SEAL)

"THE STATE OF NEW YORK
"By NELSON A. ROCKEFELLER, Governor
"Dated: 9–22–62
"Attest: CAROLINE K. SIMON
"Secretary of State
"(SEAL)

"THE STATE OF NORTH DAKOTA
"By WILLIAM L. GUY, Governor
"Dated: 3–2–62
"Attest: BEN MEIER
"Secretary of State
"(SEAL)

"THE STATE OF OHIO
"By MICHAEL V. DI SALLE, Governor
"Dated: 10–9–62
"Attest: TED W. BROWN
"Secretary of State
"(SEAL)

"THE STATE OF OKLAHOMA
"By J. HOWARD EDMONDSON, Governor
"Dated: 10–20–61
"Attest: WILLIAM N. CHRISTIAN
"Secretary of State
"(SEAL)

"THE STATE OF PENNSYLVANIA
"By DAVID L. LAWRENCE, Governor
"Dated: 2–6–62
"Attest: E. JAMES TRIMARCHI, Jr.
"Secretary of State
"(SEAL)

"THE STATE OF SOUTH DAKOTA
"By ARCHIE GUBBRUD, Governor
"DATED: 3–26–62
"Attest: ESSIE WIEDENMAN
"Secretary of State
"(SEAL)

"THE STATE OF TENNESSEE
"By BUFORD ELLINGTON, Governor
"Dated: 9–10–62
"Attest: JOE C. CARR
"Secretary of State
"(SEAL)

"THE STATE OF TEXAS
"By PRICE DANIEL, Governor
"Dated: 10–16–61
"Attest: P. FRANK LAKE
"Secretary of State
"(SEAL)

"THE STATE OF UTAH
"By GEORGE D. CLYDE, Governor
"Dated:
"Attest: LAMONT F. TORONTO
"Secretary of State
"(SEAL)

"THE STATE OF WASHINGTON
"By ALBERT D. ROSELLINI, Governor
"Dated: 10–25–62
"Attest: VICTOR A. MEYERS
"Secretary of State
"(SEAL)

"THE STATE OF WEST VIRGINIA
"By W. W. BARRON, Governor
"Dated: 10–10–62
"Attest: JOE F. BURDETT
"Secretary of State
"(SEAL)

"THE STATE OF WYOMING
"By JACK R. GAGE, Governor
"Dated: 10–3–62
"Attest: ROBERT OUTSEN
"Deputy Secretary of State
"(SEAL)".

SEC. 2. The Attorney General of the United States shall continue to make an annual report to Congress, as provided in section 2 of Public Law 185, Eighty-fourth Congress, for the duration of the Interstate Compact to Conserve Oil and Gas as to whether or not the activities of the States under the provisions of such compact have been consistent with the purposes as set out in article V of such compact.

Report to Congress. 69 Stat. 391.

SEC. 3. The right to alter, amend, or repeal the provisions of the first section of this joint resolution is hereby expressly reserved.

Powers reserved.

Approved September 6, 1963.

Public Law 88-116

AN ACT

September 6, 1963 [H. R. 6710]

To approve an order of the Secretary of the Interior canceling irrigation charges against non-Indian-owned lands under the Wind River Indian irrigation project, Wyoming, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with the provision of the Act of June 22, 1936 (49 Stat. 1803, 25 U.S.C. 389–389e), the order of the Secretary of the Interior canceling delinquent operation and maintenance irrigation charges in the amount of $1,134.99, which includes both principal and accrued interest thereon, against lands on the Wind River Indian irrigation project, Wyoming, described as the northwest quarter northwest quarter, southwest quarter northwest quarter of section 9, township 1 south, range 4 east, Wind River meridian, and a contract for the deferred payment of delinquent charges in the amount of $2,331.59, are hereby approved.

Wind River, Wyo. Irrigation project. Cancellation of charges.

Approved September 6, 1963.

Public Law 88-117

AN ACT

September 6, 1963 [H. R. 1135]

To designate the dam being constructed and the reservoir to be formed on the Des Moines River, Iowa, as the Red Rock Dam and Lake Red Rock.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dam now being constructed on the Des Moines River in Iowa, authorized by the Flood Control Act of June 28, 1938 (52 Stat. 1216; Public Law 761,

Red Rock Dam and Lake Red Rock, Iowa.

Seventy-fifth Congress), and which will create a reservoir in Polk and Marion Counties, Iowa, shall be known and designated hereafter as "Red Rock Dam" and the reservoir formed by such dam shall be known and designated as "Lake Red Rock". Any law, regulation, map, document, record, or other paper of the United States in which such dam and reservoir are referred to shall be held to refer to such dam as the "Red Rock Dam" and to such reservoir as "Lake Red Rock".

Approved September 6, 1963.

Public Law 88-118

September 6, 1963
[S. 1139]

AN ACT

To repeal a portion of the Second Supplemental National Defense Appropriation Act, 1943, approved October 26, 1942 (56 Stat. 990, 999), as amended, and for other purposes.

Second Supplemental National Defense Appropriation Act, 1943, amendment.

40 USC 317.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second paragraph under the heading "FEDERAL WORKS AGENCY, PUBLIC BUILDINGS ADMINISTRATION" in the Second Supplemental National Defense Appropriation Act, 1943 (56 Stat. 990 at 999), as amended by the Act of October 26, 1949 (63 Stat. 930), is amended by striking out all beginning with "*Provided further*, That effective on the date of this enactment" down through "without exchange of funds:".

Approved September 6, 1963.

Public Law 88-119

September 6, 1963
[H. R. 5222]

AN ACT

To provide for the withdrawal and reservation for the Department of the Navy of certain public lands of the United States at Chocolate Mountain Aerial Gunnery Range, Imperial County, California, for defense purposes.

Chocolate Mountain Aerial Gunnery Range, Calif. Lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights the public lands, and the minerals therein, within the area described in section 2 of this Act are hereby withdrawn from all appropriations and other forms of disposition under public land laws including the mining and mineral leasing laws and disposals of materials under the Act of July 31, 1947, as amended (61 Stat. 681; 30 U.S.C. 601–604), except as provided in subsection (b) of this section, and reserved for use of the Department of the Navy for a period of five years with an option to renew the withdrawal and reservation for a period of five years upon notice to the Secretary of the Interior, and subject to the condition that the reservation may be terminated at any time during either of such periods by the Secretary of the Navy upon notice to the Secretary of the Interior.

(b) The Secretary of the Interior may, with the concurrence of the Secretary of the Navy, authorize use or disposition of any of the lands or resources withdrawn and reserved by subsection (a) of this section.

(c) Upon request of the Secretary of the Interior at the time of final termination of the reservation effected by this Act, the Depart-

ment of the Navy shall make safe for nonmilitary uses the land withdrawn and reserved or such portions thereof as may be specified by the Secretary of the Interior, by neutralizing unexploded ammunition, bombs, artillery projectiles, or other explosive objects and chemical agents. Thereafter, the Secretary of the Interior pursuant to law shall provide for the appropriate use or disposition of all or any part of the land withdrawn and reserved under provisions of this Act. Nothing in this subsection, however, shall be construed to prevent the Secretary of the Navy at that time from making application for further withdrawal and reservation of all or part of said lands under laws and regulations then existing.

SEC. 2. The lands withdrawn and reserved by this Act are those that are now or may hereafter become subject to the public land laws within the area described as follows: Approximately 252,126 acres, more or less, within the Chocolate Mountain Aerial Gunnery Range, Imperial County, California, and more fully described as follows:

township 9 south, range 16 east, that portion of section 9 lying southeasterly of the northwesterly line of the Niland-Blythe Road, that portion of section 10 lying southerly of the northerly line of the Niland-Blythe Road and southwesterly of the southwesterly line of the Niland-Rannells Road, that portion of section 11 lying southwesterly of the southwesterly line of the Niland-Rannells Road, that portion of section 13 lying southwesterly and southerly of the southwesterly and southerly line of the Niland-Rannells Road, that portion of section 14 lying southwesterly of the southwesterly line of the Niland-Rannells Road, section 15, that portion of section 16 lying southeasterly of the northwesterly line of the Niland-Blythe Road, that portion of section 20 lying southeasterly of the northwesterly line of the Niland-Blythe Road, that portion of section 21 lying southeasterly of the northwesterly line of the Niland-Blythe Road, sections 22 and 23, that portion of section 24 lying southwesterly of the southwesterly line of the Niland-Rannells Road, sections 25 to 28 inclusive, that portion of section 29 lying southeasterly of the northwesterly line of the Niland-Blythe Road, that portion of section 31 lying southeasterly of the northwesterly line of the Niland-Blythe Road, that portion of section 32 lying southeasterly of the northwesterly line of the Niland-Blythe Road, sections 33 to 36 inclusive;

township 9 south, range 17 east, that portion of section 19 lying southwesterly of the southwesterly line of the Niland-Rannells Road, that portion of section 20 lying southwesterly of the southwesterly line of the Niland-Rannells Road, section 26, that portion of section 27 lying southeasterly of the southeasterly line of the Niland-Rannells Road, that portion of section 28 lying southeasterly, southerly and southwesterly of the southeasterly, southerly and southwesterly line of the Niland-Rannells Road, that portion of section 29 lying southwesterly of the southwesterly line of the Niland-Rannells Road, sections 30 to 36 inclusive;

township 10 south, range 15 east, that portion of section 12 lying southeasterly of the northwesterly line of the Niland-Blythe Road, that portion of section 13 lying southeasterly of the northwesterly line of the Niland-Blythe Road, that portion of section 14 lying southeasterly of the northwesterly line of the Niland-Blythe Road, that portion of section 15 lying southeasterly of the northwesterly line of the Niland-Blythe Road, that portion of section 21 lying southeasterly of the northwesterly line of the

Niland-Blythe Road, that portion of section 22 lying southeasterly of the northwesterly line of the Niland-Blythe Road, sections 23 to 28 inclusive, sections 33 to 36 inclusive;

township 10 south, range 16 east, sections 1 to 4 inclusive, that portion of section 5 lying easterly of the westerly line of the Niland-Blythe Road, that portion of section 6 lying southeasterly of the northwesterly line of the Niland-Blythe Road, that portion of section 7 lying southeasterly of the northwesterly line of the Niland-Blythe Road, sections 8 to 36 inclusive;

township 10 south, range 17 east, sections 1 to 36 inclusive;

township 10 south, range 18 east, sections 6 to 8 inclusive; sections 16 to 22 inclusive, and sections 25 to 36 inclusive;

township 10 south, range 19 east, sections 31 and 32;

township 11 south, range 15 east, sections 1 to 3 inclusive, and section 12;

township 11 south, range 16 east, sections 1 to 18 inclusive; sections 20 to 28 inclusive, and sections 34 to 36 inclusive;

township 11 south, range 17 east, sections 1 to 36 inclusive;

township 11 south, range 18 east, sections 1 to 36 inclusive;

township 11 south, range 19 east, sections 4 to 11 inclusive, sections 14 to 23 inclusive, and sections 26 to 35 inclusive;

township 12 south, range 16 east, sections 1, 2, and 12;

township 12 south, range 17 east, sections 1 to 18 inclusive, sections 20 to 28 inclusive, and sections 35 and 36;

township 12 south, range 18 east, sections 1 to 36 inclusive;

township 12 south, range 19 east, sections 2 to 10 inclusive, north half of section 11, sections 15 to 22 inclusive, and sections 27 to 34 inclusive;

township 13 south, range 18 east, sections 1 to 6 inclusive, east half of section 8, and sections 9 to 11 inclusive;

township 13 south, range 19 east, north half of section 5, and north half of section 6; San Bernardino base and meridian.

Approved September 6, 1963.

Public Law 88-120

September 9, 1963
[H. R. 3887]

AN ACT

To authorize the acceptance of donations of land in the State of North Carolina for the construction of an entrance road at Great Smoky Mountains National Park, and for other purposes.

Great Smoky Mountains National Park, N. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide suitable access to the Cataloochee section of Great Smoky Mountains National Park, the Secretary of the Interior is authorized to select the location of an entrance road from a point on North Carolina Highway Numbered 107 close to its point of interchange with Interstate Route Numbered 40, near Hepco, North Carolina, to the eastern boundary of the park in the vicinity of the Cataloochee section, and to accept, on behalf of the United States, donations of land and interests in land for the construction of the entrance road, and to construct the entrance road on the donated land: *Provided*, That the right-of-way to be acquired, by donation, for the entrance road shall be of such width as to comprise not more than an average of one hundred and twenty-five acres per mile for its entire length of about

four and two-tenths miles, constituting in the aggregate about five hundred and twenty-five acres of land.

All property acquired pursuant to this Act shall become a part of the Great Smoky Mountains National Park upon acceptance of title thereto by the Secretary, and shall be subject to all laws, rules, and regulations applicable thereto.

Appropriation authorization.

SEC. 2. There is hereby authorized to be appropriated for construction of an entrance road on land acquired pursuant to this Act not more than $1,160,000.

Approved September 9, 1963.

Public Law 88-121

AN ACT

September 9, 1963
[H. R. 2671]

Authorizing construction of a bank protection project on the Guyandot River at Barboursville, West Virginia.

Guyandot River, Barboursville, W. Va.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chief of Engineers is hereby authorized to construct such emergency protective works as he deems necessary to repair and restore the banks of the Guyandot River in the vicinity of Water Street in Barboursville, West Virginia, and to prevent further erosion thereof, at a total Federal cost of not to exceed $150,000. This works is authorized on the condition that local interests shall furnish all required lands or interests therein, hold and save the United States free from damages, and maintain and operate the works after completion.

Approved September 9, 1963.

Public Law 88-122

AN ACT

September 9, 1963
[H. R. 4823]

To modify the flood control project for Rend Lake, Illinois.

Rend Lake, Ill. Flood control.

76 Stat. 1180.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the flood control project for Rend Lake, Illinois, authorized in section 203 of the Flood Control Act of 1962, is hereby modified to authorize the Secretary of the Army to credit local interests against their required payment for water supply for any work done by such interests on such project, if he approves such work as being in accordance with the project as authorized.

Approved September 9, 1963.

Public Law 88-123

AN ACT

September 11, 1963
[H. R. 7594]

To designate the McGee Bend Dam and Reservoir on the Angelina River, Texas, as the Sam Rayburn Dam and Reservoir.

Sam Rayburn Dam and Reservoir. Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the McGee Bend Dam and Reservoir on the Angelina River, Texas, hereafter shall be known and designated as the "Sam Rayburn Dam and Reservoir". Any law, regulation, map, document, record, or other paper of the United States in which McGee Bend Dam and Reservoir is referred to shall be held to refer to such dam and reservoir as the "Sam Rayburn Dam and Reservoir".

Approved September 11, 1963.

Public Law 88-124

September 16, 1963
[S. J. Res. 72]

JOINT RESOLUTION

Favoring the holding of the Olympic games in America in 1968.

Whereas the United States Olympic Association will invite the International Olympic Committee to hold the Olympic games at Detroit, Michigan, in 1968; and

Whereas Detroit has demonstrated a willingness and capacity to provide excellent facilities for the games and the visitors who attend them; and

Whereas Detroit's midwestern location will offer foreign visitors a revealing look at the American heartland; and

Whereas the United States has not hosted the games since 1932 and would be honored to welcome this enterprise in international good will: Now, therefore, be it

1968 Olympic games.
Detroit, Mich.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States, therefore, expresses the sincere hope that the Olympic games will be held in this country in 1968 and pledges continuing support of the principles on which Olympic games are founded.

SEC. 2. The Secretary of State is directed to transmit a copy of this resolution to the International Olympics Committee.

Approved September 16, 1963.

Public Law 88-125

September 17, 1963
[S. 1185]

AN ACT

Relating to the exchange of certain lands between the State of Oregon and the C. and B. Livestock Company, Incorporated.

Oregon-C. and B. Livestock Co., Inc. Exchange of lands.
7 USC 389a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 2 of the Act of September 23, 1950 (64 Stat. 981), the Secretary of the Interior is authorized to accept from the State of Oregon (without cost to the United States) a deed conveying to the United States all right, title, and interest of the State of Oregon in and to the following described land (together with any buildings and other permanent improvements thereon): the west half of the southwest quarter of section 22, township 4 north, range 28 east, Willamette meridian, Oregon, such land being a part of a tract of land conveyed to the State of Oregon by patent numbered 1308889, dated September 17, 1954, pursuant to the aforementioned Act.

(b) Upon the receipt of a deed from the State of Oregon conveying to the United States the land described in subsection (a), the Secretary of the Interior is authorized to convey by patent or other appropriate conveyance to the C. and B. Livestock Company, Incorporated, of Hermiston, Oregon (without cost to the United States), all right, title, and interest of the United States in and to such land (including all minerals contained therein), together with

any buildings and other permanent improvements thereon, upon the condition that:

(1) The C. and B. Livestock Company, Incorporated, convey to the United States fee simple title to the following described parcels of land (including all minerals contained therein), together with any buildings and other permanent improvements thereon: The west half of the southeast quarter of the southeast quarter of section 15, lying south of U.S.R.S. canal "A", the east half of the southeast quarter of the southeast quarter of section 15, lying south of U.S.R.S. canal "A", less the westerly 135 feet thereof; the east half of the northeast quarter of the northeast quarter of section 22, less railroad right-of-way; that portion of the northwest quarter of the northeast quarter of section 22 and of the north half of the northwest quarter of section 22, lying south and east of U.S.R.S. canal "A", excepting from said north half of said northwest quarter of section 22, that certain portion thereof as conveyed to the State of Oregon by deed recorded October 19, 1960, in deed book 260 at page 512, records of Umatilla County, Oregon. All being in township 4 north, range 28 east, of the Willamette meridian, in the county of Umatilla and State of Oregon. Excepting any and all roads and water rights-of-way.

(2) If it is determined after an appraisal by the Secretary of the Interior that the property to be conveyed to the United States by such company is of less value than the property to be conveyed to such company by the United States, the State of Oregon and the C. and B. Livestock Company, Incorporated, pay to the United States an amount equal to that difference in value, which amount shall be covered into the Treasury as miscellaneous receipts.

(c) The conveyance to the C. and B. Livestock Company, Incorporated, authorized under subsection (b) of this section shall be made subject to a right-of-way in the land so conveyed for ditches or canals constructed under the authority of the United States, as authorized by the Act of August 30, 1890 (26 Stat. 391). 43 USC 945.

SEC. 2. (a) The Secretary of the Interior is authorized to convey by patent or other appropriate conveyance to the State of Oregon all right, title, and interest of the United States in and to those lands (together with any buildings and other permanent improvements thereon) conveyed to the United States by the C. and B. Livestock Company, Incorporated, pursuant to the first section of this Act; except that there shall be reserved in the United States all minerals in such lands, together with the right to prospect for, mine, and remove the same, under such regulations as the Secretary of the Interior may prescribe.

(b) The conveyance authorized under subsection (a) of this section shall be made subject to the same covenants, conditions, and limitations as those contained in patent numbered 1308889, dated September 17, 1954, referred to in the first section of this Act.

SEC. 3. The State of Oregon and the C. and B. Livestock Company, Incorporated, shall pay to the United States such sum as may be fixed by the Secretary of the Interior to compensate the United States for its administrative costs in carrying out the provisions of this Act, which sum shall be covered into the Treasury as miscellaneous receipts. Payment to U. S.

Approved September 17, 1963.

Public Law 88-126

September 23, 1963
[S. 330]

AN ACT

To amend chapter 35 of title 38, United States Code, to provide that after the expiration of the Korean conflict veterans' education and training program, approval of courses under the war orphan's educational assistance program shall be by State approving agencies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 35 of title 38, United States Code, is amended by adding at the end thereof the following:

Veterans.
Education programs.
72 Stat. 1193.
38 USC 1701-1768.

"Subchapter VII—State Approving Agencies

"§ 1771. Designation

"(a) Unless otherwise established by the law of the State concerned, the chief executive of each State is requested to create or designate a State department or agency as the 'State approving agency' for his State for the purposes of this chapter after the date for the expiration of all education and training provided for in chapter 33 of this title. Such agency may be the agency designated or created in accordance with section 1641 of this title.

72 Stat. 1174.
38 USC 1601-1669.

"(b)(1) If any State fails or declines to create or designate a State approving agency, the provisions of this chapter which refer to the State approving agency shall, with respect to such State, be deemed to refer to the Administrator.

"(2) In the case of courses subject to approval by the Administrator under section 1772 of this title, the provisions of this chapter which refer to a State approving agency shall be deemed to refer to the Administrator.

"§ 1772. Approval of courses

"(a) An eligible person shall receive the benefits of this chapter while enrolled in a course of education offered by an educational institution only if (1) such course is approved as provided in this chapter by the State approving agency for the State where such educational institution is located, or by the Administrator, or (2) such course is approved (A) for the enrollment of the particular individual under the provisions of section 1737 of this title or (B) for special restorative training under subchapter V of this chapter. Approval of courses by State approving agencies shall be in accordance with the provisions of this chapter and such other regulations and policies as the State approving agency may adopt. Each State approving agency shall furnish the Administrator with a current list of educational institutions specifying courses which it has approved, and, in addition to such list, it shall furnish such other information to the Administrator as it and the Administrator may determine to be necessary to carry out the purposes of this chapter. Each State approving agency shall notify the Administrator of the disapproval of any course previously approved and shall set forth the reasons for such disapproval.

72 Stat. 1199.
38 USC 1740-1743.

"(b) The Administrator shall be responsible for the approval of courses of education offered by any agency of the Federal Government authorized under other laws to supervise such education. The Administrator may approve any course in any other educational institution in accordance with the provisions of this chapter.

"§ 1773. Cooperation

"(a) The Administrator and each State approving agency shall take cognizance of the fact that definite duties, functions, and responsibilities are conferred upon the Administrator and each State

approving agency under the educational programs established under this chapter. To assure that such programs are effectively and efficiently administered, the cooperation of the Administrator and the State approving agencies is essential. It is necessary to establish an exchange of information pertaining to activities of educational institutions, and particular attention should be given to the enforcement of approval standards, enforcement of enrollment restrictions, and fraudulent and other criminal activities on the part of persons connected with educational institutions in which eligible persons are enrolled under this chapter.

"(b) The Administrator will furnish the State approving agencies with copies of such Veterans' Administration informational material as may aid them in carrying out this chapter.

"§ 1774. Reimbursement of expenses

"The Administrator is authorized to enter into contracts or agreements with State and local agencies to pay such State and local agencies for reasonable and necessary expenses of salary and travel incurred by employees of such agencies in (1) rendering necessary services in ascertaining the qualifications of educational institutions for furnishing courses of education to eligible persons under this chapter, and in the supervision of such educational institutions, and (2) furnishing, at the request of the Administrator, any other services in connection with this chapter. Each such contract or agreement shall be conditioned upon compliance with the standards and provisions of this chapter.

"§ 1775. Approval of accredited courses

"(a) A State approving agency may approve the courses offered by an educational institution when—

"(1) such courses have been accredited and approved by a nationally recognized accrediting agency or association;

"(2) such courses are conducted under sections 11–28 of title 20; or

"(3) such courses are accepted by the State department of education for credit for a teacher's certificate or a teacher's degree.

For the purposes of this chapter the Commissioner of Education shall publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authority as to the quality of training offered by an educational institution and the State approving agencies may, upon concurrence, utilize the accreditation of such accrediting associations or agencies for approval of the courses specifically accredited and approved by such accrediting association or agency. In making application for approval, the institution shall transmit to the State approving agency copies of its catalog or bulletin.

"(b) As a condition to approval under this section, the State approving agency must find that adequate records are kept by the educational institution to show the progress of each eligible person. The State approving agency must also find that the educational institution maintains a written record of the previous education and training of the eligible person and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the eligible person and the Administrator so notified.

"§ 1776. Approval of nonaccredited courses

"(a) No course of education which has not been approved by a State approving agency pursuant to section 1653 or 1775 of this title, 72 Stat. 1186.

which is offered by a public or private, profit or nonprofit, educational institution shall be approved for the purposes of this chapter unless the educational institution offering such course submits to the appropriate State approving agency a written application for approval of such course in accordance with the provisions of this chapter.

"(b) Such application shall be accompanied by not less than two copies of the current catalog or bulletin which is certified as true and correct in content and policy by an authorized owner or official and includes the following:

"(1) Identifying data, such as volume number and date of publication;

"(2) Names of the institution and its governing body, officials and faculty;

"(3) A calendar of the institution showing legal holidays, beginning and ending date of each quarter, term, or semester, and other important dates;

"(4) Institution policy and regulations on enrollment with respect to enrollment dates and specific entrance requirements for each course;

"(5) Institution policy and regulations relative to leave, absences, class cuts, makeup work, tardiness and interruptions for unsatisfactory attendance;

"(6) Institution policy and regulations relative to standards of progress required of the student by the institution (this policy will define the grading system of the institution, the minimum grades considered satisfactory, conditions for interruption for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution, and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student);

"(7) Institution policy and regulations relating to student conduct and conditions for dismissal for unsatisfactory conduct;

"(8) Detailed schedules of fees, charges for tuition, books, supplies, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other charges;

"(9) Policy and regulations of the institution relative to the refund of the unused portion of tuition, fees, and other charges in the event the student does not enter the course or withdraws or is discontinued therefrom;

"(10) A description of the available space, facilities, and equipment;

"(11) A course outline for each course for which approval is requested, showing subjects or units in the course, type of work or skill to be learned, and approximate time and clock hours to be spent on each subject or unit; and

"(12) Policy and regulations of the institution relative to granting credit for previous educational training.

"(c) The appropriate State approving agency may approve the application of such institution when the institution and its nonaccredited courses are found upon investigation to have met the following criteria:

"(1) The courses, curriculum, and instruction are consistent in quality, content, and length with similar courses in public schools and other private schools in the State, with recognized accepted standards.

"(2) There is in the institution adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.

"(3) Educational and experience qualifications of directors, administrators, and instructors are adequate.

"(4) The institution maintains a written record of the previous education and training of the eligible person and clearly indicates that appropriate credit has been given by the institution for previous education and training, with the training period shortened proportionately and the eligible person and the Administrator so notified.

"(5) A copy of the course outline, schedule of tuition, fees, and other charges, regulations pertaining to absence, grading policy, and rules of operation and conduct will be furnished the eligible person upon enrollment.

"(6) Upon completion of training, the eligible person is given a certificate by the institution indicating the approved course and indicating that training was satisfactorily completed.

"(7) Adequate records as prescribed by the State approving agency are kept to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.

"(8) The institution complies with all local, city, county, municipal, State, and Federal regulations, such as fire codes, building and sanitation codes. The State approving agency may require such evidence of compliance as is deemed necessary.

"(9) The institution is financially sound and capable of fulfilling its commitments for training.

"(10) The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. The institution shall not be deemed to have met this requirement until the State approving agency (A) has ascertained from the Federal Trade Commission whether the Commission has issued an order to the institution to cease and desist from any act or practice, and (B) has, if such an order has been issued, given due weight to that fact.

"(11) The institution does not exceed its enrollment limitations as established by the State approving agency.

"(12) The institution's administrators, directors, owners, and instructors are of good reputation and character.

"(13) The institution has and maintains a policy for the refund of the unused portion of tuition, fees, and other charges in the event the eligible person fails to enter the course or withdraws or is discontinued therefrom at any time prior to completion and such policy must provide that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length.

"(14) Such additional criteria as may be deemed necessary by the State approving agency.

93-025 O-64-13

"§ 1777. Notice of approval of courses

"The State approving agency, upon determining that an educational institution has complied with all the requirements of this chapter, will issue a letter to such institution setting forth the courses which have been approved for the purposes of this chapter, and will furnish an official copy of such letter and any subsequent amendments to the Administrator. The letter of approval shall be accompanied by a copy of the catalog or bulletin of the institution, as approved by the State approving agency, and shall contain the following information:

"(1) date of letter and effective date of approval of courses;

"(2) proper address and name of each educational institution;

"(3) authority for approval and conditions of approval, referring specifically to the approved catalog or bulletin published by the educational institution;

"(4) name of each course approved;

"(5) where applicable, enrollment limitations such as maximum numbers authorized and student-teacher ratio;

"(6) signature of responsible official of State approving agency; and

"(7) such other fair and reasonable provisions as are considered necessary by the appropriate State approving agency.

"§ 1778. Disapproval of courses

"(a) Any course approved for the purposes of this chapter which fails to meet any of the requirements of this chapter shall be immediately disapproved by the appropriate State approving agency. An educational institution which has its courses disapproved by a State approving agency will be notified of such disapproval by a certified or registered letter of notification and a return receipt secured.

"(b) Each State approving agency shall notify the Administrator of each course which it has disapproved under this section. The Administrator shall notify the State approving agency of his disapproval of any educational institution under chapter 31 of this title."

72 Stat. 1171.
38 USC 1501-1510.

SEC. 2. Section 1735 of title 38, United States Code, is amended (1) by striking out "An" in subsection (a) and inserting in lieu thereof "Until the date for the expiration of all education and training under chapter 33 of this title, and"; (2) by inserting immediately after "this section" in subsection (a) the following "or subchapter VII of this chapter"; (3) by inserting immediately after "section 1656" in subsection (b) the following "or section 1778"; and (4) by striking out subsection (c).

72 Stat. 1199.

SEC. 3. Section 1736 of title 38, United States Code, is amended (1) by inserting "(a)" immediately before "The Administrator"; (2) by striking out "or any of the standards and criteria of sections 1653 and 1654 of this title"; and (3) by adding at the end thereof the following:

"(b) Until the date for the expiration of all education and training under chapter 33 of this title, the Administrator may discontinue the educational assistance allowance of any eligible person if he finds that the course of education in which the eligible person is enrolled fails to meet any of the standards and criteria of sections 1653 and 1654 of this title."

72 Stat. 1174.
38 USC 1601-1669.

SEC. 4. Section 1737 of title 38, United States Code, is amended by striking out "Notwithstanding the provisions of subsections (b) and (c) of section 1735 of this title, the" and inserting in lieu thereof "The".

SEC. 5. The analysis of chapter 35 of title 38, United States Code, is amended by adding at the end thereof the following:

"SUBCHAPTER VII—STATE APPROVING AGENCIES

"1771. Designation.
"1772. Approval of courses.
"1773. Cooperation.
"1774. Reimbursement of expenses.
"1775. Approval of accredited courses.
"1776. Approval of nonaccredited courses.
"1777. Notice of approval of courses.
"1778. Disapproval of courses."

Approved September 23, 1963.

Public Law 88-127

AN ACT

September 23, 1963
[S. 1952]

To extend and broaden the authority to insure mortgages under sections 809 and 810 of the National Housing Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 809 of the National Housing Act is amended—

National Housing Act, amendment. Mortgages. 70 Stat. 273; 76 Stat. 418. 12 USC 1748h-1. 74 Stat. 915.

(1) by striking out "October 1, 1963" in subsection (f) and inserting in lieu thereof "October 1, 1965";

(2) by striking out the first sentence of subsection (g)(1) and inserting in lieu thereof the following: "A mortgage secured by property which is intended to provide housing for a person (i) employed or assigned to duty at or in connection with any research or development installation of the National Aeronautics and Space Administration and which is located at or near such installation, or (ii) employed at any research or development installation of the Atomic Energy Commission and which is located at or near such installation, may (if the mortgage otherwise meets the requirements of this section) be insured by the Commissioner under the provisions of this section."; and

(3) by striking out clause (B) in subsection (g)(2)(iii) and inserting in lieu thereof the following: "(B) persons employed at or in connection with any research or development installation of the Atomic Energy Commission, as the case may be;".

12 USC 1748h-1.

SEC. 2. Section 810 of the National Housing Act is amended—

73 Stat. 683; 75 Stat. 180. 12 USC 1748h-2.

(1) by striking out clause (1) of subsection (b) and inserting in lieu thereof the following: "(1) the housing which is covered by the insured mortgage is necessary in the interest of national security in order to provide adequate housing for (A) military personnel and essential civilian personnel serving or employed in connection with any installation of one of the armed services of the United States, or (B) essential personnel employed or assigned to duty at or in connection with any research or development installation of the National Aeronautics and Space Administration or of the Atomic Energy Commission,";

(2) by striking out in the second sentence of subsection (d) "and employees of contractors for the armed services", and inserting in lieu thereof the following: "employees of contractors for the armed services, and persons described in clause (1)(B) of subsection (b) of this section"; and

12 USC 1748h-2.

(3) by striking out "October 1, 1963" in subsection (k) and inserting in lieu thereof "October 1, 1965".

73 Stat. 683; 76 Stat. 418. 12 USC 1748h-2.

Approved September 23, 1963.

Public Law 88-128

September 23, 1963
[H. R. 5781]

AN ACT

To amend the Act of August 1, 1939, to provide that professional nurses shall be registered as staff officers in the United States Merchant Marine, and for other purposes.

U. S. Merchant Marine.
Nurses, registration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of the Act entitled "An Act to provide for the registry of pursers and surgeons as staff officers on vessels of the United States, and for other purposes", approved August 1, 1939 (46 U.S.C., sec. 242), is amended by striking out "and (5) surgeon" and inserting in lieu thereof "(5) surgeon, and (6) professional nurse".

53 Stat. 1146.
46 USC 243.

(b) Section 2 of such Act of August 1, 1939, is amended by striking out the last sentence and inserting in lieu thereof the following: "Applicants for registry as surgeon or professional nurse shall be required to possess a valid license as physician and surgeon or registered nurse, respectively, issued under the authority of a State or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia."

Approved September 23, 1963.

Public Law 88-129

September 24, 1963
[H. R. 12]

AN ACT

To increase the opportunities for training of physicians, dentists, and professional public health personnel, and for other purposes.

Health Professions Educational Assistance Act of 1963.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Professions Educational Assistance Act of 1963".

GRANTS FOR CONSTRUCTION OF MEDICAL, DENTAL, PHARMACEUTICAL, OPTOMETRIC, PODIATRIC, NURSING, OSTEOPATHIC, AND PUBLIC HEALTH TEACHING FACILITIES

70 Stat. 717-721.
42 USC 292-292i.

SEC. 2. (a) Title VII of the Public Health Service Act (42 U.S.C. chap. 6A) is amended by inserting "AND TEACHING" after "RESEARCH" in the heading thereof, by inserting "AND TRAINING OF PROFESSIONAL HEALTH PERSONNEL" after "FACILITIES" in such heading, and by inserting immediately below such heading "PART A—GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES", and by changing the words "this title" wherever they appear in such title to read "this part".

(b) Such title is further amended by adding at the end thereof the following:

"PART B—GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES FOR MEDICAL, DENTAL, AND OTHER HEALTH PERSONNEL

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 720. There are hereby authorized to be appropriated over a period of three fiscal years, beginning with the fiscal year ending June 30, 1964, not to exceed the following amounts—

"(1) $105,000,000 in the aggregate for grants to assist in the construction of new teaching facilities for the training of physicians,

pharmacists, optometrists, podiatrists, nurses, or professional public health personnel, of which not more than $15,000,000 may be available for grants before July 1, 1964, and not more than $60,000,000 in the aggregate may be available for grants before July 1, 1965;

"(2) $35,000,000 in the aggregate for grants to assist in the construction of new teaching facilities for the training of dentists, of which not more than $5,000,000 may be available for grants before July 1, 1964, and not more than $20,000,000 in the aggregate may be available for grants before July 1, 1965; and

"(3) $35,000,000 in the aggregate for replacement or rehabilitation of existing teaching facilities for the training of physicians, pharmacists, optometrists, podiatrists, nurses, professional public health personnel, or dentists, of which not more than $5,000,000 may be available for grants before July 1, 1964, and not more than $20,000,000 in the aggregate may be available for grants before July 1, 1965.

If and to the extent the Surgeon General determines such action will better carry out the objectives of this part, the limitations on the amounts available for grants before July 1, 1964, under any paragraph of this section shall be decreased and the limitation on the amount so available under any other paragraph of this section shall be correspondingly increased; and the amounts appropriated for the fiscal year ending June 30, 1964, under each of such paragraphs shall be similarly adjusted by transfer between them. In applying the dollar limitations of each of those paragraphs for the three-year period ending June 30, 1966, any amount appropriated under any such paragraph but transferred under the preceding sentence to the appropriation under another paragraph shall be deemed to have been appropriated only under such other paragraph.

"APPROVAL OF APPLICATIONS

"SEC. 721. (a) No application for a grant under this part may be approved unless it is submitted to the Surgeon General prior to July 1, 1965.

"(b)(1) To be eligible to apply for a grant to assist in the construction of any facility under this part, the applicant must be (A) a public or other nonprofit school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing, or public health and (B) accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that a new school which (by reason of no, or an insufficient, period of operation) is not, at the time of application for a grant to construct a facility under this part, eligible for accreditation by such a recognized body or bodies, shall be deemed accredited for purposes of this part if the Commissioner of Education finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will, upon completion of such facility, meet the accreditation standards of such body or bodies.

"(2) Notwithstanding paragraph (1), in the case of an affiliated hospital, an application which is approved by the school of medicine or school of osteopathy with which the hospital is affiliated and which otherwise complies with the requirements of this part may be filed by any public or other nonprofit agency qualified to file an application under section 625.

60 Stat. 1045.
42 USC 291h.

"(3) In the case of any application, whether filed by a school or, in the case of an affiliated hospital, by any other public or other nonprofit agency, for a grant under this part to assist in the construction of a facility which is a hospital as defined in section 631—

42 USC 291i.

"(A) if the facility is needed in connection with a new school, only that portion of the project to construct the facility which the Surgeon General determines to be reasonably attributable to the need of such school for the facility for teaching purposes,

"(B) if the construction is in connection with expansion of the training capacity of an existing school, only that portion of the project to construct the facility which the Surgeon General determines to be reasonably attributable to the need of such school for the facility in order to expand its training capacity,

"(C) if the construction is in connection with renovation or rehabilitation of facilities used by an existing school, only that portion of the project which the Surgeon General determines to be reasonably attributable to the need of such school for the facilities in order to prevent curtailment of enrollment or quality of training of the school,

shall be regarded as the project with respect to which payments may be made under section 722.

"(c) A grant under this part may be made only if the application therefor is approved by the Surgeon General upon his determination that—

"(1) the applicant meets the eligibility conditions set forth in subsection (b);

"(2) the application contains or is supported by reasonable assurances that (A) for not less than ten years after completion of construction, the facility will be used for the purposes of the teaching for which it is to be constructed, (B) sufficient funds will be available to meet the non-Federal share of the cost of constructing the facility, (C) sufficient funds will be available, when construction is completed, for effective use of the facility for the training for which it is being constructed, and (D) in the case of an application for construction to expand the training capacity of an existing school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing, or public health, the first-year enrollment at such school during the first full school year after the completion of the construction and for each of the next nine school years thereafter will exceed the highest first-year enrollment at such school for any of the five full school years preceding the year in which the application is made by at least 5 per centum of such highest first-year enrollment, or by five students, whichever is greater;

"(3)(A) in the case of an application for a grant from funds appropriated pursuant to clause (1) of section 720, such application is for aid in the construction of a new school of medicine, osteopathy, pharmacy, optometry, podiatry, nursing, or public health, or construction which will expand the training capacity of an existing school of medicine, osteopathy, pharmacy, optometry, podiatry, nursing, or public health, (B) in the case of an application for a grant from funds appropriated pursuant to clause (2) of such section, such application is for aid in the construction of a new school of dentistry or construction which will expand the capacity of an existing school of dentistry, or (C) in the case of an application for a grant from funds appropriated pursuant to clause (3) of such section, such application is for aid in construction which will replace or rehabilitate facilities of, or used by, an existing school of medicine, dentistry, pharmacy, optometry, podiatry, nursing, osteopathy, or public health which are so obsolete as to require the school to curtail substantially either its enrollment or the quality of the training provided;

"(4) the plans and specifications are in accordance with regulations relating to minimum standards of construction and equipment;

"(5) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractors in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

49 Stat. 1011.

5 USC 133z-15 note.

63 Stat. 108.

"(6) if the application requests aid in construction of a facility which is a hospital or diagnostic or treatment center, as defined in section 631, an application with respect thereto has been filed under title VI and has been denied thereunder because (A) the project has no or insufficient priority, or (B) funds are not available for the project from the State's allotments under title VI.

60 Stat. 1046.
42 USC 291i.
60 Stat. 1041-1049.
42 USC 291-291z.

Before approving or disapproving an application under this part, the Surgeon General shall secure the advice of the National Advisory Council on Education for Health Professions established by section 725 (hereinafter in this part referred to as the 'Council').

"(d) In considering applications for grants, the Council and the Surgeon General shall take into account—

"(1) (A) in the case of a project for a new school or for expansion of the facilities of, or used by, an existing school, the relative effectiveness of the proposed facilities in expanding the capacity for the training of first-year students of medicine, dentistry, pharmacy, optometry, podiatry, nursing, or osteopathy (or, in the case of a two-year school which is expanding to a four-year school, expanding the capacity for four-year training of students in the field), or for the training of professional public health personnel, and in promoting an equitable geographical distribution of opportunities for such training (giving due consideration to population, available physicians, pharmacists, optometrists, podiatrists, nurses, dentists, or professional public health personnel, and available resources in various areas of the Nation for training such persons); or

"(B) in the case of a project for replacement or rehabilitation of existing facilities of, or used by, a school, the relative need for such replacement or rehabilitation to prevent curtailment of the school's enrollment or deterioration of the quality of the training provided by the school, and the relative size of any such curtailment and its effect on the geographical distribution of opportunities for training (giving consideration to the factors mentioned above in paragraph (A)); and

"(2) in the case of an applicant in a State which has in existence a State planning agency, or which participates in a regional or other interstate planning agency, described in section 728, the relationship of the application to the construction or training program which is being developed by such agency with respect to such State and, if such agency has reviewed such application, any comment thereon submitted by such agency.

"AMOUNT OF GRANT; PAYMENTS

"SEC. 722. (a)(1) Except as provided in paragraph (2) of this subsection, the amount of any grant under this part shall be such amount as the Surgeon General determines to be appropriate after obtaining the advice of the Council; except that (A) in the case of a grant for a project for a new school, and in the case of a grant for new facilities for an existing school in cases where such facilities are of particular importance in providing a major expansion of training capacity, as determined in accordance with regulations, such amount may not exceed 66⅔ per centum of the necessary cost of construction, as determined by the Surgeon General, of such project; and (B) in the case of any other grant, such amount may not exceed 50 per centum of the necessary cost of construction, as so determined, of the project with respect to which the grant is made.

"(2) The amount of any grant under this part for construction of a project with respect to a school of public health shall be such amount as the Surgeon General determines to be appropriate after obtaining the advice of the Council, and may not exceed 75 per centum of the necessary cost of construction, as determined by the Surgeon General, of such project.

"(b) Upon approval of any application for a grant under this part, the Surgeon General shall reserve, from any appropriation available therefor, the amount of such grant as determined under subsection (a); the amount so reserved may be paid in advance or by way of reimbursement, and in such installments consistent with construction progress, as the Surgeon General may determine. The Surgeon General's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application or upon revision of the estimated cost of construction of the facility.

"(c) In determining the amount of any grant under this part, there shall be excluded from the cost of construction an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to the construction which is to be financed in part by grants authorized under this part, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"RECAPTURE OF PAYMENTS

"SEC. 723. If, within ten years after completion of any construction for which funds have been paid under this part—

"(a) the applicant or other owner of the facility shall cease to be a public or nonprofit school or, in case the facility was an affiliated hospital, the applicant or other owner of the facility ceases to be a public or other nonprofit agency qualified to file an application under section 625, or

60 Stat. 1045.
42 USC 291h.

"(b) the facility shall cease to be used for the teaching purposes for which it was constructed (unless the Surgeon General determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so),

"(c) the facility is used for sectarian instruction or as a place for religious worship,

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"DEFINITIONS

"SEC. 724. As used in this part—

"(1) The terms 'construction' and 'cost of construction' include (A) the construction of new buildings, the expansion of existing buildings, and remodeling, replacement, renovation, major repair (to the extent permitted by regulations), or alteration of existing buildings, including architects' fees, but not including the cost of acquisition of land or offsite improvements, and (B) initial equipment of new buildings and of the expanded, remodeled, repaired, renovated, or altered part of existing buildings; but such term shall not include the construction or cost of construction of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship;

"(2) The term 'nonprofit school' means a school owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(3) The term 'affiliated hospital' means a hospital, as defined in section 631, which is not owned by, but is affiliated (to the extent and in the manner determined in accordance with regulations) with, a school of medicine or school of osteopathy which meets the eligibility conditions set forth in section 721(b)(1); 42 USC 291l.

"(4) The terms 'school of medicine', 'school of dentistry', 'school of osteopathy', 'school of pharmacy', 'school of optometry', 'school of podiatry', and 'school of public health' mean a school which provides training leading, respectively, to a degree of doctor of medicine, a degree of doctor of dentistry or an equivalent degree, a degree of doctor of osteopathy, a degree of bachelor of science in pharmacy or doctor of pharmacy, a degree of doctor of optometry or an equivalent degree, a degree of doctor of podiatry or doctor of surgical chiropody, and a graduate degree in public health; and

"(5) The term 'school of nursing' means a department, school, division, or other administrative unit, in a college or university, which provides, primarily or exclusively, a program of education in professional nursing and allied subjects leading to the degree of bachelor of arts, bachelor of science, bachelor of nursing, or other baccalaureate degree of equivalent rank; or to a graduate degree in nursing.

"NATIONAL ADVISORY COUNCIL ON EDUCATION FOR HEALTH PROFESSIONS

"SEC. 725. (a) There is hereby established in the Public Health Service a National Advisory Council on Education for Health Professions, consisting of the Surgeon General of the Public Health Service, who shall be Chairman, and the Commissioner of Education, both of whom shall be ex officio members, and sixteen members appointed by the Secretary without regard to the civil service laws. Four of the appointed members shall be selected from the general public and twelve shall be selected from among leading authorities in the fields of higher education, at least eight of whom are particularly concerned with training in medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing, or the public health professions. In selecting persons for appointment to the Council, consideration shall be given to such factors, among others, as (1) experience in the planning, constructing, financing, or administration of schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing, or schools of public health, and (2) familiarity with the need for teaching facilities in all areas of the Nation.

"(b) The Council shall advise the Surgeon General in the preparation of general regulations and with respect to policy matters arising

in the administration of this part, and in the review of applications thereunder.

"(c) The Surgeon General is authorized to use the services of any member or members of the Council in connection with matters related to the administration of this part, for such periods, in addition to conference periods, as he may determine. The Surgeon General shall, in addition, make appropriate provision for consultation between and coordination of the work of the Council and the National Advisory Council on Health Research Facilities with respect to matters bearing on the purposes and administration of this part.

"(d) Appointed members of the Council, while attending conferences or meetings of the Council or while otherwise serving at the request of the Surgeon General, shall be entitled to receive compensation at a rate to be fixed by the Secretary but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

60 Stat. 810.

"NONINTERFERENCE WITH ADMINISTRATION OF INSTITUTIONS

"SEC. 726. Nothing contained in this part shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to, the personnel, curriculum, methods of instuction, or administration of any institution.

"REGULATIONS

"SEC. 727. (a) The Surgeon General, after consultation with the Council and with the approval of the Secretary, shall prescribe general regulations for this part covering the eligibility of institutions, the order of priority in approving applications, the terms and conditions for approving applications, determinations of the amounts of grants, and minimum standards of construction and equipment for various types of institutions.

"(b) The Surgeon General is authorized to make, with the approval of the Secretary, such other regulations as he finds necessary to carry out the provisions of this part.

"TECHNICAL ASSISTANCE

"SEC. 728. In carrying out the purposes of this part, and to further the development of State, or joint or coordinated regional or other interstate, planning of programs for relieving shortages of training capacity in the fields of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, nursing, and public health, through constructing teaching facilities, providing adequate financial support for schools, or otherwise, the Surgeon General is authorized to provide technical assistance and consultative services to State or interstate planning agencies established for any of such purposes.

"PART C—STUDENT LOANS

"LOAN AGREEMENTS

"SEC. 740. (a) The Secretary of Health, Education, and Welfare is authorized to enter into an agreement for the establishment and operation of a student loan fund in accordance with this part with any public or other nonprofit school of medicine, osteopathy, or dentistry

(as defined in section 724) which is located in a State and is accredited as provided in section 721(b)(1)(B).

"(b) Each agreement entered into under this section shall—

"(1) provide for establishment of a student loan fund by the school;

"(2) provide for deposit in the fund of (A) the amounts allocated under this part to the school by the Secretary, (B) an additional amount from other sources equal to not less than one-ninth of amounts deposited pursuant to clause (A), (C) collections of principal and interest on loans made from the fund, and (D) any other earnings of the fund;

"(3) provide that the fund shall be used only for loans to students of the school in accordance with the agreement and for costs of collection of such loans and interest thereon;

"(4) provide that loans may be made from such fund only to students pursuing a full-time course of study at the school leading to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, or doctor of osteopathy, and that while the agreement remains in effect no such student who has attended such school before July 1, 1966, shall receive a loan from a loan fund established under section 204 of the National Defense Education Act of 1958; and 72 Stat. 1584. 20 USC 424.

"(5) contain such other provisions as are necessary to protect the financial interests of the United States.

"LOAN PROVISIONS

"SEC. 741. (a) Loans from a loan fund established under this part may not exceed $2,000 for any student for any academic year or its equivalent. In the granting of such loans, a school shall give preference to persons who enter as first-year students after June 30, 1963.

"(b) Any such loans shall be made on such terms and conditions as the school may determine, but may be made only to a student in need of the amount thereof to pursue a full-time course of study at the school leading to a degree of doctor of medicine, doctor of dentistry or an equivalent degree, or doctor of osteopathy.

"(c) Such loans shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the ten-year period which begins three years after the student ceases to pursue a full-time course of study at a school of medicine, osteopathy, or dentistry, excluding from such ten-year period all periods (up to three years) of (1) active duty performed by the borrower as a member of a uniformed service, or (2) service as a volunteer under the Peace Corps Act. 75 Stat. 612. 22 USC 2501 note.

"(d) The liability to repay the unpaid balance of such a loan and accrued interest thereon shall be canceled upon the death of the borrower, or if the Secretary determines that he has become permanently and totally disabled.

"(e) Such loans shall bear interest, on the unpaid balance of the loan, computed only for periods during which the loan is repayable, at the rate of 3 per centum per annum, or the going Federal rate at the time the loan is made, whichever rate is the greater. For purposes of this subsection, the term 'going Federal rate' means the rate of interest which the Secretary of the Treasury specifies during June of each year for purposes of loans made during the fiscal year beginning on the next July 1, determined by estimating the average yield to maturity, on the basis of daily closing market quotations or prices during the preceding May on all outstanding marketable obligations of the United States having a maturity date of fifteen or more years from the first day of such month of May, and by rounding off such

estimated average annual yield to the next higher multiple of one-eighth of 1 per centum.

"(f) Loans shall be made under this part without security or endorsement, except that if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required.

"(g) No note or other evidence of a loan made under this part may be transferred or assigned by the school making the loan except that, if the borrower transfers to another school participating in the program under this part, such note or other evidence of a loan may be transferred to such other school.

"(h) Where all or any part of a loan, or interest, is canceled under this section, the Secretary shall pay to the school an amount equal to the school's proportionate share of the canceled portion, as determined by the Secretary.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 742. (a) There are hereby authorized to be appropriated to the Secretary of Health, Education, and Welfare to carry out this part $5,100,000 for the fiscal year ending June 30, 1964, $10,200,000 for the fiscal year ending June 30, 1965, $15,400,000 for the fiscal year ending June 30, 1966, and such sums for the fiscal year ending June 30, 1967, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan for any academic year ending before July 1, 1966, to continue or complete their education. Sums appropriated pursuant to this subsection shall be allotted among loan funds at schools which have established loan funds under this part.

"(b)(1) The Secretary shall from time to time set dates by which schools with which he has in effect agreements under this part must file applications for allotments to their loan funds.

"(2) If the total of the amounts requested for any fiscal year in such applications exceeds the amounts appropriated under this part for that fiscal year, the allotment to the loan fund of each such school shall be reduced to whichever of the following is the smaller: (A) the amount requested in its application or (B) an amount which bears the same ratio to the amounts appropriated as the number of students estimated by the Secretary to be enrolled in such school during such fiscal year bears to the estimated total number of students in all such schools during such year. Amounts remaining after allotment under the preceding sentence shall be reallotted in accordance with clause (B) of such sentence among schools whose applications requested more than the amounts so allotted to their loan funds, but with such adjustments as may be necessary to prevent the total allotted to any such school's loan fund from exceeding the total so requested by it.

"(3) Allotments to a loan fund of a school shall be paid to it from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in the loan fund at such school.

"DISTRIBUTION OF ASSETS FROM LOAN FUNDS

"SEC. 743. (a) After June 30, 1969, and not later than September 30, 1969, there shall be a capital distribution of the balance of the loan fund established under this part by each school as follows:

"(1) The Secretary shall first be paid an amount which bears the same ratio to the balance in such fund at the close of June 30, 1969, as the total amount of the allotments to such fund

by the Secretary under this part bears to the total amounts in such fund derived from such allotments and from funds deposited therein pursuant to section 740(b)(2)(B).

"(2) The remainder of such balance shall be paid to the school.

"(b) After September 30, 1969, each school with which the Secretary has made an agreement under this part shall pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by the school after June 30, 1969, in payment of principal or interest on loans made from the loan fund established pursuant to such agreement as was determined for the Secretary under subsection (a).

"LOANS TO SCHOOLS

"SEC. 744. Upon application by any school with which he has made an agreement under this part, the Secretary may make a loan to such school for the purpose of helping to finance deposits required by section 740(b)(2)(B) in a loan fund established pursuant to such agreement. Such loan may be made only if the school shows it is unable to secure such funds upon reasonable terms and conditions from non-Federal sources. Loans made under this section shall bear interest at a rate sufficient to cover (1) the cost of the funds to the Treasury, (2) the cost of administering this section, and (3) probable losses.

"ADMINISTRATIVE PROVISIONS

"SEC. 745. The Secretary may agree to modifications of agreements or loans made under this part, and may compromise, waive, or release any right, title, claim, or demand of the United States arising or acquired under this part."

SEC. 3. (a) Section 705(c) of the Public Health Service Act is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and", and by adding after paragraph (3) the following new paragraph: 70 Stat. 718. 42 USC 292d.

"(4) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)." 49 Stat. 1011. 5 USC 133z-15 note. 63 Stat. 108.

(b) Part A of title VII of such Act is further amended by inserting after section 710 the following new section: 42 USC 292-292i.

"TECHNICAL ASSISTANCE

"SEC. 711. The Surgeon General is authorized to provide assistance to applicants under this part, and other public or nonprofit institutions engaging or competent to engage in research, or research and related purposes, in the sciences related to health, in designing and planning the construction of facilities for the conduct of such research or research and related purposes."

Approved September 24, 1963.

Public Law 88-130

September 24, 1963
[H. R. 5623]

AN ACT

To amend the provisions of title 14, United States Code, relating to the appointment, promotion, separation, and retirement of officers of the Coast Guard, and for other purposes.

Coast Guard.
Officers, promotion, separation, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 14, United States Code, is amended as follows:

(1) The following new section is added after section 41:

"§ 41a. Active duty promotion list

"(a) The Secretary shall maintain a single active duty promotion list of officers of the Coast Guard on active duty in the grades of ensign and above. Retired officers, officers of the permanent commissioned teaching staff of the Coast Guard Academy, and officers of the Women's Reserve shall not be included on the active duty promotion list. Reserve officers on extended active duty, other than those serving in connection with organizing, administering, recruiting, instructing, or training the Reserve components, shall be included on the active duty promotion list.

"(b) Officers shall be carried on the active duty promotion list in the order of seniority of the grades in which they are serving. Officers serving in the same grade shall be carried in the order of their seniority in that grade. The Secretary may correct any erroneous position on the active duty promotion list that was caused by administrative error.

"(c) A person appointed in the grade of ensign or above in the Regular Coast Guard shall be placed on the active duty promotion list in the order of his date of rank and seniority.

"(d) A Reserve officer, other than one excluded by subsection (a), shall, when he enters on extended active duty, be placed on the active duty promotion list in accordance with his grade and seniority. The position of such a Reserve officer among other officers of the Coast Guard on active duty who have the same date of rank shall be determined by the Secretary."

(2) Section 42 is amended to read as follows:

"§ 42. Number and distribution of commissioned officers

"(a) The total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed three thousand five hundred.

"(b) The commissioned officers on the active duty promotion list shall be distributed in grade in the following percentages, respectively: rear admiral 0.75; captain 6.0; commander 12.0; lieutenant commander 18.0. The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign. The Secretary may, as the needs of the Coast Guard require, reduce the percentage applicable to any grade above lieutenant commander, and in order to compensate for such reduction increase correspondingly the percentage applicable to any lower grade.

"(c) The Secretary shall, at least once each year, make a computation to determine the number of officers on the active duty promotion list authorized to be serving in each grade. The number in each grade shall be computed by applying the applicable percentage to the total number of such officers serving on active duty on the date the computation is made. In making computations under this section the nearest whole number shall be regarded as the authorized number in any case where there is a fraction in the final result.

"(d) The numbers resulting from such computations shall be for all purposes the authorized number in each grade, except that the authorized number for a grade is temporarily increased during the period between one computation and the next by the number of officers originally appointed in that grade during that period and the number of officers of that grade for whom vacancies exist in the next higher grade but whose promotion has been delayed for any reason.

"(e) Officers who are not included on the active duty promotion list, officers serving as extra numbers in grade under sections 432 and 433 of this title, and officers serving with other departments or agencies on a reimbursable basis shall not be counted in determining authorized strengths under subsection (c) and shall not count against those strengths. The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy, of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components, and of the Women's Reserve shall be prescribed by the Secretary."

(3) The second and third sentences of section 44 are amended to read as follows: "The Commandant shall be appointed from the officers on the active duty promotion list serving in the grade of captain or above who have completed at least ten years of active service as a commissioned officer in the Coast Guard. The Commandant while so serving shall have the grade of admiral."

(4) Subsections (a), (b), and (c) of section 46 are each amended by striking out the words "and retired pay of admiral" and inserting in place thereof the words "of admiral and retired pay computed at the highest rates of basic pay applicable to him while he served as Commandant".

(5) Subsection (a) of section 47 is amended by striking out the words "active list of officers who hold a permanent commission as captain or above" and substituting therefor the words "officers on the active duty promotion list serving in the grade of captain or above".

(6) Subsection (d) of section 47 is amended by striking out the figure "243" and substituting therefor the figure "334".

(7) The analysis of chapter 3 is amended by striking out the following item: 14 USC 41-47.

"43. Relative rank of commissioned officers with respect to Army and Navy."

and inserting the following new item:

"41a. Active duty promotion list."

(8) The first sentence of section 190 is amended to read as follows: "Professors, associate professors, assistant professors, and instructors in the Coast Guard shall be subject to retirement or discharge from active service for any cause on the same basis as other commissioned officers of the Coast Guard, except that they shall not be required to retire from active service under the provisions of section 288 of this title, nor shall they be subject to the provisions of section 289 of this title. Service as a civilian member of the teaching staff at the Academy in addition to creditable service authorized by any other law in any of the military services rendered prior to an appointment as a professor, associate professor, assistant professor, or instructor shall be credited in computing length of service for retirement purposes."

(9) The analysis of chapter 11 is amended by striking out the subheads "COMMISSIONED OFFICERS" and "WARRANT OFFICERS" and the sections included thereunder and substituting in place thereof the following:

"OFFICERS

"A. APPOINTMENTS

"Sec.
"211. Original appointment of permanent commissioned officers.
"212. Original appointment of permanent commissioned warrant officers.
"213. Original appointment of permanent warrant officers (W–1).
"214. Original appointment of temporary officers.

"B. SELECTION FOR PROMOTION

"251. Selection boards; convening of boards.
"252. Selection boards; composition of boards.
"253. Selection boards; notice of convening; communication with board.
"254. Selection boards; oath of members.
"255. Number of officers to be selected for promotion.
"256. Promotion zones.
"257. Eligibility of officers for consideration for promotion.
"258. Selection boards; information to be furnished boards.
"259. Officers to be recommended for promotion.
"260. Selection boards; reports.
"261. Selection boards; submission of reports.
"262. Failure of selection for promotion.

"C. PROMOTIONS

"271. Promotions; appointments.
"272. Removal of officer from list of selectees for promotion.
"273. Promotions; acceptance; oath of office.
"274. Promotions; pay and allowances.
"275. Wartime temporary service promotions.
"276. Promotion of officers not included on active duty promotion list.
"277. Temporary promotions of warrant officers.

"D. DISCHARGES; RETIREMENTS; REVOCATION OF COMMISSIONS

"281. Revocation of commissions during first three years of commissioned service.
"282. Regular lieutenants (junior grade); separation for failure of selection for promotion.
"283. Regular lieutenants; separation for failure of selection for promotion; continuation.
"284. Regular Coast Guard; officers serving under temporary appointments.
"285. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion.
"286. Discharge in lieu of retirement; severance pay.
"287. Separation for failure of selection for promotion or continuation; time of.
"288. Regular captains; retirement.
"289. Captains; continuation on active duty; involuntary retirement.
"290. Rear admirals; retention on the active list; involuntary retirement.
"291. Voluntary retirement after twenty years' service.
"292. Voluntary retirement after thirty years' service.
"293. Compulsory retirement at age of sixty-two.
"294. Retirement for physical disability after selection for promotion; grade in which retired.

"E. SEPARATION FOR CAUSE

"321. Review of records of officers.
"322. Boards of inquiry.
"323. Boards of review.
"324. Composition of boards.
"325. Rights and procedures.
"326. Removal of officer from active duty; action by Secretary.
"327. Officers considered for removal; retirement or discharge; severance benefits.

"F. MISCELLANEOUS PROVISIONS

"331. Recall to active duty during war or national emergency.
"332. Recall to active duty with consent of officer.
"333. Relief of retired officer promoted while on active duty.
"334. Retirement in cases where higher grade has been held.
"335. Physical fitness of officers."

(10) Chapter 11 is amended—

(A) by repealing sections 221–248 and 301–313a; Repeals.

(B) by striking out the subheads "COMMISSIONED OFFICERS" and "WARRANT OFFICERS"; and

(C) by inserting the following new matter preceding section 350:

"OFFICERS

"A. Appointments

"§ 211. Original appointment of permanent commissioned officers

"(a) The President may appoint, by and with the advice and consent of the Senate, permanent commissioned officers in the Regular Coast Guard in grades of ensign or above appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the following categories:

"(1) graduates of the Coast Guard Academy;

"(2) commissioned warrant officers, warrant officers, and enlisted men of the Regular Coast Guard;

"(3) members of the Coast Guard Reserve who have served at least two years as such; and

"(4) licensed officers of the United States merchant marine who have served four or more years aboard a vessel of the United States in the capacity of a licensed officer.

"(b) No person shall be appointed a commissioned officer under this section until his mental, moral, physical, and professional fitness to perform the duties of a commissioned officer has been established under such regulations as the Secretary shall prescribe.

"(c) Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

"§ 212. Original appointment of permanent commissioned warrant officers

"(a) The President may appoint, by and with the advice and consent of the Senate, permanent commissioned warrant officers in the Regular Coast Guard, as the needs of the Coast Guard may require, from among the following categories:

"(1) warrant officers (W–1) of the Regular Coast Guard;

"(2) enlisted men of the Regular Coast Guard;

"(3) members of the Coast Guard Reserve; and

"(4) licensed officers of the United States merchant marine.

"(b) No person shall be appointed a commissioned warrant officer under this section until his mental, moral, physical, and professional fitness to perform the duties of a commissioned warrant officer has been established under such regulations as the Secretary shall prescribe.

"(c) Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their commissions as commissioned officers in the Coast Guard in such grade. Appointees whose dates of commission are the same shall take precedence with each other as the Secretary shall determine.

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"§ 213. Original appointment of permanent warrant officers (W–1)

"(a) The Secretary may appoint permanent warrant officers (W–1), in the Regular Coast Guard, as the needs of the Coast Guard may require, from among the following categories:

"(1) enlisted men of the Regular Coast Guard;

"(2) members of the Coast Guard Reserve; and

"(3) licensed officers of the United States merchant marine.

"(b) No person shall be appointed a warrant officer under this section until his mental, moral, physical, and professional fitness to perform the duties of a warrant officer has been established under such regulations as the Secretary shall prescribe.

"(c) Appointees under this section shall take precedence with other warrant officers in accordance with the dates of their appointments. Appointees whose dates of appointment are the same shall take precedence with each other as the Secretary shall determine.

"§ 214. Original appointment of temporary officers

"(a) The President may appoint temporary commissioned officers in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted men of the Coast Guard.

"(b) The President may appoint temporary commissioned warrant officers in the Regular Coast Guard, as the needs of the Coast Guard may require, from among the warrant officers and enlisted men of the Coast Guard.

"(c) The Secretary may appoint temporary warrant officers (W–1) in the Regular Coast Guard, as the needs of the Coast Guard require, from among the enlisted men of the Coast Guard.

"(d) Temporary appointments under this section do not change the permanent, probationary, or acting status of persons so appointed, prejudice them in regard to promotion or appointment, or abridge their rights or benefits. A person who is appointed under this section may not suffer any reduction in the pay and allowances to which he was entitled because of his permanent status at the time of his temporary appointment under this section.

"(e) An appointment under this section may be vacated by the appointing officer at any time. Each officer whose appointment is so vacated shall revert to his permanent status.

"(f) Appointees under this section shall take precedence in the grade to which appointed in accordance with the dates of their appointments as officers in such grade. Appointees whose dates of appointment are the same shall take precedence with each other as the Secretary shall determine.

"B. Selection for Promotion

"§ 251. Selection boards; convening of boards

"At least once a year and at such other times as the needs of the service require, the Secretary shall convene selection boards to recommend for promotion to the next higher grade officers on the active duty promotion list in each grade from lieutenant (junior grade) through captain, with separate boards for each grade. However, the Secretary is not required to convene a board to recommend officers for promotion to a grade when no vacancies exist in the grade concerned, and he estimates that none will occur in the next twelve months.

"§ 252. Selection boards; composition of boards

"A board convened under section 251 of this title shall consist of five or more officers on the active duty promotion list who are serving in or above the grade to which the board may recommend officers for promotion. No officer may be a member of two successive boards convened to consider officers of the same grade for promotion.

"§ 253. Selection boards; notice of convening; communication with board

"(a) Before a board is convened under section 251 of this title, notice of the convening date, the promotion zone to be considered, and the number of officers the board may recommend for promotion shall be given to the service at large.

"(b) Each officer eligible for consideration by a selection board convened under section 251 of this title may send a communication through official channels to the board, to arrive not later than the date the board convenes, inviting attention to any matter of record in the armed forces concerning himself. A communication sent under this section may not criticize any officer or reflect upon the character, conduct, or motive of any officer.

"§ 254. Selection boards; oath of members

"Each member of a selection board shall swear that he will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the Coast Guard, perform the duties imposed upon him.

"§ 255. Number of officers to be selected for promotion

"Before convening a board under section 251 of this title to recommend officers for promotion to any grade, the Secretary shall determine the total number of officers to be selected for promotion to that grade. This number shall be equal to the number of vacancies existing in the grade, plus the number of additional vacancies estimated for the next twelve months, less the number of officers on the selection list for the grade.

"§ 256. Promotion zones

"(a) Before convening a selection board to recommend officers for promotion to any grade above lieutenant (junior grade) and below rear admiral, the Secretary shall establish a promotion zone for the grade to be considered. The promotion zone for each grade shall consist of the most senior officers of that grade on the active duty promotion list who have not previously been placed in a promotion zone for selection for promotion to the next higher grade. The number of officers in each zone shall be determined after considering—

"(1) the needs of the service;

"(2) the estimated numbers of vacancies available in future years to provide comparable opportunity for promotion of officers in successive year groups; and

"(3) the extent to which current terms of service in that grade conform to a desirable career promotion pattern.

However, such number of officers shall not exceed the number to be selected for promotion divided by six-tenths.

"(b) Promotion zones from which officers will be selected for promotion to the grade of rear admiral shall be established by the Secretary as the needs of the service require.

"§ 257. Eligibility of officers for consideration for promotion

"(a) An officer on the active duty promotion list becomes eligible for consideration for promotion to the next higher grade at the beginning of the fiscal year in which he completes the following amount of

service computed from his date of rank in the grade in which he is serving:

"(1) two years in the grade of lieutenant (junior grade);
"(2) three years in the grade of lieutenant;
"(3) four years in the grade of lieutenant commander;
"(4) four years in the grade of commander; and
"(5) three years in the grade of captain.

"(b) For the purpose of this section, service in a grade includes all qualifying service in that grade or a higher grade, under either a temporary or permanent appointment. However, service in a grade under a temporary service appointment under section 275 of this title is considered as service only in the grade that the officer concerned would have held had he not been so appointed.

"(c) No officer may become eligible for consideration for promotion until all officers of his grade senior to him are so eligible.

"(d) Except when his name is on a list of selectees, each officer who becomes eligible for consideration for promotion to the next higher grade remains eligible so long as he—

"(1) continues on active duty;
"(2) is not promoted to that grade; and
"(3) if serving in a grade below captain, has not twice failed of selection for promotion to the next higher grade.

"§ 258. Selection boards; information to be furnished boards

"The Secretary shall furnish the appropriate selection board convened under section 251 of this title with:

"(1) the number of officers that the board may recommend for promotion to the next higher grade; and
"(2) the names and records of all officers to be considered by the board, with identification of those officers who are in the promotion zone.

"§ 259. Officers to be recommended for promotion

"(a) A selection board convened to recommend officers for promotion shall recommend those eligible officers whom the board considers best qualified of the officers under consideration for promotion. No officer may be recommended for promotion unless he receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

"(b) The number of officers that a board convened under section 251 of this title may recommend for promotion to a grade below rear admiral from among eligible officers junior in rank to the junior officer in the appropriate promotion zone may not exceed—

"(1) 5 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of lieutenant or lieutenant commander;
"(2) 7½ percent of the total number of officers that the board is authorized to recommend for promotion to the grade of commander; and
"(3) 10 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of captain;

unless such percentage is a number less than one, in which case the board may recommend one such officer for promotion.

"§ 260. Selection boards; reports

"(a) Each board convened under section 251 of this title shall submit a report in writing, signed by all the members thereof, containing the names of the officers recommended for promotion.

"(b) A board convened under section 251 of this title shall certify that, in the opinion of at least a majority of the members if the board

has five members, or in the opinion of at least two-thirds of the members if the board has more than five members, the officers recommended for promotion are the best qualified for promotion of those officers whose names have been furnished to the board.

"§ 261. Selection boards; submission of reports

"(a) A board convened under section 251 of this title shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review, the Secretary shall submit the report of the board to the President for his approval, modification, or disapproval.

"(b) If any officer recommended for promotion is not acceptable to the President, the President may remove the name of that officer from the report of the board.

"(c) Upon approval by the President the names of officers selected for promotion by a board convened under section 251 of this title shall be promptly disseminated to the service at large.

"(d) Except as required by this section, the proceedings of a selection board shall not be disclosed to any person not a member of the board.

"§ 262. Failure of selection for promotion

"(a) An officer, other than an officer serving in the grade of captain, who is, or is senior to, the junior officer in the promotion zone established for his grade under section 256 of this title, fails of selection if he is not selected for promotion by the selection board which considered him, or if having been recommended for promotion by the board, his name is thereafter removed from the report of the board by the President.

"(b) An officer shall not be considered to have failed of selection if he was not considered by a selection board because of administrative error. If he is selected by the next succeeding selection board and promoted, he shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held had he been recommended by the first selection board.

"C. Promotions

"§ 271. Promotions; appointments

"(a) When the report of a board convened to recommend officers for promotion has been approved by the President, the Secretary shall place the names of all officers selected and approved on a list of selectees in the order of their seniority on the active duty promotion list.

"(b) Officers on the list of selectees may be promoted by appointment in the next higher grade to fill vacancies in the authorized active duty strength of the grade as determined under section 42 of this title after officers on any previous list of selectees for that grade have been promoted. Officers shall be promoted in the order that their names appear on the list of selectees. The date of rank of an officer promoted under this subsection shall be the date of his appointment in that grade. *Ante*, p. 174.

"(c) An officer serving on active duty in the grade of ensign may if found fully qualified for promotion in accordance with regulations prescribed by the Secretary, be promoted to the grade of lieutenant (junior grade) by appointment after he has completed eighteen months' active service in grade. The date of rank of an officer promoted under this subsection shall be the date of his appointment in the grade of lieutenant (junior grade) as specified by the Secretary.

"(d) Appointments of regular officers under this section shall be made by the President, by and with the advice and consent of the Senate. Appointments of Reserve officers shall be made as prescribed in section 593 of title 10.

70A Stat. 25.

"(e) The promotion of an officer who is under investigation or against whom proceedings of a court-martial or a board of officers are pending may be delayed without prejudice by the Secretary until completion of the investigation or proceedings. However, unless the Secretary determines that a further delay is necessary in the public interest, a promotion may not be delayed under this subsection for more than one year after the date the officer would otherwise have been promoted. An officer whose promotion is delayed under this subsection and who is subsequently promoted shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held had his promotion not been so delayed.

"§ 272. Removal of officer from list of selectees for promotion

"(a) The President may remove the name of any officer from a list of selectees established under section 271 of this title.

"(b) If the Senate does not consent to the appointment of an officer whose name is on a list of selectees established under section 271 of this title, that officer's name shall be removed from this list.

"(c) An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If he is selected for promotion by the next selection board and promoted, he shall be given the date of rank and position on the active duty promotion list in the grade to which promoted that he would have held if his name had not been removed. However, if the officer is not selected by the next selection board or if his name is again removed from the list of selectees, he shall be considered for all purposes as having twice failed of selection for promotion.

"§ 273. Promotions; acceptance; oath of office

"(a) An officer who receives an appointment under section 271 of this title is considered to have accepted his appointment on its effective date, unless he expressly declines the appointment.

"(b) An officer who has served continuously since he subscribed to the oath of office prescribed in section 16 of title 5 is not required to take a new oath upon his appointment in a higher grade.

"§ 274. Promotions; pay and allowances

"An officer who is promoted under section 271 of this title shall be entitled to the pay and allowances of the grade to which promoted from his date of rank in such grade.

"§ 275. Wartime temporary service promotions

"(a) In time of war, or of national emergency declared by the President or Congress, the President may suspend any section of this chapter relating to the selection, promotion, or involuntary separation of officers. Such a suspension may not continue beyond six months after the termination of the war or national emergency.

"(b) When the preceding sections of this chapter relating to selection and promotion of officers are suspended in accordance with subsection (a), and the needs of the service require, the President may, under regulations prescribed by him, promote to a higher grade any officer serving on active duty in the grade of ensign or above in the Coast Guard.

"(c) In time of war, or of national emergency declared by the President or Congress, the President may, under regulations to be prescribed by him, promote to the next higher warrrant officer grade

any warrant officer serving on active duty in a grade below chief warrant officer, W–4.

"(d) The grade of commodore in the Coast Guard is established for the purposes of this section.

"(e) A promotion under this section to a grade above lieutenant may be made only upon the recommendation of a board of officers convened for that purpose.

"(f) A promotion under this section shall be made by an appointment for temporary service. An appointment under this section to a grade above captain shall be made by the President by and with the advice and consent of the Senate. Any other appointments under this section shall be made by the President alone.

"(g) An appointment under this section, unless expressly declined, is regarded as accepted on the date specified by the Secretary as the date of the appointment, and the officer so promoted is entitled to pay and allowances of the grade to which appointed from that date.

"(h) An appointment under this section does not terminate any appointments held by an officer concerned under any other provisions of this title. The President may terminate temporary appointments made under this section at any time. An appointment under this section is effective for such period as the President determines. However, an appointment may not be effective later than six months after the end of the war or national emergency. When his temporary appointment under this section is terminated or expires, the officer shall revert to his former grade.

"(i) Not later than six months after the end of the war or national emergency the President shall, under such regulations as he may prescribe, reestablish the active duty promotion list with adjustments and additions appropriate to the conditions of original appointment and wartime service of all officers to be included thereon. The President may, by and with the advice and consent of the Senate, appoint officers on the reestablished active duty promotion list to fill vacancies in the authorized active duty strength of each grade. Such appointments shall be considered to have been made under section 271 of this title.

"§ 276. Promotion of officers not included on active duty promotion list

"Officers who are not included on the active duty promotion list may be promoted under regulations to be prescribed by the Secretary. These regulations shall, as to officers serving in connection with organizing, administering, recruiting, instructing, or training the reserve components, provide, as nearly as practicable, that such officers will be selected and promoted in the same manner and will be afforded equal opportunity for promotion as officers of the corresponding grade on the active duty promotion list.

"§ 277. Temporary promotions of warrant officers

"Warrant officers may be temporarily promoted to higher warrant officer grades under such regulations as the Secretary may prescribe.

"D. Discharges; Retirements; Revocation of Commissions

"§ 281. Revocation of commissions during first three years of commissioned service

"The Secretary, under such regulations as he may prescribe, may revoke the commission of any regular officer on active duty who, at the date of such revocation, has had less than three years of continuous service as a commissioned officer in the Regular Coast Guard.

"§ 282. Regular lieutenants (junior grade); separation for failure of selection for promotion

"Each officer of the Regular Coast Guard appointed under section 211 of this title who is serving in the grade of lieutenant (junior grade) and who has failed of selection for promotion to the grade of lieutenant for the second time, shall:

"(1) be honorably discharged on June 30 of the fiscal year in which his second failure of selection occurs; or

"(2) if he so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if he were discharged on that date under clause (1); or

"(3) if, on the date specified for his discharge in this section, he is eligible for retirement under any law, be retired on that date.

"§ 283. Regular lieutenants; separation for failure of selection for promotion; continuation

"(a) Each officer of the Regular Coast Guard appointed under section 211 of this title who is serving in the grade of lieutenant and who has failed of selection for promotion to the grade of lieutenant commander for the second time shall:

"(1) be honorably discharged on June 30 of the fiscal year in which his second failure of selection occurs; or

"(2) if he so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if he were discharged on that date under clause (1); or

"(3) if, on the date specified for his discharge in this section, he is eligible for retirement under any law, be retired on that date; or

"(4) if, on the date specified for his discharge in clause (1), he has completed at least eighteen years of active service, be retained on active duty and retired on the last day of the month in which he completes twenty years of active service, unless earlier removed under another provision of law.

"(b) When the needs of the service require, the Secretary may direct a selection board, which has been convened under section 251 of this chapter, to recommend for continuation on active duty for terms of not less than two nor more than four years a designated number of officers of the grade of lieutenant who would otherwise be discharged or retired under this section. When so directed, the board shall recommend for continuation on active duty those officers under consideration who are, in the opinion of the board, best qualified for continuation. Each officer so recommended may, with the approval of the Secretary, and notwithstanding subsection (a), be continued on active duty for the term recommended. Upon the completion of such a term he shall, unless selected for further continuation, be honorably discharged with severance pay computed under section 286 of this title, or, if eligible for retirement under any law, be retired.

"(c) Each officer who has been continued on active duty under subsection (b) shall, unless earlier removed from active duty, be retired on the last day of the month in which he completes twenty years of active service.

"§ 284. Regular Coast Guard; officers serving under temporary appointments

"(a) Each officer of the Regular Coast Guard appointed under section 214 of this title who is serving in the grade of lieutenant (junior grade) or lieutenant and who has failed of selection for promotion to

the grade of lieutenant or lieutenant commander, respectively, for the second time shall:

"(1) be honorably discharged on June 30 of the fiscal year in which his second failure of selection occurs; or

"(2) if he so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if he were discharged on that date under clause (1); or

"(3) if on the date specified for his discharge in this section he is eligible for retirement under any law, be retired under that law on that date.

"(b) Each officer subject to discharge or retirement under subsection (a) may elect to revert to his permanent grade.

"§ 285. Regular lieutenant commanders and commanders; retirement for failure of selection for promotion

"Each officer of the Regular Coast Guard serving in the grade of lieutenant commander or commander, who has failed of selection for promotion to the grade of commander or captain, respectively, for the second time shall:

"(1) if eligible for retirement under any law on June 30 of the fiscal year in which his second failure of selection occurs, be retired on that date; or

"(2) if ineligible for retirement on the date specified in clause (1) be retained on active duty and retired on the last day of the month in which he completes twenty years of active service, unless earlier removed under another provision of law.

"§ 286. Discharge in lieu of retirement; severance pay

"(a) Each officer who is retained on active duty under section 283(a)(4), 283(b), or 285 of this title may, if he so requests, with the approval of the Secretary, be honorably discharged at any time prior to the date otherwise specified for his retirement or discharge.

"(b) Each officer discharged under this section or under section 282, 283, or 284 of this title is entitled to a lump-sum payment computed by multiplying his years of active commissioned service, but not more than twelve, by two months' basic pay of the grade in which he is serving on the date of his discharge. In determining the total number of years of active service to be used as a multiplier in computing this payment, a part of a year that is six months or more is counted as a whole year and a part of a year that is less than six months is disregarded. The acceptance of a lump-sum payment under this section does not deprive a person of any retirement benefits from the United States. However, there shall be deducted from each of his retirement payments so much thereof as is based on the service for which he has received payment under this section until the total amount deducted equals the amount of the lump-sum payment.

"§ 287. Separation for failure of selection for promotion or continuation; time of

"If, under section 282, 283, 284, 285, or 289 of this title, the discharge or retirement of any officer would be required less than six months following approval of the report of the board which considered but did not select him for promotion or continuation, the discharge or retirement of such officer shall be deferred until the last day of the sixth calendar month after such approval.

"§ 288. Regular captains; retirement

"(a) Each officer of the Regular Coast Guard serving in the grade of captain whose name is not carried on an approved list of officers selected for promotion to the grade of rear admiral shall, if not earlier retired, be retired on June 30 of the fiscal year in which he, or any

captain junior to him on the active duty promotion list who has not lost numbers or precedence, completes thirty years of active commissioned service in the Coast Guard.

"(b) Notwithstanding section 423 of this title, the retired pay of an officer retired under this section shall not be less than 50 percent of the basic pay upon which the computation of his retired pay is based.

"§ 289. Captains; continuation on active duty; involuntary retirement

"(a) The Secretary may, whenever the needs of the service require, but not more often than annually, convene a board consisting of not less than six officers of the grade of rear admiral to recommend for continuation on active duty officers on the active duty promotion list serving in the grade of captain, who during the fiscal year in which the board meets will complete at least three years' service in that grade and who have not been selected for promotion to the grade of rear admiral. Officers who are subject to retirement under section 288 of this title during the fiscal year in which the board meets shall not be considered by this board.

"(b) Whenever he convenes a board under this section, the Secretary shall establish a continuation zone. The zone shall consist of the most senior captains eligible for consideration for continuation on active duty who have not previously been placed in a continuation zone under this section. The Secretary shall, based upon the needs of the service, prescribe the number of captains to be included in the zone.

"(c) Based on the needs of the service the Secretary shall furnish the board with the number of officers that may be recommended for continuation on active duty. This number shall be no less than 75 percent of the number considered. The board shall select from the designated continuation zone, in the number directed by the Secretary, those officers who are, in the opinion of the board, best qualified for continuation on active duty.

"(d) The provisions of sections 253, 254, 258, and 260 of this title relating to selection for promotion shall, to the extent that they are not inconsistent with the provisions of this section, apply to boards convened under this section.

"(e) The Secretary shall prescribe by regulation the detailed procedures whereby officers in a continuation zone will be selected for continuation on active duty.

"(f) A board convened under this section shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review the Secretary shall submit the report of the board to the President for his approval. Upon approval by the President, the names of the officers selected for continuation on active duty by the board shall be promptly disseminated to the service at large. Except as required by the procedures of this section, the proceedings of the board shall not be disclosed to any person not a member of the board.

Report to President.

"(g) Each officer who is considered but not recommended for continuation on active duty under the provisions of this section shall, unless retired under some other provision of law, be retired on June 30 of the fiscal year in which the report of the continuation board convened under this section is approved, or the last day of the month in which he completes twenty years of active service, whichever is later.

"§ 290. Rear admirals; retention on the active list; involuntary retirement

"(a) Any rear admiral, unless retired under some other provision of law or retained on active duty under subsection (b) of this section, shall be retired on June 30 of the fiscal year in which he completes a total of seven years of service in the permanent grade of rear admiral or a total of thirty-five years of active commissioned service, including service creditable for retirement purposes under sections 432, 433, and 434 of this title.

"(b) Notwithstanding subsection (a) of this section, the Commandant, with the approval of the Secretary, may by annual action retain on active duty from fiscal year to fiscal year any rear admiral who would otherwise be retired under subsection (a). A rear admiral so retained, unless retired under some other provision of law, shall be retired on June 30 of that fiscal year in which no action is taken to further retain him under this subsection.

"(c) Subsections (a) and (b) of this section do not apply to any officer serving as Commandant.

"§ 291. Voluntary retirement after twenty years' service

"Any regular commissioned officer who has completed twenty years' active service in the Coast Guard, Navy, Army, Air Force, or Marine Corps, or the Reserve components thereof, including active duty for training, at least ten years of which shall have been active commissioned service, may, upon his own application, in the discretion of the President, be retired from active service, with retired pay of the grade with which retired.

"§ 292. Voluntary retirement after thirty years' service

"Any regular commissioned officer who has completed thirty years' service may, upon his own application, in the discretion of the Secretary, be retired from active service with retired pay of the grade with which retired.

"§ 293. Compulsory retirement at age of sixty-two

"Any regular commissioned officer, except a commissioned warrant officer, who has reached the age of sixty-two shall be retired from active service, with retired pay of the grade with which retired.

"§ 294. Retirement for physical disability after selection for promotion; grade in which retired

"An officer whose name appears on an approved list of officers selected for promotion to the next higher grade and who is retired for physical disability under the provisions of chapter 61 of title 10 prior to being promoted shall be retired in the grade to which he was selected for promotion.

70A Stat. 91.
10 USC 1201-1221.

"E. Separation for Cause

"§ 321. Review of records of officers

"The Secretary may at any time convene a board of officers to review the record of any officer of the Regular Coast Guard to determine whether he shall be required to show cause for his retention on active duty—

"(1) because his performance of duty has fallen below the standards prescribed by the Secretary, or

"(2) because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security.

"§ 322. Boards of inquiry

"(a) Boards of inquiry shall be convened at such places as the Secretary may prescribe to receive evidence and make findings and recommendations whether an officer who is required to show cause for retention under section 321 of this title should be retained on active duty.

"(b) A fair and impartial hearing before a board of inquiry shall be given to each officer so required to show cause for retention.

"(c) If a board of inquiry determines that the officer has failed to establish that he should be retained, it shall send the record of its proceedings to a board of review.

"(d) If a board of inquiry determines that the officer has established that he should be retained, his case is closed. However, at any time after one year from the date of the determination in a case arising under clause (1) of section 321, and at any time after the date of the determination in a case arising under clause (2) of that section, an officer may again be required to show cause for retention.

"§ 323. Boards of review

"(a) Boards of review shall be convened at such times as the Secretary may prescribe, to review the records of cases of officers recommended by boards of inquiry for removal.

"(b) If, after reviewing the record of the case, a board of review determines that the officer has failed to establish that he should be retained, it shall send its recommendation to the Secretary for his action.

"(c) If, after reviewing the record of the case, a board of review determines that the officer has established that he should be retained on active duty, his case is closed. However, at any time after one year from the date of the determination in a case arising under clause (1) of section 321 and at any time after the date of the determination in a case arising under clause (2) of that section, an officer may again be required to show cause for retention.

"§ 324. Composition of boards

"(a) A board convened under section 321, 322, or 323 of this title shall consist of at least three officers of the grade of commander or above, all of whom are serving in a grade senior to the grade of any officer considered by the board.

"(b) No person may be a member of more than one board convened under section 321, 322, or 323 of this title to consider the same officer.

"§ 325. Rights and procedures

"Each officer under consideration for removal under section 322 of this title shall be—

"(1) notified in writing at least thirty days before the hearing of the case by a board of inquiry of the reasons for which the officer is being required to show cause for retention;

"(2) allowed reasonable time, as determined by the board of inquiry under regulations of the Secretary, to prepare his defense;

"(3) allowed to appear in person and by counsel at proceedings before a board of inquiry; and

"(4) allowed full access to, and furnished copies of, records relevant to the case at all stages of the proceeding, except that a board shall withhold any records that the Secretary determines should be withheld in the interests of national security. In any case where any records are withheld under this clause, the officer

whose case is under consideration shall, to the extent that the national security permits, be furnished a summary of the records so withheld.

"§ 326. Removal of officer from active duty; action by Secretary

"The Secretary may remove an officer from active duty if his removal is recommended by a board of review under section 323 of this title. The Secretary's action in such a case is final and conclusive.

"§ 327. Officers considered for removal; retirement or discharge; severance benefits

"(a) At any time during proceedings under section 322 or 323, and before the removal of an officer, the Secretary may grant a request—

"(1) for voluntary retirement, if the officer is otherwise qualified therefor; or

"(2) for honorable discharge with severance benefits under subsection (b) in those cases arising under clause (1) of section 321; or

"(3) for discharge with severance benefits under subsection (b) in those cases arising under clause (2) of section 321.

"(b) Each officer removed from active duty under section 326 of this title shall—

"(1) if on the date of removal the officer is eligible for voluntary retirement under any law, be retired in the grade and with the pay for which he would be eligible if retired at his request; or

"(2) if on that date the officer is ineligible for voluntary retirement under any law, be honorably discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than twelve, by one month's basic pay of that grade, in those cases arising under clause (1) of section 321; or

"(3) if on that date the officer is ineligible for voluntary retirement under any law, be discharged in the grade then held with severance pay computed by multiplying his years of active commissioned service, but not more than twelve, by one month's basic pay of that grade, in those cases arising under clause (2) of section 321.

"F. Miscellaneous Provisions

"§ 331. Recall to active duty during war or national emergency

"In time of war or national emergency, the Secretary may order any regular officer on the retired list to active duty.

"§ 332. Recall to active duty with consent of officer

"(a) Any regular officer on the retired list may, with his consent, be assigned to such duties as he may be able to perform but no officer on the retired list who has reached the age of sixty-two years shall be recalled in time of peace.

"(b) The number of retired officers on active duty in the grade of lieutenant commander, commander, or captain shall not exceed 1 percent of the authorized number of officers on active duty in each such grade.

"§ 333. Relief of retired officer promoted while on active duty

"Any regular officer on the retired list recalled to active duty who during such active duty is advanced to a higher grade under an appointment shall, upon relief from active duty, if his performance of duty under such appointment has been satisfactory, be advanced on the retired list to the highest grade held while on such active duty.

"§ 334. Retirement in cases where higher grade has been held

"(a) Any commissioned officer, other than a commissioned warrant officer, who is retired under any provision of this title, shall be retired from active service with the highest grade held by him for not less than six months while on active duty in which, as determined by the Secretary, his performance of duty was satisfactory, with retired pay of the grade with which retired.

"(b) Any warrant officer who is retired under any provision of section 564, 1263, 1293, or 1305 of title 10, shall be retired from active service with the highest commissioned grade above chief warrant officer, W–4, held by him for not less than six months on active duty in which, as determined by the Secretary, his performance of duty was satisfactory, with retired pay of the grade with which retired. However, when the rate of pay of such highest grade is less than the pay of the warrant grade with which the officer would otherwise be retired under section 1371 of title 10, the retired pay shall be based on the higher rate of pay.

70A Stat. 22, 101.

70A Stat. 104.

"§ 335. Physical fitness of officers

"The Secretary shall prescribe regulations under which the physical fitness of officers to perform their duties shall be periodically determined."

(11) Section 433 is amended—

(A) by striking out the words "two thousand two hundred and fifty" in subsection (a) and substituting in place thereof the words "total number of", and

(B) by adding the following new subsection at the end:

"(i) No personnel of the former Bureau of Marine Inspection and Navigation and Bureau of Customs transferred from those Bureaus to the Coast Guard by Executive Order 9083 and by Reorganization Plan Numbered 3, effective July 16, 1946, who are serving as commissioned officers in the Coast Guard, shall be required to retire from active service under the provisions of section 288 of this title prior to completion of thirty years of active commissioned service, including service creditable for retirement purposes under this section, nor shall any such officers be subject to the provisions of section 289 of this title."

50 USC app. 601 note.

5 USC 133y-16 note.

(12) Section 759a is amended—

(A) by striking out the figure "436" in subsection (a) and substituting in place thereof the figure "275";

(B) by striking out the figure "435" in subsection (a) and substituting in place thereof the figure "214".

(13) Section 791 is amended by striking out the words "for temporary service".

SEC. 2. (a) Officers who have been placed permanently out of line of promotion under laws and regulations of the Secretary in effect the day before the effective date of this Act shall be considered as having failed of selection for promotion to the next higher grade for the second time on the day before the effective date of this Act, and shall be subject to the provisions of sections 282 through 285 of title 14, United States Code, as appropriate. No officer shall be separated from the service under the above provisions prior to the last day of the sixth calendar month following the effective date of this Act.

(b) Officers who have been placed temporarily out of line of promotion for appointment for temporary service under laws and regulations of the Secretary in effect the day before the effective date of this Act shall be considered as having once failed of selection for promotion to the next higher grade.

(c) Officers who, prior to the effective date of this Act, were considered but not selected for retention on active duty under the provisions of section 248, title 14, United States Code, shall remain subject to the provisions of subsections (b) and (c) of that section.

INTERIM PROVISIONS

SEC. 3. (a) For a period of three years following the effective date of this Act, or until July 1, 1966, whichever is longer, the Secretary of the Treasury may, whenever the needs of the service require but not more than once annually, convene boards to recommend for continuation on active duty officers of the Coast Guard on the active duty promotion list in the following categories:

(1) officers serving in the grade of captain who have not been selected for promotion to the grade of rear admiral and who are not subject to retirement under section 288 of title 14, United States Code, during the fiscal year in which a board is convened under this section, and

(2) officers serving in the grade of commander.

(b) Officers who are selected for promotion after the effective date of this Act and officers who are serving as extra numbers in grade under section 432 or 433, title 14, United States Code, may not be considered by boards convened under this section.

(c) No officer may be considered more than once for continuation on active duty by a board convened under this section.

(d) At the time he convenes a board to recommend officers for continuation on active duty under this section, the Secretary shall establish a continuation zone for the category to be considered. The continuation zone for each category shall consist of the most senior officers of that category who have not previously been considered for continuation under this section. The zone shall include such number of officers as the Secretary determines to be necessary to meet the needs of the service.

(e) The Secretary shall furnish a board convened under this section with the names and records of the officers who shall be considered by the board, and, based on the needs of the service, the number of officers that may be recommended for continuation on active duty. In the case of officers serving in the grade of captain this number shall not be less than 90 percent of the total number of captains in the continuation zone. In the case of officers serving in the grade of commander this number shall not be less than 80 percent of the total number of commanders in the continuation zone.

(f) A board convened under this section shall consist of six or more officers who are serving on active duty in any grade above the grade being considered for continuation.

(g) Before a board is convened under this section, notice of the convening date, the zone to be considered, and the number of officers to be continued on active duty shall be given the service at large. Any officer to be considered by the board may send a communication through official channels to the board, to arrive not later than the date the board convenes, inviting attention to any matter of record in the Coast Guard concerning himself. A communication sent under this section may not criticize any officer or reflect upon his character, conduct, or motives.

(h) Each member of a board convened under this section shall swear or affirm that he will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the Coast Guard, perform the duties imposed upon him.

(i) A board convened under this section shall recommend for continuation on active duty those officers in the zone whom the board considers best qualified for continuation.

(j) A board convened under this section shall submit its report to the Secretary. If the board has acted contrary to law or regulation, the Secretary may return the report for proceedings in revision and resubmission to the Secretary. After his final review the Secretary shall submit the report of the board to the President for his approval. Upon approval by the President, the names of the officers selected for continuation on active duty by the board shall be promptly disseminated to the service at large. Except as required by the procedures of this section, the proceedings of the board shall not be disclosed to any person not a member of the board.

(k) The Secretary shall prescribe regulations governing the detailed procedure whereby officers in a designated zone will be selected for continuation on active duty.

(l) Each officer who is considered for continuation on active duty under this section and who is not recommended for continuation in the approved report of the board shall not thereafter be eligible for promotion and, unless earlier retired under some other provision of law, shall be retired on June 30 of the fiscal year in which the report of the board is approved, or on the last day of the month in which he completes twenty years of active service, whichever is later.

(m) Each officer who is retired under this section shall be paid, in addition to his retired pay, a lump-sum payment of $2,000, effective on the date of his retirement.

(n) An officer whose retirement is required under this section shall be considered for the purposes of subsection (m) of this section as being retired under this section if the officer retires voluntarily prior to the date specified for his retirement under this section.

(o) Notwithstanding subsection (l) above, no officer shall be retired under this section until the last day of the sixth month following the month in which the report of the board which considered him is approved.

(p) Notwithstanding the provisions of subsection (l) of this section, any officer who has failed of selection for continuation may, at his own request, and with the approval of the Secretary, at any time prior to completion of twenty years of active service, be honorably discharged with severance pay computed in accordance with section 286 of title 14, United States Code.

75 Stat. 810. (q) Notwithstanding section 1431 of title 10, United States Code, an original election, change, or revocation of an election made under that section by an officer who—

(1) is considered for continuation on active duty under this section, and

(2) is not recommended for continuation, and

(3) either retires under this section, or voluntarily retires under another provision of law before the date specified for his retirement under this section,

is effective if such original election, change, or revocation is made prior to the convening date of the board which considers him.

REPEALS

SEC. 4. (a) Sections 435, 436, 437, 439, and 440 of title 14, United States Code, are repealed.

14 USC 435 note. (b) The Act of September 21, 1961 (75 Stat. 538), is repealed.

(c) The analysis of chapter 11 of title 14, United States Code, is amended by striking out the following items:

"435. Temporary appointments in time of war or national emergency.
"436. Temporary promotions in time of war or national emergency.
"437. Officers having less than 20 years of service; discharge during war or emergency for unsatisfactory performance of duty.
"439. Oath of office.
"440. Temporary promotions of warrant officers."

SAVING CLAUSES

SEC. 5. (a) Officers in each grade who have been recommended as qualified for temporary promotion under laws and regulations in effect the day before the effective date of this Act but not promoted to the grade for which they were recommended shall be placed on a list of selectees in order of their precedence, and they shall be promoted as if they had been selected for promotion in the approved report of a selection board convened under this Act.

(b) Officers who have been recommended for promotion to the grade of rear admiral under laws and regulations in effect the day before the effective date of this Act but have not been promoted to that grade shall be promoted as if they had been so recommended in the approved report of a selection board convened under this Act.

(c) The enactment of this Act does not terminate the appointment of any officer.

(d) An officer of the Regular Coast Guard who on the day before the effective date of this Act had been promoted to and was serving on active duty in a temporary grade higher than his permanent grade shall be considered to have been promoted to that grade under section 271 of title 14, United States Code.

(e) An officer of the Regular Coast Guard who was appointed as a temporary commissioned officer under any provision of law in effect prior to the effective date of this Act and who is serving on active duty shall be considered to have been appointed under section 214 of title 14, United States Code, and subject to the provisions thereof.

(f) Each officer who would have been required to retire on June 30, 1962, under the provisions of section 288 of title 14, United States Code, had that section been in effect on that date, shall be retired on the last day of the sixth month following the month in which this Act becomes effective. If, under section 288 of title 14, United States Code, the retirement of any other officer would be required after June 30, 1962, but less than six months following the effective date of this Act, his retirement shall be deferred until the last day of the twelfth month following the month in which this Act becomes effective, or June 30, 1964, whichever is earlier.

(g) The enactment of this Act does not increase or decrease the retired pay of any person retired on or prior to the effective date of this Act.

(h) Notwithstanding section 1431 of title 10, United States Code, an original election, change, or revocation of an election, made under that section by an officer who is retired under the provisions of section 282, 283, 284, 285, or 288 of title 14, United States Code, is effective if made prior to the first day of the third month following the month in which this Act is enacted. 75 Stat. 810.

EFFECTIVE DATE

SEC. 6. Section 289 of title 14, United States Code, as enacted by section 1(10)(C) of this Act, becomes effective three years after the effective date of this Act, or on July 1, 1966, whichever is later.

Approved September 24, 1963.

93-025 O-64—15

Public Law 88-131

AN ACT

September 24, 1963
[H. R. 6012]

To authorize the President to proclaim regulations for preventing collisions at sea.

Collisions at sea, prevention. Proclamation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to proclaim the regulations set forth in section 4 of this Act for preventing collisions involving waterborne craft upon the high seas, and in all waters connected therewith. The effective date of such proclamation shall be not earlier than the date fixed by the Inter-Governmental Maritime Consultative Organization for application of such regulations by Governments which have agreed to accept them. Such proclamation, together with the regulations, shall be published in the Federal Register and after the effective date specified in such proclamation such regulations shall have effect as if enacted by statute and shall be followed by all public and private vessels of the United States and by all aircraft of United States registry to the extent therein made applicable. Such regulations shall not apply to the harbors, rivers, and other inland waters of the United States; to the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Saint Lambert Lock at Montreal in the Province of Quebec, Canada; to the Red River of the North and the rivers emptying into the Gulf of Mexico and their tributaries; nor with respect to aircraft in any territorial waters of the United States.

Publication in F. R.

Lights displayed by vessels, exemptions.

SEC. 2. Any requirement of such regulations in respect of the number, position, range of visibility, or arc of visibility of the lights required to be displayed by vessels shall not apply to any vessel of the Navy or of the Coast Guard whenever the Secretary of the Navy or the Secretary of the Treasury, in the case of Coast Guard vessels operating under the Treasury Department, or such official as either may designate, shall find or certify that, by reason of special construction, it is not possible for such vessel or class of vessels to comply with such regulations. The lights of any such exempted vessel or class of vessels, however, shall conform as closely to the requirements of the applicable regulations as the Secretary or such official shall find or certify to be feasible. Notice of such findings or certification and of the character and position of the lights prescribed to be displayed on such exempted vessel or class of vessels shall be published in the Federal Register and in the Notice to Mariners and, after the effective date specified in such notice, shall have effect as part of such regulations.

Publication in F. R.

33 USC 143-147d.

SEC. 3. On the date the regulations authorized to be proclaimed under section 1 hereof take effect, the Act of October 11, 1951 (65 Stat. 406), is repealed and the regulations proclaimed thereunder shall be of no further force or effect. Until such date, nothing herein shall in any way limit, supersede, or repeal any regulations for the prevention of collisions which have heretofore been prescribed by statute, regulation, or rule. Any reference in any other law to the Act of October 11, 1951 (65 Stat. 406), or the regulations proclaimed thereunder, shall be deemed a reference to this Act and the regulations proclaimed hereunder.

SEC. 4. The regulations authorized to be proclaimed under section 1 hereof are the Regulations for Preventing Collisions at Sea, 1960, approved by the International Conference on Safety of Life at Sea, 1960, held at London from May 17, 1960, to June 17, 1960, as follows:

"REGULATIONS FOR PREVENTING COLLISIONS AT SEA

"PART A.—PRELIMINARY AND DEFINITIONS

"Rule 1

"(a) These Rules shall be followed by all vessels and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels, except as provided in Rule 30. Where, as a result of their special construction, it is not possible for seaplanes to comply fully with the provisions of Rules specifying the carrying of lights and shapes, these provisions shall be followed as closely as circumstances permit.

"(b) The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such times no other lights shall be exhibited, except such lights as cannot be mistaken for the prescribed lights or do not impair their visibility or distinctive character, or interfere with the keeping of a proper look-out. The lights prescribed by these Rules may also be exhibited from sunrise to sunset in restricted visibility and in all other circumstances when it is deemed necessary.

"(c) In the following Rules, except where the context otherwise requires—

"(i) the word 'vessel' includes every description of water craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;

"(ii) the word 'seaplane' includes a flying boat and any other aircraft designed to manoeuvre on the water;

"(iii) the term 'power-driven vessel' means any vessel propelled by machinery;

"(iv) every power-driven vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a power-driven vessel;

"(v) a vessel or seaplane on the water is 'under way' when she is not at anchor, or made fast to the shore, or aground;

"(vi) the term 'height above the hull' means height above the uppermost continuous deck;

"(vii) the length and breadth of a vessel shall be her length overall and largest breadth;

"(viii) the length and span of a seaplane shall be its maximum length and span as shown in its certificate of airworthiness, or as determined by measurement in the absence of such certificate;

"(ix) vessels shall be deemed to be in sight of one another only when one can be observed visually from the other;

"(x) the word 'visible', when applied to lights, means visible on a dark night with a clear atmosphere;

"(xi) the term 'short blast' means a blast of about one second's duration;

"(xii) the term 'prolonged blast' means a blast of from four to six seconds' duration;

"(xiii) the word 'whistle' means any appliance capable of producing the prescribed short and prolonged blasts;

"(xiv) the term 'engaged in fishing' means fishing with nets, lines or trawls but does not including fishing with trolling lines.

"PART B.—LIGHTS AND SHAPES

"Rule 2

"(a) A power-driven vessel when under way shall carry—

"(i) On or in front of the foremast, or if a vessel without a foremast then in the forepart of the vessel, a white light so constructed as to show an unbroken light over an arc of the horizon of 225 degrees (20 points of the compass), so fixed as to show the light 112½ degrees (10 points) on each side of the vessel, that is, from right ahead to 22½ degrees (2 points) abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.

"(ii) Either forward or abaft the white light prescribed in sub-section (i) a second white light similar in construction and character to that light. Vessels of less than 150 feet in length shall not be required to carry this second white light but may do so.

"(iii) These two white lights shall be so placed in a line with and over the keel that one shall be at least 15 feet higher than the other and in such a position that the forward light shall always be shown lower than the after one. The horizontal distance between the two white lights shall be at least three times the vertical distance. The lower of these two white lights or, if only one is carried, then that light, shall be placed at a height above the hull of not less than 20 feet, and, if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however that the light need not be placed at a greater height above the hull than 40 feet. In all circumstances the light or lights, as the case may be, shall be so placed as to be clear of and above all other lights and obstructing superstructures.

"(iv) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 112½ degrees (10 points of the compass), so fixed as to show the light from right ahead to 22½ degrees (2 points) abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

"(v) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 112½ degrees (10 points of the compass), so fixed as to show the light from right ahead to 22½ degrees (2 points) abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

"(vi) The said green and red sidelights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bows.

"(b) A seaplane under way on the water shall carry—

"(i) In the forepart amidships where it can best be seen a white light, so constructed as to show an unbroken light over an arc of the horizon of 220 degrees of the compass, so fixed as to show the light 110 degrees on each side of the seaplane, namely, from right ahead to 20 degrees abaft the beam on either side, and of such a character as to be visible at a distance of at least 3 miles.

"(ii) On the right or starboard wing tip a green light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.

"(iii) On the left or port wing tip a red light, so constructed as to show an unbroken light over an arc of the horizon of 110 degrees of the compass, so fixed as to show the light from right ahead to 20 degrees abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.

"Rule 3

"(a) A power-driven vessel when towing or pushing another vessel or seaplane shall, in addition to her sidelights, carry two white lights in a vertical line one over the other, not less than 6 feet apart, and when towing and the length of the tow, measuring from the stern of the towing vessel to the stern of the last vessel towed, exceeds 600 feet, shall carry three white lights in a vertical line one over the other, so that the upper and lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. Each of these lights shall be of the same construction and character and one of them shall be carried in the same position as the white light prescribed in Rule 2(a)(i). None of these lights shall be carried at a height of less than 14 feet above the hull. In a vessel with a single mast, such lights may be carried on the mast.

"(b) The towing vessel shall also show either the stern light prescribed in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

"(c) Between sunrise and sunset a power-driven vessel engaged in towing, if the length of tow exceeds 600 feet, shall carry, where it can best be seen, a black diamond shape at least 2 feet in diameter.

"(d) A seaplane on the water, when towing one or more seaplanes or vessels, shall carry the lights prescribed in Rule 2(b) (i), (ii) and (iii); and, in addition, she shall carry a second white light of the same construction and character as the white light prescribed in Rule 2(b) (i), and in a vertical line at least 6 feet above or below such light.

"Rule 4

"(a) A vessel which is not under command shall carry, where they can best be seen, and, if a power-driven vessel, in lieu of the lights prescribed in Rule 2(a) (i) and (ii), two red lights in a vertical line one over the other not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, two black balls or shapes each not less than 2 feet in diameter.

"(b) A seaplane on the water which is not under command may carry, where they can best be seen, and in lieu of the light prescribed in Rule 2(b)(i), two red lights in a vertical line, one over the other, not less than 3 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles, and may by day carry in a vertical line one over the other not less than 3 feet apart, where they can best be seen, two black balls or shapes, each not less than 2 feet in diameter.

"(c) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, or a vessel engaged in replenishment at sea, or in the launching or recovery of aircraft when from the nature of her work she is unable to get out of the way of approaching vessels, shall carry, in lieu of the lights prescribed in Rule 2(a) (i) and (ii), or Rule 7(a)(i), three lights in a vertical line one over the other so that the upper and

lower lights shall be the same distance from, and not less than 6 feet above or below, the middle light. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day, she shall carry in a vertical line one over the other not less than 6 feet apart, where they can best be seen, three shapes each not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.

"(d) (i) A vessel engaged in minesweeping operations shall carry at the fore truck a green light, and at the end or ends of the fore yard on the side or sides on which danger exists, another such light or lights. These lights shall be carried in addition to the light prescribed in Rule 2(a) (i) or Rule 7(a) (i), as appropriate, and shall be of such a character as to be visible all round the horizon at a distance of at least 2 miles. By day she shall carry black balls, not less than 2 feet in diameter, in the same position as the green lights.

"(ii) the showing of these lights or balls indicates that it is dangerous for other vessels to approach closer than 3,000 feet astern of the minesweeper or 1,500 feet on the side or sides on which danger exists.

"(e) The vessels and seaplanes referred to in this Rule, when not making way through the water, shall show neither the coloured sidelights nor the stern light, but when making way they shall show them.

"(f) The lights and shapes prescribed in this Rule are to be taken by other vessels and seaplanes as signals that the vessel or seaplane showing them is not under command and cannot therefore get out of the way.

"(g) These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Rule 31.

"Rule 5

"(a) A sailing vessel under way and any vessel or seaplane being towed shall carry the same lights as are prescribed in Rule 2 for a power-driven vessel or a seaplane under way, respectively, with the exception of the white lights prescribed therein, which they shall never carry. They shall also carry stern lights as prescribed in Rule 10, provided that vessels towed, except the last vessel of a tow, may carry, in lieu of such stern light, a small white light as prescribed in Rule 3(b).

"(b) In addition to the lights prescribed in section (a), a sailing vessel may carry on the top of the foremast two lights in a vertical line one over the other, sufficiently separated so as to be clearly distinguished. The upper light shall be red and the lower light shall be green. Both lights shall be constructed and fixed as prescribed in Rule 2(a) (i) and shall be visible at a distance of at least 2 miles.

"(c) A vessel being pushed ahead shall carry, at the forward end, on the starboard side a green light and on the port side a red light, which shall have the same characteristics as the lights prescribed in Rule 2(a) (iv) and (v) and shall be screened as provided in Rule 2(a) (vi), provided that any number of vessels pushed ahead in a group shall be lighted as one vessel.

"(d) Between sunrise and sunset a vessel being towed, if the length of the tow exceeds 600 feet, shall carry where it can best be seen a black diamond shape at least 2 feet in diameter.

"Rule 6

"(a) When it is not possible on account of bad weather or other sufficient cause to fix the green and red sidelights, these lights shall be kept at hand lighted and ready for immediate use, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than 22½ degrees (2 points) abaft the beam on their respective sides.

"(b) To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the lights they respectively contain, and shall be provided with proper screens.

"Rule 7

"Power-driven vessels of less than 65 feet in length, vessels under oars or sails of less than 40 feet in length, and rowing boats, when under way shall not be required to carry the lights prescribed in Rules 2, 3 and 5, but if they do not carry them they shall be provided with the following lights—

"(a) Power-driven vessels of less than 65 feet in length, except as provided in sections (b) and (c), shall carry—

"(i) In the forepart of the vessel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a white light constructed and fixed as prescribed in Rule 2(a)(i) and of such a character as to be visible at a distance of at least 3 miles.

"(ii) Green and red sidelights constructed and fixed as prescribed in Rule 2(a)(iv) and (v), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 22½ degrees (2 points) abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.

"(b) Power-driven vessels of less than 65 feet in length when towing or pushing another vessel shall carry—

"(i) In addition to the sidelights or the combined lantern prescribed in section (a)(ii) two white lights in a vertical line, one over the other not less than 4 feet apart. Each of these lights shall be of the same construction and character as the white light prescribed in section (a)(i) and one of them shall be carried in the same position. In a vessel with a single mast such lights may be carried on the mast.

"(ii) Either a stern light as prescribed in Rule 10 or in lieu of that light a small white light abaft the funnel or aftermast for the tow to steer by, but such light shall not be visible forward of the beam.

"(c) Power-driven vessels of less than 40 feet in length may carry the white light at a less height than 9 feet above the gunwale but it shall be carried not less than 3 feet above the sidelights or the combined lantern prescribed in section (a)(ii).

"(d) Vessels of less than 40 feet in length, under oars or sails, except as provided in section (f), shall, if they do not carry the sidelights, carry, where it can best be seen, a lantern showing a green light on one side and a red light on the other, of such a character as to be visible at a distance of at least 1 mile, and so fixed that the green light shall not be seen on the port side, nor the red light on the starboard side. Where it is not possible to fix this light, it shall be kept ready for immediate use and shall be exhibited in sufficient time to prevent

collision and so that the green light shall not be seen on the port side nor the red light on the starboard side.

"(e) The vessels referred to in this Rule when being towed shall carry the sidelights or the combined lantern prescribed in sections (a) or (d) of this Rule, as appropriate, and a stern light as prescribed in Rule 10, or, except the last vessel of the tow, a small white light as prescribed in section (b)(ii). When being pushed ahead they shall carry at the forward end the sidelights or combined lantern prescribed in sections (a) or (d) of this Rule, as appropriate, provided that any number of vessels referred to in this Rule when pushed ahead in a group shall be lighted as one vessel under this Rule unless the overall length of the group exceeds 65 feet when the provisions of Rule 5(c) shall apply.

"(f) Small rowing boats, whether under oars or sail, shall only be required to have ready at hand an electric torch or a lighted lantern, showing a white light, which shall be exhibited in sufficient time to prevent collision.

"(g) The vessels and boats referred to in this Rule shall not be required to carry the lights or shapes prescribed in Rules 4(a) and 11(e) and the size of their day signals may be less than is prescribed in Rules 4(c) and 11(c).

"Rule 8

"(a) A power-driven pilot-vessel when engaged on pilotage duty and under way—

"(i) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length she may carry the white light at a height of not less than 9 feet above the gunwale and the red light at a distance of 4 feet below the white light.

"(ii) Shall carry the sidelights or lanterns prescribed in Rule 2(a) (iv) and (v) or Rule 7(a) (ii) or (d), as appropriate, and the stern light prescribed in Rule 10.

"(iii) Shall show one or more flare-up lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flare-up lights.

"(b) A sailing pilot-vessel when engaged on pilotage duty and under way—

"(i) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.

"(ii) Shall be provided with the sidelights or lantern prescribed in Rules 5(a) or 7(d), as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which she is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. She shall also carry the stern light prescribed in Rule 10.

"(iii) Shall show one or more flare-up lights at intervals not exceeding ten minutes.

"(c) A pilot-vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in sections (a) (i) and (iii) or (b) (i) and (iii), as appropriate, and if at anchor shall also carry the anchor lights prescribed in Rule 11.

"(d) A pilot-vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of her length.

"Rule 9

"(a) Fishing vessels when not engaged in fishing shall show the lights or shapes for similar vessels of their length.

"(b) Vessels engaged in fishing, when under way or at anchor, shall show only the lights and shapes prescribed in this Rule, which lights and shapes shall be visible at a distance of at least 2 miles.

"(c) (i) Vessels when engaged in trawling, by which is meant the dragging of a dredge net or other apparatus through the water, shall carry two lights in a vertical line, one over the other, not less than 4 feet nor more than 12 feet apart. The upper of these lights shall be green and the lower light white and each shall be visible all round the horizon. The lower of these two lights shall be carried at a height above the sidelights not less than twice the distance between the two vertical lights.

"(ii) Such vessels may in addition carry a white light similar in construction to the white light prescribed in Rule 2(a) (i) but such light shall be carried lower than and abaft the all-round green and white lights.

"(d) Vessels when engaged in fishing, except vessels engaged in trawling, shall carry the lights prescribed in section (c) (i) except that the upper of the two vertical lights shall be red. Such vessels if of less than 40 feet in length may carry the red light at a height of not less than 9 feet above the gunwale and the white light not less than 3 feet below the red light.

"(e) Vessels referred to in sections (c) and (d), when making way through the water, shall carry the sidelights or lanterns prescribed in Rule 2(a) (iv) and (v) or Rule 7 (a) (ii) or (d), as appropriate, and the stern light prescribed in Rule 10. When not making way through the water they shall show neither the sidelights nor the stern light.

"(f) Vessels referred to in section (d) with outlying gear extending more than 500 feet horizontally into the seaway shall carry an additional all-round white light at a horizontal distance of not less than 6 feet nor more than 20 feet away from the vertical lights in the direction of the outlying gear. This additional white light shall be placed at a height not exceeding that of the white light prescribed in section (c) (i) and not lower than the sidelights.

"(g) In addition to the lights which they are required by this Rule to carry, vessels engaged in fishing may, if necessary in order to attract the attention of an approaching vessel, use a flare-up light, or may direct the beam of their searchlight in the direction of a danger threatening the approaching vessel, in such a way as not to embarrass other vessels. They may also use working lights but fishermen shall take into account that specially bright or insufficiently screened working lights may impair the visibility and distinctive character of the lights prescribed in this Rule.

"(h) By day vessels when engaged in fishing shall indicate their occupation by displaying where it can best be seen a black shape consisting of two cones each not less than 2 feet in diameter with their points together one above the other. Such vessels if of less than 65 feet in length may substitute a basket for such black shape. If their outlying gear extends more than 500 feet horizontally into the seaway vessels engaged in fishing shall display in addition one black conical shape, point upwards, in the direction of the outlying gear.

"NOTE.—Vessels fishing with trolling lines are not 'engaged in fishing' as defined in Rule 1(c) (xiv).

"Rule 10

"(a) Except where otherwise provided in these Rules, a vessel when under way shall carry at her stern a white light, so constructed that it shall show an unbroken light over an arc of the horizon of 135 degrees (12 Points of the compass), so fixed as to show the light 67½ degrees (6 points) from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

"(b) In a small vessel, if it is not possible on account of bad weather or other sufficient cause for this light to be fixed, an electric torch or a lighted lantern showing a white light shall be kept at hand ready for use and shall, on the approach of an overtaking vessel, be shown in sufficient time to prevent collision.

"(c) A seaplane on the water when under way shall carry on her tail a white light, so constructed as to show an unbroken light over an arc of the horizon of 140 degrees of the compass, so fixed as to show the light 70 degrees from right aft on each side of the seaplane, and of such a character as to be visible at a distance of at least 2 miles.

"Rule 11

"(a) A vessel of less than 150 feet in length, when at anchor, shall carry in the forepart of the vessel, where it can best be seen, a white light visible all round the horizon at a distance of at least 2 miles. Such a vessel may also carry a second white light in the position prescribed in section (b) of this Rule but shall not be required to do so. The second white light, if carried, shall be visible at a distance of at least 2 miles and so placed as to be as far as possible visible all round the horizon.

"(b) A vessel of 150 feet or more in length, when at anchor, shall carry near the stem of the vessel, at a height of not less than 20 feet above the hull, one such light, and at or near the stern of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light. Both these lights shall be visible at a distance of at least 3 miles and so placed as to be as far as possible visible all round the horizon.

"(c) Between sunrise and sunset every vessel when at anchor shall carry in the forepart of the vessel, where it can best be seen, one black ball not less than 2 feet in diameter.

"(d) A vessel engaged in laying or in picking up a submarine cable or navigation mark, or a vessel engaged in surveying or underwater operations, when at anchor, shall carry the lights or shapes prescribed in Rule 4(c) in addition to those prescribed in the appropriate preceding sections of this Rule.

"(e) A vessel aground shall carry the light or lights prescribed in sections (a) or (b) and the two red lights prescribed in Rule 4(a). By day she shall carry, where they can best be seen, three black balls, each not less than 2 feet in diameter, placed in a vertical line one over the other, not less than 6 feet apart.

"(f) A seaplane on the water under 150 feet in length, when at anchor, shall carry, where it can best be seen, a white light, visible all round the horizon at a distance of at least 2 miles.

"(g) A seaplane on the water 150 feet or upwards in length, when at anchor, shall carry, where they can best be seen, a white light forward and a white light aft, both lights visible all round the horizon at a distance of at least 3 miles; and, in addition, if the seaplane is more than 150 feet in span, a white light on each side to indicate the maximum span, and visible, so far as practicable, all round the horizon at a distance of 1 mile.

"(h) A seaplane aground shall carry on anchor light or lights as prescribed in sections (f) and (g), and in addition may carry two red lights in a vertical line, at least 3 feet apart, so placed as to be visible all round the horizon.

"Rule 12

"Every vessel or seaplane on the water may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use a detonating or other efficient sound signal that cannot be mistaken for any signal authorised elsewhere under these Rules.

"Rule 13

"(a) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal lights for ships of war, for vessels sailing under convoy, for fishing vessels engaged in fishing as a fleet or for seaplanes on the water.

"(b) Whenever the Government concerned shall have determined that a naval or other military vessel or waterborne seaplane of special construction or purpose cannot comply fully with the provisions of any of these Rules with respect to the number, position, range or arc of visibility of lights or shapes, without interfering with the military function of the vessel or seaplane, such vessel or seaplane shall comply with such other provisions in regard to the number, position, range or arc of visibility of lights or shapes as her Government shall have determined to be the closest possible compliance with these Rules in respect of that vessel or seaplane.

"Rule 14

"A vessel proceeding under sail, when also being propelled by machinery, shall carry in the daytime forward, where it can best be seen, one black conical shape, point downwards, not less than 2 feet in diameter at its base.

"PART C.—SOUND SIGNALS AND CONDUCT IN RESTRICTED VISIBILITY

"PRELIMINARY

"1. The possession of information obtained from radar does not relieve any vessel of the obligation of conforming strictly with the Rules and, in particular, the obligations contained in Rules 15 and 16.

"2. The Annex to the Rules contains recommendations intended to assist in the use of radar as an aid to avoiding collision in restricted visibility.

"Rule 15

"(a) A power-driven vessel of 40 feet or more in length shall be provided with an efficient whistle, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn to be sounded by mechanical means, and also with an efficient bell. A sailing vessel of 40 feet or more in length shall be provided with a similar fog horn and bell.

"(b) All signals prescribed in this Rule for vessels under way shall be given—

"(i) by power-driven vessels on the whistle;

"(ii) by sailing vessels on the fog horn;

"(iii) by vessels towed on the whistle or fog horn.

"(c) In fog, mist, falling snow, heavy rainstorms, or any other condition similarly restricting visibility, whether by day or night, the signals prescribed in this Rule shall be used as follows—

"(i) A power-driven vessel making way through the water shall sound at intervals of not more than 2 minutes a prolonged blast.

"(ii) A power-driven vessel under way, but stopped and making no way through the water, shall sound at intervals of not more than 2 minutes two prolonged blasts, with an interval of about 1 second between them.

"(iii) A sailing vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

"(iv) A vessel when at anchor shall at intervals of not more than 1 minute ring the bell rapidly for about 5 seconds. In vessels of more than 350 feet in length the bell shall be sounded in the forepart of the vessel, and in addition there shall be sounded in the after part of the vessel, at intervals of not more than 1 minute for about 5 seconds, a gong or other instrument, the tone and sounding of which cannot be confused with that of the bell. Every vessel at anchor may in addition, in accordance with Rule 12, sound three blasts in succession, namely, one short, one prolonged, and one short blast, to give warning of her position and of the possibility of collision to an approaching vessel.

"(v) A vessel when towing, a vessel engaged in laying or in picking up a submarine cable or navigation mark, and a vessel under way which is unable to get out of the way of an approaching vessel through being not under command or unable to manoeuvre as required by these Rules shall, instead of the signals prescribed in subsections (i), (ii) and (iii) sound, at intervals of not more than 1 minute, three blasts in succession, namely, one prolonged blast followed by two short blasts.

"(vi) A vessel towed, or, if more than one vessel is towed, only the last vessel of the tow, if manned, shall, at intervals of not more than 1 minute, sound four blasts in succession, namely, one prolonged blast followed by three short blasts. When practicable, this signal shall be made immediately after the signal made by the towing vessel.

"(vii) A vessel aground shall give the bell signal and, if required, the gong signal, prescribed in sub-section (iv) and shall, in addition, give 3 separate and distinct strokes on the bell immediately before and after such rapid ringing of the bell.

"(viii) A vessel engaged in fishing when under way or at anchor shall at intervals of not more than 1 minute sound the signal prescribed in sub-section (v). A vessel when fishing with trolling lines and under way shall sound the signals prescribed in subsections (i), (ii) or (iii) as may be appropriate.

"(ix) A vessel of less than 40 feet in length, a rowing boat, or a seaplane on the water, shall not be obliged to give the above-mentioned signals but if she does not, she shall make some other efficient sound signal at intervals of not more than 1 minute.

"(x) A power-driven pilot-vessel when engaged on pilotage duty may, in addition to the signals prescribed in sub-sections

(i), (ii) and (iv), sound an identity signal consisting of 4 short blasts.

"Rule 16

"(a) Every vessel, or seaplane when taxi-ing on the water, shall, in fog, mist, falling snow, heavy rainstorms or any other condition similarly restricting visibility, go at a moderate speed, having careful regard to the existing circumstances and conditions.

"(b) A power-driven vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

"(c) A power-driven vessel which detects the presence of another vessel forward of her beam before hearing her fog signal or sighting her visually may take early and substantial action to avoid a close quarters situation but, if this cannot be avoided, she shall, so far as the circumstances of the case admit, stop her engines in proper time to avoid collision and then navigate with caution until danger of collision is over.

"PART D.—STEERING AND SAILING RULES

"PRELIMINARY

"1. In obeying and construing these Rules, any action taken should be positive, in ample time, and with due regard to the observance of good seamanship.

"2. Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

"3. Mariners should bear in mind that seaplanes in the act of landing or taking off, or operating under adverse weather conditions, may be unable to change their intended action at the last moment.

"4. Rules 17 to 24 apply only to vessels in sight of one another.

"Rule 17

"(a) When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other as follows—

"(i) When each has the wind on a different side, the vessel which has the wind on the port side shall keep out of the way of the other.

"(ii) When both have the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

"(b) For the purposes of this Rule the windward side shall be deemed to be the side opposite to that on which the mainsail is carried or, in the case of a square-rigged vessel, the side opposite to that on which the largest fore-and-aft sail is carried.

"Rule 18

"(a) When two power-driven vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This Rule only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective course, pass clear of each other. The only cases to which it does apply

are when each of two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the sidelights of the other. It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or, by night, to cases where the red light of one vessel is opposed to the red light of the other or where the green light of one vessel is opposed to the green light of the other or where a red light without a green light or a green light without a red light is seen ahead, or where both green and red lights are seen anywhere but ahead.

"(b) For the purposes of this Rule and Rules 19 to 29 inclusive, except Rule 20(c) and Rule 28, a seaplane on the water shall be deemed to be a vessel, and the expression 'power-driven vessel' shall be construed accordingly.

"Rule 19

"When two power-driven vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

"Rule 20

"(a) When a power-driven vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, except as provided for in Rules 24 and 26, the power-driven vessel shall keep out of the way of the sailing vessel.

"(b) This Rule shall not give to a sailing vessel the right to hamper, in a narrow channel, the safe passage of a power-driven vessel which can navigate only inside such channel.

"(c) A seaplane on the water shall, in general, keep well clear of all vessels and avoid impeding their navigation. In circumstances, however, where risk of collision exists, she shall comply with these Rules.

"Rule 21

"Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed. When, from any cause, the latter vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision (see Rules 27 and 29).

"Rule 22

"Every vessel which is directed by these Rules to keep out of the way of another vessel shall, so far as possible, take positive early action to comply with this obligation, and shall, if the circumstances of the case admit, avoid crossing ahead of the other.

"Rule 23

"Every power-driven vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

"Rule 24

"(a) Notwithstanding anything contained in these Rules, every vessel overtaking any other shall keep out of the way of the overtaken vessel.

"(b) Every vessel coming up with another vessel from any direction more than 22½ degrees (2 points) abaft her beam, i.e., in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

"(c) If the overtaking vessel cannot determine with certainty whether she is forward of or abaft this direction from the other vessel, she shall assume that she is an overtaking vessel and keep out of the way.

"Rule 25

"(a) In a narrow channel every power-driven vessel when proceeding along the course of the channel shall, when it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such vessel.

"(b) Whenever a power-driven vessel is nearing a bend in a channel where a vessel approaching from the other direction cannot be seen, such power-driven vessel, when she shall have arrived within one-half (½) mile of the bend, shall give a signal by one prolonged blast on her whistle which signal shall be answered by a similar blast given by any approaching power-driven vessel that may be within hearing around the bend. Regardless of whether an approaching vessel on the farther side of the bend is heard, such bend shall be rounded with alertness and caution.

"(c) In a narrow channel a power-driven vessel of less than 65 feet in length shall not hamper the safe passage of a vessel which can navigate only inside such channel.

"Rule 26

"All vessels not engaged in fishing, except vessels to which the provisions of Rule 4 apply, shall, when under way, keep out of the way of vessels engaged in fishing. This Rule shall not give to any vessel engaged in fishing the right of obstructing a fairway used by vessels other than fishing vessels.

"Rule 27

"In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances, including the limitations of the craft involved, which may render a departure from the above Rules necessary in order to avoid immediate danger.

"PART E.—SOUND SIGNALS FOR VESSELS IN SIGHT OF ONE ANOTHER

"Rule 28

"(a) When vessels are in sight of one another, a power-driven vessel under way, in taking any course authorised or required by these Rules, shall indicate that course by the following signals on her whistle, namely—

"One short blast to mean 'I am altering my course to starboard'.

"Two short blasts to mean 'I am altering my course to port'.

"Three short blasts to mean 'My engines are going astern'.

"(b) Whenever a power-driven vessel which, under these Rules, is to keep her course and speed, is in sight of another vessel and is in

doubt whether sufficient action is being taken by the other vessel to avert collision, she may indicate such doubt by giving at least five short and rapid blasts on the whistle. The giving of such a signal shall not relieve a vessel of her obligations under Rules 27 and 29 or any other Rule, or of her duty to indicate any action taken under these Rules by giving the appropriate sound signals laid down in this Rule.

"(c) Any whistle signal mentioned in this Rule may be further indicated by a visual signal consisting of a white light visible all round the horizon at a distance of at least 5 miles, and so devised that it will operate simultaneously and in conjunction with the whistle-sounding mechanism and remain lighted and visible during the same period as the sound signal.

"(d) Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to the use of additional whistle signals between ships of war or vessels sailing under convoy.

"PART F.—MISCELLANEOUS

"Rule 29

"Nothing in these Rules shall exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

"Rule 30

"Reservation of Rules for Harbours and Inland Navigation

"Nothing in these Rules shall interfere with the operation of a special rule duly made by local authority relative to the navigation of any harbour, river, lake, or inland water, including a reserved seaplane area.

"Rule 31

"Distress Signals

"(a) When a vessel or seaplane on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely—

"(i) A gun or other explosive signal fired at intervals of about a minute.

"(ii) A continuous sounding with any fog-signalling apparatus.

"(iii) Rockets or shells, throwing red stars fired one at a time at short intervals.

"(iv) A signal made by radiotelegraphy or by any other signalling method consisting of the group . . . — — — . . . in the Morse Code.

"(v) A signal sent by radiotelephony consisting of the spoken word 'Mayday'.

"(vi) The International Code Signal of distress indicated by N.C.

"(vii) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.

"(viii) Flames on the vessel (as from a burning tar barrel, oil barrel, &c.).

"(ix) A rocket parachute flare or a hand flare showing a red light.

"(x) A smoke signal giving off a volume of orange-coloured smoke.

"(xi) Slowly and repeatedly raising and lowering arms outstretched to each side.

"NOTE.—Vessels in distress may use the radiotelegraph alarm signal or the radiotelephone alarm signal to secure attention to distress calls and messages. The radiotelegraph alarm signal, which is designed to actuate the radiotelegraph auto alarms of vessels so fitted, consists of a series of twelve dashes, sent in 1 minute, the duration of each dash being 4 seconds, and the duration of the interval between 2 consecutive dashes being 1 second. The radiotelephone alarm signal consists of 2 tones transmitted alternately over periods of from 30 seconds to 1 minute.

"(b) The use of any of the foregoing signals, except for the purpose of indicating that a vessel or seaplane is in distress, and the use of any signals which may be confused with any of the above signals, is prohibited.

"ANNEX TO THE RULES

"RECOMMENDATIONS ON THE USE OF RADAR INFORMATION AS AN AID TO AVOIDING COLLISIONS AT SEA

"(1) Assumptions made on scanty information may be dangerous and should be avoided.

"(2) A vessel navigating with the aid of radar in restricted visibility must, in compliance with Rule 16(a), go at a moderate speed. Information obtained from the use of radar is one of the circumstances to be taken into account when determining moderate speed. In this regard it must be recognised that small vessels, small icebergs and similar floating objects may not be detected by radar. Radar indications of one or more vessels in the vicinity may mean that "moderate speed" should be slower than a mariner without radar might consider moderate in the circumstances.

"(3) When navigating in restricted visibility the radar range and bearing alone do not constitute ascertainment of the position of the other vessel under Rule 16(b) sufficiently to relieve a vessel of the duty to stop her engines and navigate with caution when a fog signal is heard forward of the beam.

"(4) When action has been taken under Rule 16(c) to avoid a close quarters situation, it is essential to make sure that such action is having the desired effect. Alterations of course or speed or both are matters as to which the mariner must be guided by the circumstances of the case.

"(5) Alteration of course alone may be the most effective action to avoid close quarters provided that—

"(a) There is sufficient sea room.

"(b) It is made in good time.

"(c) It is substantial. A succession of small alterations of course should be avoided.

"(d) It does not result in a close quarters situation with other vessels.

"(6) The direction of an alteration of course is a matter in which the mariner must be guided by the circumstances of the case. An alteration to starboard, particularly when vessels are approaching apparently on opposite or nearly opposite courses, is generally preferable to an alteration to port.

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"(7) An alteration of speed, either alone or in conjunction with an alteration of course, should be substantial. A number of small alterations of speed should be avoided.

"(8) If a close quarters situation is imminent, the most prudent action may be to take all way off the vessel."

Approved September 24, 1963.

Public Law 88-132

October 2, 1963
[H. R. 5555]

AN ACT

To amend title 37, United States Code, to increase the rates of basic pay for members of the uniformed services, and for other purposes.

Uniformed Services Pay Act of 1963.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Uniformed Services Pay Act of 1963".

BASIC PAY

76 Stat. 456.

SEC. 2. Section 203 of title 37, United States Code, is amended to read as follows:

"§ 203. Rates

"(a) The rates of monthly basic pay for members of the uniformed services within each pay grade are set forth in the following tables:

"Commissioned officers

"Pay grade	Years of service computed under sec. 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
O-10 [1]	$1,200.00	$1,315	$1,315	$1,315	$1,315	$1,365	$1,365
O-9	1,063.30	1,155	1,180	1,180	1,180	1,210	1,210
O-8	963.30	1,050	1,075	1,075	1,075	1,155	1,155
O-7	800.28	905	905	905	945	945	1,000
O-6	592.80	690	735	735	735	735	735
O-5	474.24	590	630	630	630	630	650
O-4	400.14	515	550	550	560	585	625
O-3 [2]	326.04	440	470	520	545	565	595
O-2 [2]	259.36	375	450	465	475	475	475
O-1 [2]	222.30	300	375	375	375	375	375

"Pay grade	Years of service computed under sec. 205							
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10 [1]	$1,470	$1,470	$1,575	$1,575	$1,680	$1,680	$1,785	$1,785
O-9	1,260	1,260	1,365	1,365	1,470	1,470	1,575	1,575
O-8	1,210	1,210	1,260	1,315	1,365	1,420	1,420	1,420
O-7	1,000	1,050	1,155	1,235	1,235	1,235	1,235	1,235
O-6	735	760	880	925	945	1,000	1,085	1,085
O-5	685	730	785	830	855	885	885	885
O-4	660	690	720	740	740	740	740	740
O-3 [2]	625	640	640	640	640	640	640	640
O-2 [2]	475	475	475	475	475	475	475	475
O-1 [2]	375	375	375	375	375	375	375	375

"[1] While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $1,970 regardless of cumulative years of service computed under section 205 of this title.

"[2] Does not apply to commissioned officers who have been credited with over 4 years' active service as an enlisted member.

"Commissioned officers who have been credited with over 4 years' active service as an enlisted member

"Pay grade	Years of service computed under sec. 205					
	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-3	$520	$545	$565	$595	$625	$650
O-2	465	475	490	515	535	550
O-1	375	400	415	430	445	465

"Pay grade	Years of service computed under sec. 205					
	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3	$650	$650	$650	$650	$650	$650
O-2	550	550	550	550	550	550
O-1	465	465	465	465	465	465

"Warrant officers

"Pay grade	Years of service computed under sec. 205							
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
W-4	$332.90	$430	$430	$440	$460	$480	$500	$535
W-3	302.64	395	395	400	405	435	460	475
W-2	264.82	345	345	355	375	395	410	425
W-1	219.42	305	305	330	345	360	375	390

"Pay grade	Years of service computed under sec. 205						
	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4	$560	$580	$595	$615	$635	$685	$685
W-3	490	505	520	540	560	580	580
W-2	440	455	470	485	505	505	505
W-1	405	420	435	450	450	450	450

"Enlisted members

"Pay grade	Years of service computed under sec. 205							
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
E-9							$435	$445
E-8						$365	375	385
E-7	$206.39	$275	$285	$295	$305	315	325	335
E-6	175.81	240	250	260	270	280	290	305
E-5	145.24	210	220	230	245	255	265	275
E-4	122.30	180	190	205	215	215	215	215
E-3	99.37	145	155	165	165	165	165	165
E-2	85.80	120	120	120	120	120	120	120
E-1	83.20	110	110	110	110	110	110	110
E-1 (under 4 months)	78.00							

"Pay grade	Years of service computed under sec. 205						
	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9	$455	$465	$475	$485	$510	$560	$560
E-8	395	405	415	425	450	500	500
E-7	350	360	370	375	400	450	450
E-6	315	325	330	330	330	330	330
E-5	280	280	280	280	280	280	280
E-4	215	215	215	215	215	215	215
E-3	165	165	165	165	165	165	165
E-2	120	120	120	120	120	120	120
E-1	110	110	110	110	110	110	110.

"(b) While serving as a permanent professor at the United States Military Academy or the United States Air Force Academy, an officer who has over 36 years of service computed under section 205 of this title is, in addition to the pay and allowances to which he is otherwise entitled under this title, entitled to additional pay in the amount of $250 a month. This additional pay may not be used in the computation of retired pay."

76 Stat. 458.

BASIC PAY AND ALLOWANCES OF CONTRACT SURGEONS

76 Stat. 453.

SEC. 3. (a) Section 201(b) of title 37, United States Code, is amended by striking out the words "O–2 with two or less" and inserting in place thereof the words "O–3 with over four, but not more than six,".

76 Stat. 479.

(b) Section 421(a) of title 37, United States Code, is amended by striking out the words "O–2 with less than two" and inserting in place thereof the words "O–3 with over four, but not more than six,".

SPECIAL PAY FOR PHYSICIANS AND DENTISTS

76 Stat. 464.

SEC. 4. Section 302(b) of title 37, United States Code, is amended by striking out the figure "$200" in clause (3) and the figure "$250" in clause (4) and inserting in place thereof the figure "$250" and the figure "$350", respectively.

RETIRED PAY AND RETAINER PAY

70A Stat. 107; 74 Stat. 265.

SEC. 5. (a) Except as provided in section 1402 of title 10, United States Code, the changes made by this Act in the rates of basic pay of members of the uniformed services do not increase the retired pay or retainer pay to which a member or former member of the uniformed services was entitled on the day before the effective date of this Act. However, except for a member covered by section 6331 of title 10, United States Code, who became entitled to retainer pay before April 1, 1963, and subject to subsection (j) of this section, a member or former member of a uniformed service who became entitled to retired pay or retainer pay after March 31, 1963, but before the effective date of this Act, is entitled—

70A Stat. 397; 72 Stat. 480.

(1) to have the retired pay or retainer pay to which he was entitled on the day before the effective date of this Act recomputed under the rates of basic pay prescribed by section 2 of this Act; or

(2) to continue to have that pay computed under the rates of basic pay that were in effect under section 203 of title 37, United States Code, on the day before the effective date of this Act, plus the percentage increase provided by subsection (e) of this section;

76 Stat. 456.

whichever pay is the greater. For the purposes of the preceding sentence, a member or former member who became entitled to retired pay on April 1, 1963, by virtue of section 1 of the Act of April 23, 1930, ch. 209, as amended (5 U.S.C. 47a), shall be considered as having become entitled to that pay before April 1, 1963.

46 Stat. 253.

(b) A member or former member of a uniformed service who was retired other than for physical disability and who, in accordance with section 511 of the Career Compensation Act of 1949 (63 Stat. 829), is entitled to retired pay or retainer pay computed by "method" (a) of that section using rates of basic pay that were in effect before October 1, 1949, is entitled—

10 USC 564 note.

(1) to have that pay recomputed by "method" (b) of that section using the rates of basic pay that were in effect under that Act on the day before the effective date of this Act; or

(2) to an increase of 5 percent in the retired pay or retainer pay to which he was entitled on the day before the effective date of this Act;

whichever pay is the greater.

(c) A member or former member of a uniformed service who is entitled to retired pay or retainer pay computed under the rates of basic pay that were in effect under the Career Compensation Act of 1949 before June 1, 1958, including a member or former member who is entitled to retired pay under section 7 (b) or (c) of the Act of May 20, 1958, Public Law 85-422 (72 Stat. 130), is entitled— 63 Stat. 802.

(1) to have that pay recomputed under the rates of basic pay that were in effect under that Act on the day before the effective date of this Act; or

(2) to an increase of 5 percent in the retired pay or retainer pay to which he was entitled on the day before the effective date of this Act;

whichever pay is the greater.

(d) A member or former member of a uniformed service who was entitled to retired pay on the day before the effective date of this Act and who served as Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps is entitled—

(1) to have his retired pay recomputed under the formula for computing retired pay applicable to him—

(A) when he retired; or

(B) if he served on active duty after he retired and his retired pay was recomputed by reason of that service, when his retired pay was so recomputed;

using as his rate of basic pay the rate of basic pay prescribed for officers serving on active duty in those positions on June 1, 1958, by footnote 1 to the table for commissioned officers in section 201(a) of the Career Compensation Act of 1949, as amended (72 Stat. 122); or 76 Stat. 500.

(2) to an increase of 5 percent in the retired pay to which he was entitled on the day before the effective date of this Act;

whichever pay is the greater.

(e) A member or former member of a uniformed service who was entitled to retired pay or retainer pay on the day before the effective date of this Act, other than a member or former member who is covered by subsection (b), (c), or (d) of this section, is entitled to an increase of 5 percent in the retired pay or retainer pay to which he was entitled on the day before the effective date of this Act.

(f) Notwithstanding any other provision of law, a member of an armed force who was entitled to pay and allowances under any of the following provisions of law on the day before the effective date of this Act shall continue to receive the pay and allowances to which he was entitled on that day:

(1) The Act of March 23, 1946, chapter 112 (60 Stat. 59). 50 USC app. 1691-1692 note.

(2) The Act of June 26, 1948, chapter 677 (62 Stat. 1052).

(3) The Act of September 18, 1950, chapter 952 (64 Stat. A224). 5 USC 626c note.

(g) Chapter 71 of title 10, United States Code, is amended— 70A Stat. 106.

(1) by adding the following new section after section 1401:

"§ 1401a. Adjustment of retired pay and retainer pay to reflect changes in Consumer Price Index

"(a) Unless otherwise specifically provided by law, the retired pay or retainer pay of a member or former member of an armed force shall not be recomputed to reflect any increase in the rates of basic pay for members of the armed forces if that increase becomes effective after the effective date of this section.

"(b) In January of each calendar year after 1963, the Secretary of Defense shall determine the percent that the annual average of the Consumer Price Index (all items—United States city average) published by the Bureau of Labor Statistics for the preceding calendar year has increased over that for 1962 or, if later, for the calendar year preceding that in which the most recent adjustment in retired pay and retainer pay has been made under this subsection. If the Secretary determines the percent of that increase to be 3 or more, the retired pay or retainer pay of a member or former member of an armed force who became entitled to that pay before January 2 of the year in which the Secretary makes that determination shall, as of April 1 of that year, be increased by that percent, adjusted to the nearest one-tenth of 1 percent."; and

(2) by inserting the following new item in the analysis:

"1401a. Adjustment of retired pay and retainer pay to reflect changes in Consumer Price Index."

(h) Title 10, United States Code, is amended as follows:

70A Stat. 106. (1) Section 1401 is amended by striking out the words ", and adjust to reflect later changes in applicable permanent rates" in footnote 1 to the table;

70A Stat. 232; 71 Stat. 380. 70A Stat. 556; 71 Stat. 389. (2) Sections 3991 and 8991 are each amended—

(A) by amending column 1 of formula A in the table to read as follows:

"Monthly basic pay [2] of member's retired grade."; and

(B) by amending footnote 2 to the table to read as follows:

"[2] Compute at rates applicable on date of retirement."

Repeal. 70A Stat. 385. (3) Chapter 561 is amended by repealing section 6149 and striking out the following item in the analysis:

"6149. Retired pay: computed on basis of rates of pay for officers on the active list."

70A Stat. 385; 72 Stat. 1509; 70A Stat. 394; 72 Stat. 1511. (4) Sections 6151(b), 6323(e), 6325(a)(2) and (b)(2), 6326(c)(2), 6381(a)(2), 6383(c)(2), 6390(b)(2), and 6394(h) are each amended by striking out the words "to which he would be entitled if serving on active duty in" and inserting in place thereof the word "of".

70A Stat. 396. (5) Section 6327(b) is amended by striking out the words "to which he would be entitled if on active duty" and inserting in place thereof the words "of the grade in which retired".

70A Stat. 413; 71 Stat. 385; 70A Stat. 414. (6) Sections 6396(c)(2), 6398(b)(2), 6399(c)(2), and 6400(b)(2) are each amended by striking out the words "to which she would be entitled if serving on active duty in" and inserting in place thereof the word "of".

63 Stat. 525. (i) Section 423 of title 14, United States Code, is amended by striking out the word "active-duty" wherever it appears and inserting in place thereof the word "basic".

(j) A member or former member of a uniformed service is not entitled to an increase in his retired pay or retainer pay because of the enactment of this Act for any period before the effective date of this Act.

(k) Section 3(b) of the Act of August 10, 1956, ch. 1041 (33 U.S.C. 857a(b)), and section 221(b) of the Public Health Service Act (42 U.S.C. 213a(b)) are each amended by striking out the words "or 'the Secretary concerned'" and inserting in place thereof the words ", 'the Secretary concerned', or 'the Secretary of Defense'".

70A Stat. 619.

70A Stat. 107. (l)(1) Section 1402(a) of title 10, United States Code, is amended to read as follows:

"(a) A member of an armed force who has become entitled to retired pay or retainer pay, and who thereafter serves on active duty (other

than for training), is entitled to recompute his retired pay or retainer pay upon his release from that duty as follows:

"Col. 1, take—	Col. 2, multiply by—	Col. 3, subtract—
Monthly basic pay [1] of the grade in which he would be eligible— (1) to retire if he were retiring upon that release from active duty; or (2) to transfer to the Fleet Reserve or Fleet Marine Corps Reserve if he were transferring to either upon that release from active duty.	2½ percent of the sum of— (1) the years of service that may be credited to him in computing retired pay or retainer pay; and (2) his years of active service after becoming entitled to retired pay or retainer pay.[2]	Excess over 75 percent of pay upon which computation is based.

"[1] For a member who has been entitled, for a continuous period of at least two years, to basic pay under the rates of basic pay in effect upon that release from active duty, compute under those rates. For a member who has been entitled to basic pay for a continuous period of at least two years upon that release from active duty, but who is not covered by the preceding sentence, compute under the rates of basic pay replaced by those in effect upon that release from active duty. For any other member, compute under the rates of basic pay under which the member's retired pay or retainer pay was computed when he entered on that active duty.

"[2] Before applying the percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months.

However, an officer who was ordered to active duty (other than for training) in the grade that he holds on the retired list under former section 6150 of this title, or under any other law that authorized advancement on the retired list based upon a special commendation for the performance of duty in actual combat, may have his retired pay recomputed under this subsection on the basis of the rate of basic pay applicable to that grade upon his release from that active duty only if he has been entitled, for a continuous period of at least three years, to basic pay at that rate. If, upon his release from that active duty, he has been entitled to the basic pay of that grade for a continuous period of at least three years, but he does not qualify under the preceding sentence, he may have his retired pay recomputed under this subsection on the basis of the rate of basic pay prescribed for that grade by the rates of basic pay replaced by those in effect upon his release from that duty."

70A Stat. 385; 73 Stat. 337.

(2) Notwithstanding paragraph (1) of this subsection, and unless otherwise entitled to higher retired pay or retainer pay, a member of a uniformed service who is on active duty (other than for training) on the effective date of this Act, who was entitled to retired pay or retainer pay before he entered on that duty, and who is released from that duty on or after the effective date of this Act after having served on that duty for a continuous period of at least one year shall, upon that release from active duty, be entitled to recompute his retired pay or retainer pay under the table in section 1402 of title 10, United States Code, subject to section 6483(c) of title 10, as that table and that section were in effect on the day before the effective date of this Act, using rates of basic pay prescribed by this Act.

70A Stat. 107. 72 Stat. 129.

(m) Section 6483(c) of title 10, United States Code, is repealed.

Repeal.

SUBMARINE PAY FOR MEMBERS TRAINING FOR DUTY ON NUCLEAR-POWERED SUBMARINES

SEC. 6. Section 301(a)(2) of title 37, United States Code, is amended to read as follows:

76 Stat. 461.

"(2) as determined by the Secretary concerned, on a submarine (including, in the case of nuclear-powered submarines, periods of training and rehabilitation after assignment thereto), or, in the case of personnel qualified in submarines, as a prospective crewmember of a submarine being constructed, and during periods of instruction to prepare for assignment to a submarine of advanced design or a position of increased responsibility on a submarine;".

INCENTIVE PAY FOR DUTY INSIDE A HIGH- OR LOW-PRESSURE CHAMBER

76 Stat. 461.

SEC. 7. Section 301(a)(9) of title 37, United States Code, is amended to read as follows:

"(9) inside a high- or low-pressure chamber;".

MULTIPLE PAYMENTS OF INCENTIVE PAY

SEC. 8. Section 301(e) of title 37, United States Code, is amended by striking out the words "only one payment" and inserting in place thereof the words "not more than two payments".

SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE

37 USC 301-309.

SEC. 9. (a) Chapter 5 of title 37, United States Code, is amended as follows:

(1) The following new section is added after section 309:

"§ 310. Special pay: duty subject to hostile fire

"(a) Except in time of war declared by Congress, and under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of $55 a month for any month in which he was entitled to basic pay and in which he—

"(1) was subject to hostile fire or explosion of hostile mines;

"(2) was on duty in an area in which he was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period he was on duty in that area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines; or

"(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action.

A member covered by clause (3) who is hospitalized for the treatment of his injury or wound may be paid special pay under this section for not more than three additional months during which he is so hospitalized.

"(b) A member may not be paid more than one special pay under this section for any month. A member may be paid special pay under this section in addition to any other pay and allowances to which he may be entitled.

"(c) Any determination of fact that is made in administering this section is conclusive. Such a determination may not be reviewed by any other officer or agency of the United States unless there has been fraud or gross negligence. However, the determination may be changed on the basis of new evidence or for other good cause.

Report to Congress.

"(d) The Secretary of Defense shall report to Congress by March 1 of each year on the administration of this section during the preceding calendar year."

(2) The following new item is inserted in the analysis:

"310. Special pay: duty subject to hostile fire."

Repeal.
66 Stat. 538.

(b) The Combat Duty Pay Act of 1952 (50 App. U.S.C. 2351 et seq.) is repealed.

ELECTION BY MEMBERS WITHOUT DEPENDENTS NOT TO OCCUPY GOVERNMENT QUARTERS

76 Stat. 470.

SEC. 10. Section 403(b) of title 37, United States Code, is amended by adding the following sentence at the end thereof: "However, except as provided by regulations prescribed under subsection (g) of this section, a commissioned officer without dependents who is in a pay

grade above pay grade O–3 and who is assigned to quarters of the United States or a housing facility under the jurisdiction of a uniformed service, appropriate to his grade or rank and adequate for himself, may elect not to occupy those quarters and instead to receive the basic allowance for quarters prescribed for his pay grade by this section."

FAMILY SEPARATION ALLOWANCE

SEC. 11. Chapter 7 of title 37, United States Code, is amended as follows: 37 USC 401-426.

(1) The following new section is inserted after section 426:

"§ 427. Family separation allowance

"(a) In addition to any allowance or per diem to which he otherwise may be entitled under this title, a member of a uniformed service with dependents who is on permanent duty outside of the United States, or in Alaska, is entitled to a monthly allowance equal to the basic allowance for quarters payable to a member without dependents in the same pay grade if—

"(1) the movement of his dependents to his permanent station or a place near that station is not authorized at the expense of the United States under section 406 of this title and his dependents do not reside at or near that station; and

"(2) quarters of the United States or a housing facility under the jurisdiction of a uniformed service are not available for assignment to him.

"(b) Except in time of war or of national emergency hereafter declared by Congress, and in addition to any allowance or per diem to which he otherwise may be entitled under this title, including subsection (a) of this section, a member of a uniformed service with dependents (other than a member in pay grade E–1, E–2, E–3, or E–4 (4 years' or less service)) who is entitled to a basic allowance for quarters is entitled to a monthly allowance equal to $30 if—

"(1) the movement of his dependents to his permanent station or a place near that station is not authorized at the expense of the United States under section 406 of this title and his dependents do not reside at or near that station; 76 Stat. 473.

"(2) he is on duty on board a ship away from the home port of the ship for a continuous period of more than 30 days; or

"(3) he is on temporary duty away from his permanent station for a continuous period of more than 30 days and his dependents do not reside at or near his temporary duty station.

A member who becomes entitled to an allowance under this subsection by virtue of duty described in clause (2) or (3) for a continuous period of more than 30 days is entitled to the allowance effective as of the first day of that period."

(2) The analysis is amended by inserting the following item:

"427. Family separation allowance."

SPECIAL PAY FOR SEA DUTY AND AT CERTAIN LOCATIONS

SEC. 12. (a) Section 305 of title 37, United States Code, is amended to read as follows: 76 Stat. 465.

"§ 305. Special pay: while on sea duty or duty at certain places

"(a) Except as provided by subsection (b) of this section, under regulations prescribed by the President, an enlisted member of a uniformed service who is entitled to basic pay—

"(1) is entitled, while on sea duty, to; or

"(2) may be paid, while on duty at a designated place outside the contiguous 48 States and the District of Columbia;

special pay at the following monthly rates:

"Pay grade	Monthly rate
E-9	$22.50
E-8	22.50
E-7	22.50
E-6	20.00
E-5	16.00
E-4	13.00
E-3	9.00
E-2	8.00
E-1	8.00

"(b) Appropriations of the Department of Defense may not be paid, as foreign duty pay under subsection (a) of this section, to a member of a uniformed service who is a resident of a State, Puerto Rico, the Virgin Islands, a possession, or a foreign country and who is serving in that State, Puerto Rico, the Virgin Islands, that possession, or that foreign country, as the case may be."

(b) Notwithstanding subsection (a), an enlisted member who, on the day before the effective date of this Act, was permanently assigned to duty at a place outside the United States or in Alaska or Hawaii, shall, during the remaining period of that assignment, but not after that place is designated for the purpose of section 305(a)(2) of title 37, United States Code, be paid the basic pay to which he was entitled on that date plus special pay under section 305 of title 37, United States Code, whenever qualified thereunder as that section was in effect on the day before the effective date of this Act, if the total of that basic pay and that special pay is more than the basic pay to which he would otherwise be entitled during that period under section 2 of this Act.

(c) The analysis of chapter 5 of title 37, United States Code is amended by striking out the following item:

"305. Special pay: sea and foreign duty."

and inserting in place thereof the following item:

"305. Special pay: while on sea duty or duty at certain places"

SAVINGS PROVISION

SEC. 13. (a) The enactment of this Act does not reduce the rate of dependency and indemnity compensation under section 411 of title 38, United States Code, that any person was receiving on the day before the effective date of this Act or which thereafter becomes payable for that day by reason of a subsequent determination. 72 Stat. 1127.

(b) The enactment of this Act does not reduce the basic pay or the retired pay or retainer pay to which a member or former member of a uniformed service was entitled on the day before the effective date of this Act.

EFFECTIVE DATE

SEC. 14. This Act becomes effective on October 1, 1963.

Approved October 2, 1963, 9:40 a.m.

Public Law 88-133

AN ACT

October 5, 1963
[H. R. 8100]

To amend the Railroad Retirement Act of 1937, the Railroad Retirement Tax Act, the Railroad Unemployment Insurance Act, and the Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961 to increase the creditable and taxable compensation, and for other purposes.

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

TITLE I—AMENDMENTS TO THE RAILROAD RETIREMENT ACT OF 1937

SECTION 1. Section 3(a) of the Railroad Retirement Act of 1937 is amended by striking out "$250" and inserting in lieu thereof "$300". 50 Stat. 310; 73 Stat. 26. 45 USC 228c.

SEC. 2. Section 3(c) of the Railroad Retirement Act of 1937 is amended by inserting before ", shall be recognized" in the second sentence the following: "and before the calendar month next following the month in which this Act was amended in 1963, or in excess of $450 for any month after the month in which this Act was so amended".

SEC. 3. Section 4(k) of the Railroad Retirement Act of 1937 is amended by striking out "by the individual who rendered such military service", and by striking out "six months" and inserting in lieu thereof "twelve months". 56 Stat. 205; 60 Stat. 729. 45 USC 228c-1.

SEC. 4. Section 4(n) of the Railroad Retirement Act of 1937 is amended— 70 Stat. 877.

(1) by inserting after "January 1, 1937," in the first and sixth sentences the following: "and after June 30, 1963,";

(2) by striking out "after December 1956" in the first sentence and inserting in lieu thereof "after December 31, 1956, and before July 1, 1963,";

(3) by striking out the second, third, and fourth sentences and inserting in lieu thereof the following: "The additional cost of crediting military service rendered prior to January 1, 1937, and after June 30, 1963, shall be determined as follows: (i) determine the difference between the actuarial value of the benefit payable under this Act based in part on military service and the actuarial value of the benefit which would be payable to the same individual without regard to military service; (ii) with respect to military service rendered after June 30, 1963, adjust such difference by applying thereto the ratio of the total net level cost of all benefits under this Act to the portion thereof remaining after the exclusion of administrative expenses and interest charges on the unfunded accrued liability after taking into account the effects of section 5(k)(2); and (iii) subtract the actuarial value of such benefit based on the individual's military service as is includible in determinations made pursuant to section 5(k)(2). In calculating these actuarial values, the Board shall use such mortality tables and actuarial factors as it finds appropriate; the ratio referred to in clause (ii) of the preceding sentence shall be determined from time to time by the Board on the basis of actuarial estimates made in accordance with section 15; and all actuarial values shall be calculated as of the date on which the benefit based on military service begins to accrue and shall not thereafter be subject to change. All actuarial calculations in this subsection shall take into account interest at the rate used in the actuarial estimates referred to in the preceding sentence."; 70 Stat. 836. 45 USC 228e. 50 Stat. 316; *Post*, p. 220. 45 USC 228o.

(4) by striking out all of the seventh sentence after "thereon" and inserting in lieu thereof a period;

(5) by striking out the eighth sentence and inserting in lieu thereof the following: "In determining pursuant to section 5(k) (2) for any fiscal year the total amount to be credited from the Railroad Retirement Account to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, credit shall be given such Account for the amount of the taxes described in clause (3)(B) of the first sentence of this subsection and the amount of such taxes with respect to military service after June 30, 1963."; and

70 Stat. 836.
45 USC 288e.

(6) by adding at the end of the subsection the following new sentences: "The amount authorized to be appropriated to the Railroad Retirement Account pursuant to clause (2) of the first sentence of this subsection shall be reduced by the amounts credited to such Account pursuant to section 5(k)(2) for military service rendered before January 1, 1957, and the amounts so credited shall be considered as additional costs within the meaning of section 217(g) of the Social Security Act. In any determination made pursuant to section 5(k)(2), no further charges shall be made against the Trust Funds established by title II of the Social Security Act for military service rendered before January 1, 1957, and with respect to which appropriations authorized by clause (2) of the first sentence of this subsection shall have been credited to the Railroad Retirement Account, but the additional benefit payments incurred by such Trust Funds by reason of such military service shall be taken into account in making any such determination."

70 Stat. 875.
42 USC 417.

42 USC 401-425.

SEC. 5. Section 5(f)(2) of the Railroad Retirement Act of 1937 is amended by inserting after "so amended" (in the first parenthetical phrase after clause (vi)) the following: "and before the calendar month next following the month in which this Act was amended in 1963, and in excess of $450 for any month after the month in which this Act was so amended".

62 Stat. 577; 72 Stat. 1780.
45 USC 288e.

SEC. 6. (a) Section 5(1)(9) of the Railroad Retirement Act of 1937 is amended—

60 Stat. 734; 72 Stat. 1781.

(1) by striking out "and" where it appears the third time;

(2) by inserting after "so amended" the following: "and before the calendar month next following the month in which this Act was amended in 1963 and any excess over $450 for any calendar month after the month in which this Act was so amended"; and

(3) by striking out "$400" where it appears the second time and inserting in lieu thereof "$450".

(b) Section 5(1)(10) of such Act is amended by striking out "$400" and inserting in lieu thereof "$450".

SEC. 7. (a) Section 15 of the Railroad Retirement Act of 1937 is amended by striking out the third sentence of subsection (a); and by striking out subsection (b) and inserting in lieu thereof the following:

50 Stat. 316.
45 USC 228o.

"(b) At the request and direction of the Board, it shall be the duty of the Secretary of the Treasury to invest such portion of the amounts credited to the Account as, in the judgment of the Board, is not immediately required for the payment of annuities, pensions, and death benefits. Such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired (1) on original issue at the issue price; or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may

be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Account. Such obligations issued for purchase by the Account shall have maturities fixed with due regard for the needs of the Account, and shall bear interest at a rate equal to the average market yield, computed as of the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the public debt that are not due or callable until after the expiration of three years from the end of such calendar month, except that where such rate is not a multiple of one-eighth of 1 per centum, the rate of interest on such obligations shall be the multiple of one-eighth of 1 per centum nearest such rate: *Provided*, That the rate of interest on such obligations shall in no case be less than 3 per centum per annum. The Secretary of the Treasury may purchase other interest-bearing obligations of the United States, or obligations guaranteed as to both principal and interest by the United States, on original issue or at the market price only if he determines that such purchases are in the public interest, provided that the investment yield of such obligations shall not be less than the interest rate determined in accordance with the preceding sentence. If it is in the interest of the Account so to do, the Secretary of the Treasury may sell and dispose of obligations in the Account and he may sell obligations acquired by the Account (other than special obligations issued exclusively to the Account) at the market price. Special obligations issued exclusively to the Account shall, at the request of the Board, be redeemed at par plus accrued interest. All amounts credited to the Account shall be available for all purposes of the Account."

40 Stat. 288.
31 USC 774(2).

(b) The Secretary of the Treasury is authorized to retire the special obligations held by the Account on the date of enactment of this Act and to issue in lieu thereof special obligations with an interest rate determined as provided for in section 15(b) of the Railroad Retirement Act of 1937 as amended by this Act.

Supra.

SEC. 8. The provisions of sections 1, 2, 5, and 6 of this Act shall be effective with respect to annuities accruing and deaths occurring after the month in which this Act is enacted. The provisions of section 3 shall be effective with respect to annuities awarded on or after the date of enactment of this Act. The provisions of section 7(a) shall be effective on the date of the enactment of this Act.

Effective dates.

TITLE II—AMENDMENTS TO THE RAILROAD RETIREMENT TAX ACT

SEC. 201. Sections 3201 and 3211 of the Railroad Retirement Tax Act are each amended by inserting before the colon the following: "before the calendar month next following the month in which this provision was amended in 1963, or $450 for any calendar month after the month in which this provision was so amended".

73 Stat. 28, 29.
26 USC 3201, 3211.

SEC. 202. Sections 3202 and 3221(a) of the Railroad Retirement Tax Act are each amended by inserting after "$400" wherever it appears the following: "for any calendar month before the calendar month next following the month in which this provision was amended in 1963, or $450 for any calendar month after the month in which this provision was so amended".

68A Stat. 431, 433; 73 Stat. 29.
26 USC 3202, 3221.

TITLE III—AMENDMENTS TO THE RAILROAD UNEMPLOYMENT INSURANCE ACT AND THE TEMPORARY EXTENDED RAILROAD UNEMPLOYMENT INSURANCE BENEFITS ACT OF 1961

SEC. 301. (a) Section 3 of the Railroad Unemployment Insurance Act is amended to read as follows:

54 Stat. 1097.
45 USC 353.

"Qualifying Condition

"SEC. 3. An employee shall be a 'qualified employee' if the Board finds that his compensation will have been not less than $750 with respect to the base year, and, if such employee has had no compensation prior to such year, that he will have had compensation with respect to each of not less than seven months in such year."

(b) The amendment made by subsection (a) shall be fully effective with respect to base years after 1963. With respect to the base year 1963, they shall be applicable only to an employee concerning whom the Railroad Retirement Board finds that his compensation in that portion of the calendar year 1963 preceding the first day of the calendar month next following the month of enactment of this Act will have been less than $500.

SEC. 302. (a) Section 4(a-2)(i) of the Railroad Unemployment Insurance Act is amended to read as follows:

53 Stat. 846;
60 Stat. 737.
45 USC 354.

"(i)(A) subject to the provisions of subdivision (B) hereof, any of the days in the period beginning with the day with respect to which the Board finds that he left work voluntarily, and continuing until he has been paid compensation of not less than $750 with respect to time after the beginning of such period;

"(B) if the Board finds that he left work voluntarily with good cause, the provisions of subdivision (A) shall not apply, with respect to him, to any day in a registration period if such period does not include any day which is in a period for which he could receive benefits under an unemployment compensation law other than this Act, and he so certifies. Such certification shall, in the absence of evidence to the contrary, be accepted subject to the penalty provisions of section 9(a) of this Act;".

52 Stat. 1103.
45 USC 359.

(b) The amendment made by subsection (a) shall be effective only with respect to an employee who leaves work voluntarily after the date of enactment of this Act.

Effective date.

SEC. 303. (a) Effective with respect to compensation paid after December 31, 1963, section 8(a) of the Railroad Unemployment Insurance Act is amended by striking out "3¾" in the table and inserting in lieu thereof "4".

52 Stat. 1102.
45 USC 358.

(b) Effective with respect to contributions collected by the Railroad Retirement Board pursuant to section 8(f) of the Railroad Unemployment Insurance Act on compensation paid after December 31, 1963, that part of such contributions equal to one-fourth of 1 per centum of the compensation on which such contributions are based shall, notwithstanding the provisions of section 10(b) of such Act, be applied by the Board exclusively for transfers from the railroad unemployment insurance account to the general fund of the Treasury until the full amount advanced from the general fund of the Treasury to the railroad unemployment insurance account pursuant to section 4 of the Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961 has been repaid.

52 Stat. 1104.
45 USC 360.

75 Stat. 17.
45 USC 403.

(c) The last sentence of section 4 of the Temporary Extended Railroad Unemployment Insurance Benefits Act of 1961 is hereby

repealed, effective with respect to contributions collected on compensation paid after December 31, 1963.

SEC. 304. Effective with respect to contributions collected by the Railroad Retirement Board after December 31, 1961, section 8(f) of the Railroad Unemployment Insurance Act is amended by striking out "0.2 per centum" and inserting in lieu thereof "0.25 per centum". 62 Stat. 578. 45 USC 358.

SEC. 305. Effective after June 30, 1964, section 10(d) of the Railroad Unemployment Insurance Act is amended by striking out "the rate of 3 per centum per annum" and inserting in lieu thereof "a rate for each fiscal year equal to the average rate of interest borne by all special obligations held by the Railroad Retirement Account on the last day of the preceding fiscal year, rounded to the nearest multiple of one-eighth of 1 per centum". 73 Stat. 32. 45 USC 360.

Approved October 5, 1963.

Public Law 88-134

AN ACT

October 5, 1963
[H. R. 5250]

To amend section 411(a) of title 38, United States Code, to increase the rates of dependency and indemnity compensation payable to widows of veterans dying from service-connected disabilities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 411(a) of title 38, United States Code, is amended by striking out "$112" and inserting in lieu thereof "$120". 72 Stat. 1127.

SEC. 2. The amendment made by this Act shall take effect on the effective date of the Uniformed Services Pay Act of 1963, or on January 1, 1964, whichever first occurs. Effective date. *Ante*, p. 210.

Approved October 5, 1963.

Public Law 88-135

AN ACT

October 8, 1963
[H. R. 6118]

To amend the Act providing for the admission of the State of Alaska into the Union with respect to the selection of public lands for the development and expansion of communities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of subsection (g) of section 6 of the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (72 Stat. 339), is amended by striking out the period at the end thereof and adding "or, in the case of selections under subsection (a) of this section, one hundred and sixty acres.". Alaska. Lands, development. 48 USC prec. 21 note.

Approved October 8, 1963.

Public Law 88-136

October 11, 1963
[H. R. 5888]

AN ACT

Making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1964, and for other purposes.

Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1964.

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 Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1964, namely:

Department of Labor Appropriation Act, 1964.

TITLE I—DEPARTMENT OF LABOR

Bureau of Labor Statistics

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the work of the Bureau of Labor Statistics, including advances or reimbursement to State, Federal, and local agencies and their employees for services rendered, $16,345,000.

REVISION OF THE CONSUMER PRICE INDEX

For expenses necessary to enable the Bureau of Labor Statistics to revise the Consumer Price Index, including not to exceed $250,000 for temporary employees at rates to be fixed by the Secretary of Labor (but not to exceed a rate equivalent to that for general schedule grade 9) without regard to the civil service laws and Classification Act of 1949, as amended, $1,320,000.

63 Stat. 954.
5 USC 1071 note.

Bureau of International Labor Affairs

SALARIES AND EXPENSES

For expenses necessary for the conduct of international labor affairs, $842,000.

Office of Manpower, Automation and Training

MANPOWER DEVELOPMENT AND TRAINING ACTIVITIES

For expenses necessary to carry into effect the Manpower Development and Training Act of 1962 (Public Law 87–415), and for the performance of the functions of the Secretary in the fields of automation and manpower, $110,000,000.

76 Stat. 23.
42 USC 2571 note.

AREA REDEVELOPMENT ACTIVITIES

For expenses necessary to carry into effect sections 16 and 17 of the Area Redevelopment Act (Public Law 87–27), including grants or reimbursements to States, $8,500,000.

75 Stat. 58, 59.
42 USC 2513, 2514.

BUREAU OF APPRENTICESHIP AND TRAINING

SALARIES AND EXPENSES

For expenses necessary to enable the Secretary to conduct a program of encouraging apprentice training, as authorized by the Acts of March 4, 1913 (5 U.S.C. 611), and August 16, 1937 (29 U.S.C. 50), $5,460,000. 37 Stat. 736; 50 Stat. 664.

BUREAU OF EMPLOYMENT SECURITY

LIMITATION ON SALARIES AND EXPENSES

For expenses necessary for the general administration of the employment service and unemployment compensation programs, including temporary employment of persons, without regard to the civil-service laws, for the farm placement migratory labor program; not more than $12,400,000 may be expended from the employment security administration account in the Unemployment trust fund, of which $1,565,000 shall be for carrying into effect the provisions of title IV (except section 602) of the Servicemen's Readjustment Act of 1944. 58 Stat. 293; 72 Stat. 1273.

LIMITATION ON GRANTS TO STATES FOR UNEMPLOYMENT COMPENSATION AND EMPLOYMENT SERVICE ADMINISTRATION

For grants in accordance with the provisions of the Act of June 6, 1933, as amended (29 U.S.C. 49–49n), for carrying into effect section 602 of the Servicemen's Readjustment Act of 1944, for grants to the States as authorized in title III of the Social Security Act, as amended (42 U.S.C. 501–503), including, upon the request of any State, the purchase of equipment, and the payment of rental for space made available to such State in lieu of grants for such purpose, for necessary expenses including purchasing and installing of air-conditioning equipment in connection with the operation of employment office facilities and services in the District of Columbia, and for the acquisition of a building through such arrangements as may be required to provide quarters for such offices and facilities in the District of Columbia and for the District of Columbia Unemployment Compensation Board, subject to the same conditions with respect to the use of these funds for such purposes as are applicable to the procurement of buildings for other State employment security agencies, and for expenses not otherwise provided for, necessary for carrying out title XV of the Social Security Act, as amended (68 Stat. 1130), $425,000,000 may be expended from the employment security administration account in the Unemployment trust fund, and of which $15,000,000 shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant (or the allocation for the District of Columbia) was based, which increased costs of administration cannot be provided for by normal budgetary adjustments: *Provided*, That notwithstanding any provision to the contrary in section 302(a) of the Social Security Act, as amended, the Secretary of Labor shall from time to time certify to the Secretary of the Treasury for payment to each State found to be in compliance with the requirements of the Act of June 6, 1933, and, except in the case of Guam and the Virgin Islands, with the provisions of section 303 of the Social Security Act, as amended, such amounts as he determines to be necessary for the proper and efficient administration of its unemployment compensation law and of its public employment offices during 48 Stat. 113. 49 Stat. 626. 42 USC 1361-1371. 42 USC 502. 29 USC 49-49n. 42 USC 503.

fiscal year 1964 and that any portion thereof not obligated by the State in that year shall be returned to the Treasury and credited to the account from which derived: *Provided further*, That not to exceed $1,100,000 of the funds made available by this paragraph may be used for payment of obligations incurred during fiscal year 1963: *Provided further*, That such amounts as may be agreed upon by the Department of Labor and the Post Office Department shall be used for the payment, in such manner as said parties may jointly determine, of postage for the transmission of official mail matter in connection with the administration of unemployment compensation systems and employment services by States receiving grants herefrom.

29 USC 49-49n. In carrying out the provisions of said Act of June 6, 1933, the provisions of section 303(a)(1) of the Social Security Act, as amended, relating to the establishment and maintenance of personnel standards on the merit basis, shall apply.

42 USC 503.

None of the funds appropriated by this title to the Bureau of Employment Security for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Grants to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States under title III of the Social Security Act, as amended, and under the Act of June 6, 1933, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under such title and under such Act of June 6, 1933, to be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the currrent fiscal year.

42 USC 501-503.

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES AND EX-SERVICEMEN

For payments to unemployed Federal employees and ex-servicemen, either directly or through payments to States, as authorized by title XV of the Social Security Act, as amended, $110,000,000.

42 USC 1361-1371.

Unemployment compensation for Federal employees and ex-servicemen, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States, as authorized by title XV of the Social Security Act, as amended, such amounts as may be required for payment to unemployed Federal employees and ex-servicemen for the first quarter of the next succeeding fiscal year, and the obligations and expenditures thereunder shall be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

COMPLIANCE ACTIVITIES, MEXICAN FARM LABOR PROGRAM

For expenses necessary to enable the Department to determine compliance with the provisions of contracts entered into pursuant to the Act of July 12, 1951, as amended, $870,000.

65 Stat. 119; 75 Stat. 761. 7 USC 1461-1468.

SALARIES AND EXPENSES, MEXICAN FARM LABOR PROGRAM

For expenses, not otherwise provided for, necessary to carry out the functions of the Department of Labor under the Act of July 12, 1951, as amended (7 U.S.C. 1461–1468), including temporary employment of persons without regard to the civil-service laws, $1,135,000, which shall be derived by transfer from the Farm labor supply revolving fund. 65 Stat. 119; 75 Stat. 761.

BUREAU OF VETERANS' REEMPLOYMENT RIGHTS

SALARIES AND EXPENSES

For expenses necessary to render assistance in connection with the exercise of reemployment rights under section 8 of the Selective Training and Service Act of 1940, as amended (50 U.S.C. App. 308), the Service Extension Act of 1941, as amended (50 U.S.C. App. 351), the Army Reserve and Retired Personnel Service Law of 1940, as amended (50 U.S.C. App. 401), and section 9 of the Universal Military Training and Service Act (50 U.S.C. App. 459), and the Reserve Forces Act of 1955 (69 Stat. 598), $784,000. 54 Stat. 890. 55 Stat. 626. 54 Stat. 858. 62 Stat. 614; 75 Stat. 821. 50 USC 925 note.

BUREAU OF LABOR STANDARDS

SALARIES AND EXPENSES

For expenses necessary for the promotion of industrial safety, employment stabilization, and amicable industrial relations for labor and industry; performance of safety functions of the Secretary under the Federal Employees' Compensation Act, as amended (5 U.S.C. 784 (c)) and the Longshoremen's and Harbor Workers' Compensation Act, as amended (72 Stat. 835); and not less than $303,000 for the work of the President's Committee on Employment of the Handicapped, as authorized by the Act of July 11, 1949 (63 Stat. 409); $3,470,000: *Provided*, That no part of the appropriation for the President's Committee shall be subject to reduction or transfer to any other department or agency under the provisions of any existing law; including purchase of reports and of material for informational exhibits. 39 Stat. 749. 33 USC 901.

OFFICE OF LABOR-MANAGEMENT RELATIONS SERVICES

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Welfare and Pension Plans Disclosure Act, as amended (72 Stat. 997), the Labor-Management Reporting and Disclosure Act of 1959 (73 Stat. 519), expenses of commissions and boards to resolve labor-management disputes and other expenses for improving the climate of labor-management relations, $7,450,000, and in addition thereto there is hereby transferred to this appropriation the sum of $50,000 from the appropriation of $2,269,000 for Salaries and expenses, Office of the Secretary. 29 USC 301 note. 29 USC 401 note.

BUREAU OF EMPLOYEES' COMPENSATION

SALARIES AND EXPENSES

For necessary administrative expenses and not to exceed $111,000 for the Employees' Compensation Appeals Board, $4,275,000, together with not to exceed $60,000 to be derived from the fund created by section 44 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (33 U.S.C. 944). 44 Stat. 1444.

EMPLOYEES' COMPENSATION CLAIMS AND EXPENSES

For the payment of compensation and other benefits and expenses (except administrative expenses) authorized by law and accruing during the current or any prior fiscal year, including payments to other Federal agencies for medical and hospital services pursuant to agreement approved by the Bureau of Employees' Compensation; continuation of payment of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the advancement of costs for enforcement of recoveries in third-party cases; the furnishing of medical and hospital services and supplies, treatment, and funeral and burial expenses, including transportation and other expenses incidental to such services, treatment, and burial, for such enrollees of the Civilian Conservation Corps as were certified by the Director of such Corps as receiving hospital services and treatment at Government expense on June 30, 1943, and who are not otherwise entitled thereto as civilian employees of the United States, and the limitations and authority of the Act of September 7, 1916, as amended (5 U.S.C. 796), shall apply in providing such services, treatment, and expenses in such cases and for payments pursuant to sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); $53,838,000, together with such amount as may be necessary to be advanced from the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to March 31 of the year: *Provided*, That, in the adjudication of claims under section 42 of the said Act of 1916, for benefits payable from this appropriation, authority under section 32 of the Act to make rules and regulations shall be construed to include the nature and extent of the proofs and evidence required to establish the right to such benefits without regard to the date of the injury or death for which claim is made.

60 Stat. 696.

39 Stat. 742; 48 Stat. 351.

62 Stat. 1242. 42 USC 1702; 50 USC app. 2003, 2004.

5 USC 793. 5 USC 783.

WOMEN'S BUREAU

SALARIES AND EXPENSES

For expenses necessary for the work of the Women's Bureau, as authorized by the Act of June 5, 1920 (29 U.S.C. 11–16), including purchase of reports and material for informational exhibits, $785,000.

41 Stat. 987.

WAGE AND HOUR DIVISION

SALARIES AND EXPENSES

For expenses necessary for performing the duties imposed by the Fair Labor Standards Act of 1938, as amended, and the Act to provide conditions for the purchase of supplies and the making of contracts by the United States, approved June 30, 1936, as amended (41 U.S.C. 35–45), including reimbursements to State, Federal, and local agencies and their employees for inspection services rendered, $19,300,000.

52 Stat. 1060. 29 USC 201.

49 Stat. 2036.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For expenses necessary for the Office of the Solicitor $4,420,000 together with not to exceed $127,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary of Labor, $2,269,000, together with not to exceed $138,000 to be derived from the Employment Security Administration account, Unemployment Trust Fund.

TRADE ADJUSTMENT ACTIVITIES

For necessary expenses to carry out the functions of the Secretary of Labor under the Trade Expansion Act of 1962, $150,000.

76 Stat. 872.
19 USC 1801 note.

This title may be cited as the "Department of Labor Appropriation Act, 1964".

Citation of title.

TITLE II—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Department of Health, Education, and Welfare Appropriation Act, 1964.

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses not otherwise provided for, of the Food and Drug Administration, including reporting and illustrating the results of investigations; purchase of chemicals, apparatus, and scientific equipment; payment in advance for special tests and analyses and adverse reaction reporting by contract; payment of fees, travel, and per diem in connection with studies of new developments pertinent to food and drug enforcement operations; compensation of informers; payment for publication of technical and informational materials in professional and trade journals; and rental of special purpose space in the District of Columbia or elsewhere; $35,805,000.

BUILDINGS AND FACILITIES

For construction, alteration, and equipment, of facilities, including acquisition of sites, and planning, architectural, and engineering services, $4,466,000, to remain available until expended.

REVOLVING FUND FOR CERTIFICATION AND OTHER SERVICES

For the establishment of a revolving fund for certification and other services, there is hereby appropriated the aggregate of fees (including advance deposits to cover such fees) paid during the fiscal year 1964, and each succeeding fiscal year, for services in connection with the listing, certification, or inspection of certain products and the establishment of tolerances for pesticides, in accordance with sections 406, 408, 506, 507, 702A, and 706 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346a, 356, 357, 372a, and 376), and the unexpended balance of such fees (or advance deposits) heretofore appropriated shall be credited to such revolving fund. This fund shall be available without fiscal year limitation for salaries and expenses necessary to carry out the Secretary's responsibilities in connection with such listings, certifications, inspections, or establishment of tolerances, including the conduct of scientific research, development of methods of analysis, purchase of chemicals, fixtures, furniture, and scientific equipment and apparatus; expenses of advisory committees; refund of advance deposits for which no services have been rendered: *Provided*, That any supplies, furniture, fixtures, and equipment on hand or on order on June 30, 1963, and purchased or

21 USC 346.

ordered under appropriations for "Salaries and Expenses, Certification, Inspection, and Other Services," shall be used to capitalize the revolving fund.

OFFICE OF EDUCATION

PROMOTION AND FURTHER DEVELOPMENT OF VOCATIONAL EDUCATION

For carrying out the provisions of titles I and II of the Vocational Education Act of 1946, as amended (20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj), section 1 of the Act of March 3, 1931 (20 U.S.C. 30), the Act of March 18, 1950 (20 U.S.C. 31–33), section 9 of the Act of August 1, 1956 (20 U.S.C. 34), and section 2 of the Act of September 25, 1962 (76 Stat. 586), $34,756,000, of which $5,000,000 shall be for practical nurse training under such title II of the Vocational Education Act of 1946, as amended, and $180,000 for vocational education in the fishery trades and industry including distributive occupations therein: *Provided*, That the amount of allotment which States and Territories are not prepared to use may be reapportioned among other States and Territories applying therefor for use in the programs for which the funds were originally apportioned.

48 USC 1667.

FURTHER ENDOWMENT OF COLLEGES OF AGRICULTURE AND THE MECHANIC ARTS

For carrying out the provisions of section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), $11,950,000.

74 Stat. 525.

GRANTS FOR LIBRARY SERVICES

For grants to the States, pursuant to the Act of June 19, 1956, as amended (20 U.S.C. 351–358), $7,500,000.

70 Stat. 293.

PAYMENTS TO SCHOOL DISTRICTS

For payments to local educational agencies for the maintenance and operation of schools as authorized by the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), $104,466,000: *Provided*, That this appropriation shall also be available for carrying out the provisions of section 6 of such Act.

64 Stat. 1100.
20 USC 236–245.

ASSISTANCE FOR SCHOOL CONSTRUCTION

For an additional amount for providing school facilities and for grants to local educational agencies in federally affected areas, as authorized by the Act of September 23, 1950, as amended (20 U.S.C., ch. 19), including not to exceed $800,000 for necessary expenses during the current fiscal year of technical services rendered by other agencies, $23,740,000, to remain available until expended: *Provided*, That no part of this appropriation shall be available for salaries or other direct expenses of the Department of Health, Education, and Welfare.

72 Stat. 548.
20 USC 631–645.

DEFENSE EDUCATIONAL ACTIVITIES

For grants, loans, and payments under the National Defense Education Act of 1958 (72 Stat. 1580–1605), $219,620,000, of which $90,900,000 shall be for capital contributions to student loan funds and loans for non-Federal capital contributions to student loan funds, of which not to exceed $900,000 shall be for such loans for non-Federal capital contributions; $47,750,000 shall be for grants to States and loans to nonprofit private schools for science, mathematics, or modern language equipment and minor remodeling of facilities and for grants

20 USC 401 note.

to States for supervisory and other services: *Provided*, That allotments under sections 302(a) and 305 for acquisition of equipment and minor remodeling shall be made on the basis of $47,520,000 for grants to States and shall be made on the basis of $6,480,000 for loans to private, nonprofit schools, and allotments under section 302(b) for supervisory and other services shall be made on the basis of $3,750,000; $15,000,000 shall be for grants to States for area vocational education programs; and $15,000,000 shall be for grants to States for testing, guidance, and counseling: *Provided*, That no part of this appropriation shall be available for the purchase of science, mathematics, and modern language teaching equipment, or equipment suitable for use for teaching in such fields of education, which can be identified as originating in or having been exported from a Communist country, unless such equipment is unavailable from any other source: *Provided further*, That no part of this appropriation shall be available for graduate fellowships awarded initially under the provisions of the Act after the date of enactment of the Department of Health, Education, and Welfare Appropriation Act, 1962, which are not found by the Commissioner of Education to be consistent with the purpose of the Act as stated in section 101 thereof.

72 Stat. 1588.
20 USC 442, 445.

75 Stat. 594.

20 USC 401.

Loans and payments under the National Defense Education Act, next succeeding fiscal year: For making, after March 31 of the current fiscal year, loans and payments under title II of the National Defense Education Act, for the first quarter of the next succeeding fiscal year such sums as may be necessary, the obligations incurred and the expenditures made thereunder to be charged to the appropriation for the same purpose for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid for the same purposes for the first quarter of the current fiscal year.

20 USC 421-429.

EXPANSION OF TEACHING IN EDUCATION OF THE MENTALLY RETARDED

For grants to public or other nonprofit institutions of higher learning and to State educational agencies, pursuant to the Act of September 6, 1958, as amended (20 U.S.C. 611–617), $1,000,000.

72 Stat. 1777.

EXPANSION OF TEACHING IN EDUCATION OF THE DEAF

For grants to public or other nonprofit institutions of higher education for courses of study and scholarships for training teachers of the deaf, $1,500,000: *Provided*, That this paragraph shall be effective only upon enactment into law of section 301(c) of S. 1576, 88th Congress, or similar legislation.

Post, p. 295.

COOPERATIVE RESEARCH

For cooperative research, surveys, and demonstrations in education as authorized by the Act of July 26, 1954 (20 U.S.C. 331–332), $11,500,000.

68 Stat. 533.

EDUCATIONAL RESEARCH (SPECIAL FOREIGN CURRENCY PROGRAM)

For purchase of foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Education, as authorized by law, $500,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such agency, for the purchase of the foregoing currencies.

FOREIGN LANGUAGE TRAINING AND AREA STUDIES

For payments to carry out the provisions of section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 529), $1,500,000.

22 USC 2452.

SALARIES AND EXPENSES

For expenses necessary for the Office of Education, including surveys, studies, investigations, and reports regarding libraries; coordination of library service on the national level with other forms of adult education; development of library service throughout the country; purchase, distribution, and exchange of education documents, motion-picture films, and lantern slides; $14,761,000.

OFFICE OF VOCATIONAL REHABILITATION

GRANTS TO STATES

For grants to States in accordance with the Vocational Rehabilitation Act, as amended, $88,700,000, of which $85,700,000 is for vocational rehabilitation services under section 2 of said Act; and $3,000,000 is for extension and improvement projects under section 3 of said Act: *Provided*, That allotments under section 2 of said Act to the States for the current fiscal year shall be made on the basis of $140,000,000, and this amount shall be considered the sum available for allotments under such section for such fiscal year: *Provided further*, That additional allotments, not exceeding $550,000 in the aggregate, for grants under section 2 of said Act may be made, in accordance with regulations of the Secretary, to States in which the Federal share of the costs of rehabilitation services under such section exceeds their respective allotments from such $140,000,000: *Provided further*, That the allotment to any State under section 3(a)(1) of said Act shall be not less than $15,000.

68 Stat. 652.
29 USC 31 note.

Grants to States, next succeeding fiscal year: For making, after May 31, of the current fiscal year, grants to States under sections 2 and 3 of the Vocational Rehabilitation Act, as amended, for the first quarter of the next succeeding fiscal year such sums as may be necessary, the obligations incurred and the expenditures made thereunder to be charged to the appropriation therefor for that fiscal year: *Provided*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the current fiscal year.

29 USC 32, 33.

RESEARCH AND TRAINING

For grants and other expenses (except administrative expenses) for research, training, traineeships, and other special projects, pursuant to section 4 of the Vocational Rehabilitation Act, as amended, for carrying out the training functions provided for in section 7 of said Act, for studies, investigations, demonstrations, and reports, and of dissemination of information with respect thereto pursuant to section 7 of said Act, and not to exceed $100,000 for carrying out the functions of the Office of Vocational Rehabilitation under the International Health Research Act of 1960 (74 Stat. 364), $34,810,000.

29 USC 34.
29 USC 37.
22 USC 2101 note.

RESEARCH AND TRAINING (SPECIAL FOREIGN CURRENCY PROGRAM)

For purchase of foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Vocational Rehabilitation, as authorized by law, $2,000,000, to remain available until

expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such agency, for the purchase of the foregoing currencies.

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the Office of Vocational Rehabilitation, $2,905,000.

PUBLIC HEALTH SERVICE

PREAMBLE

For necessary expenses in carrying out the Public Health Service Act, as amended (42 U.S.C., ch. 6A) (hereinafter referred to as the Act), and other Acts, including expenses for active commissioned officers in the Reserve Corps and for not to exceed two thousand eight hundred commissioned officers in the Regular Corps; expenses incident to the dissemination of health information in foreign countries through exhibits and other appropriate means; expenses of primary and secondary schooling of dependents, in foreign countries, of Public Health Service commissioned officers stationed in foreign countries, in amounts not to exceed an average of $285 per student, when it is determined by the Secretary that the schools available in the locality are unable to provide adequately for the education of such dependents, and for the transportation of such dependents between such schools and their places of residence when the schools are not accessible to such dependents by regular means of transportation; not to exceed $1,000 for entertainment of visiting scientists when specifically approved by the Surgeon General; purchase, erection, and maintenance of temporary or portable structures; and for the payment of compensation to consultants or individual scientists appointed for limited periods of time pursuant to section 207(f) or section 207(g) of the Act at rates established by the Surgeon General not to exceed $19,000 per annum; as follows:

58 Stat. 682. 42 USC 201 note.

42 USC 209.

BUILDINGS AND FACILITIES

For construction, major repair, improvement, extension, and equipment of Public Health Service facilities, not otherwise provided, including plans and specifications and acquisition of sites, $16,311,000, to remain available until expended.

ACCIDENT PREVENTION

To carry out section 301 of the Act, and for expenses necessary for demonstrations and training personnel for State and local health work pursuant to section 314(c) of the Act, with respect to accident prevention, $4,163,000.

42 USC 241. 42 USC 246.

CHRONIC DISEASES AND HEALTH OF THE AGED

To carry out sections 301, 311, 314(e), and 316 of the Act, and for expenses necessary for demonstrations and training personnel for State and local health work under section 314(c) of the Act, with respect to chronic diseases and health problems of the aged, for allotments and payments to States under section 314(c) of the Act for establishing and maintaining adequate public health services for the chronically ill and the aged, and for cooperating with State health agencies, and other public and private nonprofit institutions, in the

42 USC 241, 243, 246, 247a.

prevention, control, and eradication of cancer, neurological and sensory diseases, and blindness by providing for consultative services, training, demonstrations, and other control activities, directly and through grants-in-aid, $53,377,000, of which $13,000,000 shall be available only for such allotments and payments to States under section 314(c) of the Act.

COMMUNICABLE DISEASE ACTIVITIES

42 USC 241, 243, 246, 247b, 264.

To carry out, except as otherwise provided for, those provisions of sections 301, 311, 314(c), 317, and 361 of the Act relating to the prevention and suppression of communicable and preventable diseases, and the interstate transmission and spread thereof, including the purchase of not to exceed five passenger motor vehicles for replacement only; and hire, maintenance, and operation of aircraft; $28,405,000, of which $10,205,000 shall remain available until June 30, 1965, to carry out section 317 of the Act.

COMMUNITY HEALTH PRACTICE AND RESEARCH

42 USC 241, 242d, 242g, 242h, 243, 246.

To carry out, to the extent not otherwise provided, sections 301, 306, 309, 310, 311, and 314(c) of the Act, $29,608,000.

CONTROL OF TUBERCULOSIS

To carry out the purposes of section 314(b) of the Act, $6,828,000, of which $1,606,000 shall be available for grants of money, services, supplies and equipment to States, and with the approval of the respective State health authority, to counties, health districts and other political subdivisions of the States for the control of tuberculosis in such amounts and upon such terms and conditions as the Surgeon General may determine, and of which not less than $2,900,000 shall be available only for grants to States, to be matched by an equal amount of State and local funds expended for the same purpose, for direct expenses of prevention and case-finding projects, including salaries, fees, and travel of personnel directly engaged in prevention and case finding and the necessary equipment and supplies used directly in prevention and case-finding operations, but excluding the purchase of care in hospitals and sanatoriums.

CONTROL OF VENEREAL DISEASES

42 USC 246, 266.

To carry out the purposes of sections 314(a) and 363 of the Act with respect to venereal diseases and for grants of money, services, supplies, equipment, and use of facilities to States, as defined in the Act, and with the approval of the respective State health authorities, to counties, health districts, and other political subdivisions of the States, for venereal disease control activities, in such amounts and upon such terms and conditions as the Surgeon General may determine; $9,588,000.

DENTAL SERVICES AND RESOURCES

42 USC 241, 243. 42 USC 288a.

To carry out sections 301 and 311 of the Act, and for training grants under section 422 of the Act, with respect to dental health activities, except as otherwise provided for the National Institute of Dental Research, $6,218,000.

NURSING SERVICES AND RESOURCES

To carry out sections 301 and 311 of the Act with respect to nursing services and resources, and to carry out section 307 of the Act, $11,217,000. 42 USC 241, 243. 42 USC 242e.

HOSPITAL CONSTRUCTION ACTIVITIES

To carry out the provisions of title VI of the Act, as amended, $226,220,000, of which $150,000,000 shall be for grants or loans for hospitals, and related facilities pursuant to part C, $4,200,000 shall be for the purposes authorized in section 636, and $70,000,000 shall be for grants or loans for facilities pursuant to part G: *Provided*, That funds made available under section 636 for experimental or demonstration construction or equipment projects shall not be used to pay in excess of two-thirds of the cost of such projects as determined by the Surgeon General. 42 USC 291-291z. 42 USC 291d-291h. 42 USC 291n. 42 USC 291s-291v.

GEORGE WASHINGTON UNIVERSITY HOSPITAL CONSTRUCTION

For grants to assist in the expansion and improvement of the facilities of the George Washington University Hospital, as authorized by the Act of May 31, 1962 (Public Law 87–460), $2,500,000, to remain available until expended. 76 Stat. 83.

ENVIRONMENTAL HEALTH SCIENCES

To carry out, except as otherwise provided for, sections 301, 311 and 314(c) of the Act with respect to environmental health and arctic health activities, $4,224,000. 42 USC 246.

AIR POLLUTION

To carry out the Act of July 14, 1955, as amended (42 U.S.C. 1857–1857f), and for expenses necessary to carry out the purposes of sections 301 and 311 of the Act relating to air pollution, including purchase of not to exceed three passenger motor vehicles, and hire, maintenance, and operation of aircraft; $12,954,000, to remain available only until June 30, 1964. 69 Stat. 322; 73 Stat. 646.

MILK, FOOD, INTERSTATE, AND COMMUNITY SANITATION

To carry out sections 301, 311, and 361 of the Act, and for expenses necessary for demonstrations and training personnel for State and local health work under section 314(c) of the Act, with respect to milk, food, and community sanitation, and interstate quarantine activities, including purchase of not to exceed two passenger motor vehicles, $9,009,000. 42 USC 241, 243, 264. 42 USC 246.

OCCUPATIONAL HEALTH

To carry out sections 301 and 311 of the Act, and for expenses necessary for demonstrations and training personnel for State and local health work under section 314(c) of the Act, with respect to occupational health, $4,990,000, of which $500,000 shall be available for the continuation of the study of pulmonary diseases of coal miners.

RADIOLOGICAL HEALTH

To carry out sections 301, 311, and 314(c) of the Act, with respect to radiological health, including grants for training of radiological health specialists; purchase of not to exceed three passenger motor vehicles of which one shall be for replacement only; and hire, mainte-

nance, and operation of aircraft; $19,145,000, of which $2,000,000 shall be available only for allotments and payments to States pursuant to such section 314(c) for the establishment and maintenance of adequate radiological public health services.

42 USC 246.

WATER SUPPLY AND WATER POLLUTION CONTROL

42 USC 241, 243, 264.

To carry out sections 301, 311, and 361 of the Act with respect to water supply and water pollution control, and to carry out the Federal Water Pollution Control Act, as amended (33 U.S.C. 466–466d, 466f–466k), $28,980,000, including $4,700,000 for grants to States and $300,000 for grants to interstate agencies under section 5 of the Federal Water Pollution Control Act, as amended, and of which $500,000 shall be available for the comprehensive study of the Ohio River basin.

70 Stat. 498.

GRANTS FOR WASTE TREATMENT WORKS CONSTRUCTION

For payments under section 6 of the Water Pollution Control Act, as amended (33 U.S.C. 466e), $90,000,000: *Provided*, That allotments under such section 6 for the current fiscal year shall be made on the basis of $100,000,000: *Provided further*, That none of the sums allotted to a State shall remain available for obligation after December 31, 1964.

75 Stat. 206.

HOSPITALS AND MEDICAL CARE

For carrying out the functions of the Public Health Service, not otherwise provided for, under the Act of August 8, 1946 (5 U.S.C. 150), and under sections 301 (with respect to research conducted at facilities financed by this appropriation), 321, 322, 324, 326, 331, 332, 341, 343, 344, 502, and 504 of the Act, section 810 of the Act of July 1, 1944, as amended (33 U.S.C. 763c), Private Law 419 of the Eighty-third Congress, as amended, and Executive Order 9079 of February 26, 1942, including purchase and exchange of farm products and livestock; purchase of not to exceed two passenger motor vehicles for replacement only; and purchase of firearms and ammunition; $49,962,000, of which $1,200,000 shall be available only for payments to the State of Hawaii for care and treatment of persons afflicted with leprosy: *Provided*, That when the Public Health Service establishes or operates a health service program for any department or agency, payment for the estimated cost shall be made by way of reimbursement or in advance for deposit to the credit of this appropriation: *Provided further*, That this appropriation shall be available for medical, surgical, and dental treatment and hospitalization of retired ships' officers and members of crews of Coast and Geodetic Survey vessels, and their dependents, and for payment therefor.

60 Stat. 903.
42 USC 241, 248 *et seq.*
68 Stat. A74; 69 Stat. 76.
3 CFR 1943 Cum. Supp., p. 1101.

FOREIGN QUARANTINE ACTIVITIES

For carrying out the purposes of sections 361 to 369 of the Act, relating to preventing the introduction of communicable diseases from foreign countries, the medical examination of aliens in accordance with section 325 of the Act, and the care and treatment of quarantine detainees pursuant to section 322(e) of the Act in private or other public hospitals when facilities of the Public Health Service are not available, including insurance of official motor vehicles in foreign countries when required by law of such countries, and purchase of not to exceed four passenger motor vehicles for replacement only, $6,456,000.

42 USC 264-272.
42 USC 252.
42 USC 249.

GENERAL RESEARCH AND SERVICES, NATIONAL INSTITUTES OF HEALTH

For the activities of the National Institutes of Health, not otherwise provided for, including research fellowships and grants for research projects and training grants pursuant to section 301 of the Act; and grants of therapeutic and chemical substances for demonstrations and research; $163,869,000: *Provided*, That funds advanced to the National Institutes of Health management fund from appropriations included in this Act shall be available for purchase of not to exceed eighteen passenger motor vehicles, of which thirteen shall be for replacement only; and not to exceed $2,500 for entertainment of visiting scientists when specifically approved by the Surgeon General: *Provided further*, That all appropriations made to the Public Health Service in this Act, and available for research or training projects, may be expended pursuant to contracts made on a cost or other basis for supplies and services, including indemnification of contractors to the extent and subject to the limitations provided in title 10, United States Code, section 2354, except that approval and certification required thereby shall be by the Surgeon General.

42 USC 241.

70A Stat. 134.

BIOLOGICS STANDARDS

To carry out sections 351 and 352 of the Act pertaining to regulation and preparation of biological products, and conduct of research related thereto, $4,787,000.

42 USC 262, 263.

CHILD HEALTH AND HUMAN DEVELOPMENT

For expenses, not otherwise provided for, necessary to carry out the purposes of the Act with respect to child health and human development, not to exceed $34,000,000, to be derived by transfer from other appropriations for the National Institutes of Health for the current fiscal year.

NATIONAL CANCER INSTITUTE

To enable the Surgeon General, upon the recommendations of the National Advisory Cancer Council, to make grants-in-aid for research and training projects relating to cancer; and to otherwise carry out the provisions of title IV, part A, of the Act; $144,340,000: *Provided*, That amounts appropriated under this head in the Department of Health, Education, and Welfare Appropriation Act, 1961, for plans and specifications for a research facility for the National Cancer Institute shall remain available until June 30, 1964.

42 USC 281-286.

74 Stat. 760.

MENTAL HEALTH ACTIVITIES

For expenses necessary for carrying out the provisions of sections 301, 302, 303, 311, 312, and 314(c) of the Act with respect to mental diseases, $183,288,000.

42 USC 241 *et seq.*

NATIONAL HEART INSTITUTE

For expenses, not otherwise provided for, necessary to carry out the purposes of the National Heart Act, $132,404,000: *Provided*, That amounts appropriated under this head in the Department of Health, Education, and Welfare Appropriation Act, 1962, for plans and specifications for a gerontological research building and appurtenant facilities for the National Heart Institute shall remain available until June 30, 1964.

62 Stat. 464.

42 USC 287 note.

75 Stat. 594.

NATIONAL INSTITUTE OF DENTAL RESEARCH

For expenses, not otherwise provided for, necessary to enable the Surgeon General to carry out the purposes of the Act with respect to dental diseases and conditions, $19,689,000.

ARTHRITIS AND METABOLIC DISEASE ACTIVITIES

For expenses necessary to carry out the purposes of the Act relating to arthritis, rheumatism, and metabolic diseases, $113,679,000.

ALLERGY AND INFECTIOUS DISEASE ACTIVITIES

For expenses, not otherwise provided for, necessary to carry out the purposes of the Act relating to allergy and infectious diseases, $68,723,000, of which $350,000 shall be available for payment to the Gorgas Memorial Institute for maintenance and operation of the Gorgas Memorial Laboratory.

NEUROLOGY AND BLINDNESS ACTIVITIES

For expenses necessary to carry out the purposes of the Act relating to neurology and blindness, $87,675,000.

GRANTS FOR CONSTRUCTION OF HEALTH RESEARCH FACILITIES

42 USC 292-292i.

For grants pursuant to Title VII of the Act, $50,000,000.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For purchase of foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Public Health Service, as authorized by law, $4,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Public Health Service, for the purchase of the foregoing currencies.

NATIONAL HEALTH STATISTICS

42 USC 241, 242c, 244a, 245, 246, 247.

For expenses of the National Center for Health Statistics in carrying out the provisions of sections 301, 305, 312(a), 313, 314(c), and 315 of the Act, $5,949,000.

NATIONAL LIBRARY OF MEDICINE

42 USC 241.

70 Stat. 960.

To carry out section 301 of the Act with respect to translation of foreign scientific documents and for expenses, not otherwise provided for, necessary to carry out the National Library of Medicine Act (42 U.S.C. 275), $4,074,000.

RETIRED PAY OF COMMISSIONED OFFICERS

67 Stat. 501. 70A Stat. 641.

70 Stat. 250; 72 Stat. 1445, 1569.

For retired pay of commissioned officers, as authorized by law, and for payments under the Uniformed Services Contingency Option Act of 1953 and payments for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C., ch. 55), such amount as may be required during the current fiscal year.

SALARIES AND EXPENSES, OFFICE OF THE SURGEON GENERAL

For the divisions and offices of the Office of the Surgeon General and for miscellaneous expenses of the Public Health Service not appropriated for elsewhere, including preparing information, articles, and publications related to public health; and conducting studies and demonstrations in public health methods, $6,091,000.

SAINT ELIZABETHS HOSPITAL

SALARIES AND EXPENSES

For expenses necessary for the maintenance and operation of the hospital, including purchase of one passenger motor vehicle, clothing for patients, and cooperation with organizations or individuals in the scientific research into the nature, causes, prevention, and treatment of mental illness, such amount as may be equal to the difference between the amount of the reimbursements received during the current fiscal year on account of patient care provided by the hospital during such year and $27,413,000.

BUILDINGS AND FACILITIES

For construction, alterations, extension, and equipment, of buildings and facilities on the grounds of the hospital, including preparation of plans and specifications, advertising, and supervision of construction, $627,000, to remain available until expended.

SOCIAL SECURITY ADMINISTRATION

LIMITATION ON SALARIES AND EXPENSES, BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

For necessary expenses, not more than $317,900,000 may be expended from the Federal old-age and survivors insurance trust fund: *Provided*, That such amounts as are required shall be available to pay the cost of necessary travel incident to medical examinations for verifying disabilities of individuals who file applications for disability determinations under title II of the Social Security Act, as amended: *Provided further*, That $10,000,000 of the foregoing amount shall be apportioned for use pursuant to section 3679 of the Revised Statutes as amended (31 U.S.C. 665), only to the extent necessary to process workloads not anticipated in the budget estimates and after maximum absorption of the costs of such workload within the existing limitation has been achieved. 42 USC 401-425.

Advances to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, advances to States under section 221 (e) of the Social Security Act, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary from the above authorization may be expended from the Federal old-age and survivors insurance trust fund. 70 Stat. 823. 42 USC 421.

GRANTS TO STATES FOR PUBLIC ASSISTANCE

For grants to States for old-age assistance, medical assistance for the aged, aid to families with dependent children, aid to the blind, and aid to the permanently and totally disabled, as authorized in titles I, IV, X, XIV, and XVI of the Social Security Act, as amended (42 U.S.C. ch. 7, subchs. I, IV, X, XIV, and XVI), $2,725,000,000, of 42 USC 301 *et seq.*

which such amount as may be necessary shall be available for grants for any period in the prior fiscal year subsequent to March 31 of that year.

ASSISTANCE FOR REPATRIATED UNITED STATES NATIONALS

For necessary expenses of carrying out section 1113 of the Social Security Act, as amended (42 U.S.C. 1313), and of carrying out the provisions of the Act of July 5, 1960 (74 Stat. 308), and for care and treatment in accordance with the Acts of March 2, 1929, and October 29, 1941, as amended (24 U.S.C. 191a, 196a), $467,000.

75 Stat. 142.
24 USC 321-329.
45 Stat. 1495; 55 Stat. 756.

SALARIES AND EXPENSES, BUREAU OF FAMILY SERVICES

For expenses necessary for the Bureau of Family Services, $4,956,000.

GRANTS FOR MATERNAL AND CHILD WELFARE

For grants for maternal and child-health services, services for crippled children, and child-welfare services as authorized in title V, parts 1, 2, and 3, of the Social Security Act, as amended (42 U.S.C., ch. 7, subch. V; 74 Stat. 995–997), $82,943,000, of which $25,000,000 shall be available for services for crippled children, $25,000,000 for maternal and child-health services, $29,000,000 for child-welfare services, and $3,943,000 for research, training, or demonstration projects in child welfare: *Provided*, That any allotment to a State pursuant to section 502(b) or 512(b) of such Act shall not be included in computing for the purposes of subsections (a) and (b) of sections 504 and 514 of such Act an amount expended or estimated to be expended by the State: *Provided further*, That $1,000,000 of the amount available under section 502(b) of such Act shall be used only for special projects for mentally retarded children.

42 USC 701 *et seq.*
42 USC 702, 712.
42 USC 704, 714.

SALARIES AND EXPENSES, CHILDREN'S BUREAU

For necessary expenses in carrying out the Act of April 9, 1912, as amended (42 U.S.C., ch. 6), and title V of the Social Security Act, as amended (42 U.S.C., ch. 7, subch. V), including purchase of reports and material for the publications of the Children's Bureau and of reprints for distribution, $3,401,000: *Provided*, That no part of any appropriation contained in this title shall be used to promulgate or carry out any instructions, order, or regulation relating to the care of obstetrical cases which discriminate between persons licensed under State law to practice obstetrics: *Provided further*, That the foregoing proviso shall not be so construed as to prevent any patient from having the services of any practitioner of her own choice, paid for out of this fund, so long as State laws are complied with: *Provided further*, That any State plan which provides standards for professional obstetrical services in accordance with the laws of the State shall be approved.

42 USC 191-194.
42 USC 701 *et seq.*

COOPERATIVE RESEARCH OR DEMONSTRATION PROJECTS IN SOCIAL SECURITY

For grants, contracts, and jointly financed cooperative arrangements for research or demonstration projects under section 1110 of the Social Security Act, as amended (42 U.S.C. 1310), $1,455,000.

70 Stat. 850.

INTERNATIONAL SOCIAL SECURITY ASSOCIATION MEETING

For expenses necessary for organizing, and holding in the District of Columbia, during calendar year 1964, the Fifteenth General Meeting of the International Social Security Association, including

advances without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); personal services without regard to civil service or classification laws; employment of aliens; hire of passenger motor vehicles; printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111); rents in the District of Columbia and elsewhere; and not to exceed $10,500 for official reception and representation expense, $91,500, to remain available until June 30, 1965. 63 Stat. 405.

SALARIES AND EXPENSES, OFFICE OF THE COMMISSIONER

For expenses necessary for the Office of the Commissioner of Welfare, $1,025,000.

Grants to States, next succeeding fiscal year: For making, after May 31 of the current fiscal year, payments to States under titles I, IV, V, X, XIV, and XVI, respectively, of the Social Security Act, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary, the obligations incurred and the expenditures made thereunder for payments under each of such titles to be charged to the appropriation therefor for that fiscal year. 42 USC 301 *et seq.*

In the administration of titles I, IV, V, X, XIV, and XVI, respectively, of the Social Security Act, as amended, payments to a State under any of such titles for any quarter in the period beginning April 1 of the prior year, and ending June 30 of the current year, may be made with respect to a State plan approved under such title prior to or during such period, but no such payment shall be made with respect to any plan for any quarter prior to the quarter in which such plan was submitted for approval.

AMERICAN PRINTING HOUSE FOR THE BLIND

EDUCATION OF THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101–105), $775,000. 20 Stat. 468.

FREEDMEN'S HOSPITAL

SALARIES AND EXPENSES

For expenses necessary for operation and maintenance, including repairs; furnishing, repairing, and cleaning of wearing apparel used by employees in the performance of their official duties; transfer of funds to the appropriation "Salaries and expenses, Howard University" for salaries of technical and professional personnel detailed to the hospital; payments to the appropriations of Howard University for actual cost of heat, light, and power furnished by such university; $3,880,000: *Provided*, That no intern or resident physician receiving compensation from this appropriation on a full-time basis shall receive compensation in the form of wages or salary from any other appropriation in this title: *Provided further*, That the District of Columbia shall pay by check to Freedmen's Hospital, upon the Surgeon General's request, in advance at the beginning of each quarter, such amount as the Surgeon General calculates will be earned on the basis of rates approved by the Bureau of the Budget for the care of patients certified by the District of Columbia. Bills rendered by the Surgeon General on the basis of such calculations shall not be subject

to audit or certification in advance of payment; but proper adjustment of amounts which have been paid in advance on the basis of such calculations shall be made at the end of each quarter: *Provided further*, That the Surgeon General may delegate the responsibilities imposed upon him by the foregoing proviso.

GALLAUDET COLLEGE

SALARIES AND EXPENSES

For the partial support of Gallaudet College, including personal services and miscellaneous expenses, and repairs and improvements, as authorized by the Act of June 18, 1954 (Public Law 420), and not to exceed $100,000 to be transferred to the appropriation for Salaries and expenses, Office of the Secretary for necessary expenses of carrying out a study of the education of the deaf, $1,822,000: *Provided*, That Gallaudet College shall be paid by the District of Columbia, in advance at the beginning of each quarter, at a rate not less than $1,500 per school year for each student receiving elementary or secondary education pursuant to the Act of March 1, 1901 (31 D.C. Code 1008).

68 Stat. 265. D.C. Code 31-1025 to 31-1032.

31 Stat. 844.

CONSTRUCTION

For construction, alteration, renovation, equipment, and improvement of buildings and facilities on the grounds of Gallaudet College, as authorized by the Act of June 18, 1954 (Public Law 420), under the supervision, if so requested by the College, of the General Services Administration, including planning, architectural, and engineering services, $2,919,000, to remain available until expended.

HOWARD UNIVERSITY

SALARIES AND EXPENSES

For the partial support of Howard University, including personal services and miscellaneous expenses and repairs to buildings and grounds, $8,819,000.

CONSTRUCTION

For the construction and equipment of buildings and facilities on the grounds of Howard University, under the supervision of the General Services Administration, including planning, architectural, and engineering services, and site acquisition, $6,245,000, to remain available until expended: *Provided*, That the unexpended balances as of June 30, 1963, of appropriations heretofore made available for planning, construction, or purchase of any Howard University facility, shall be merged with this appropriation.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For expenses necessary for the Office of the Secretary, $2,833,000, together with not to exceed $467,000 to be transferred from the Federal old-age and survivors insurance trust fund.

SALARIES AND EXPENSES, OFFICE OF FIELD ADMINISTRATION

For expenses necessary for the Office of Field Administration, $3,734,000 together with not to exceed $1,302,000 to be transferred from the Federal old-age and survivors insurance trust fund and not to exceed $35,000 to be transferred from the Operating fund, Bureau of Federal Credit Unions.

SURPLUS PROPERTY UTILIZATION

For expenses necessary for carrying out the provisions of subsections 203 (j), (k), (n), and (o), of the Federal Property and Administrative Services Act of 1949, as amended, relating to disposal of real and personal excess property for educational purposes, civil defense purposes, and protection of public health, $950,000.

63 Stat. 385.
40 USC 484.

SALARIES AND EXPENSES, OFFICE OF THE GENERAL COUNSEL

For expenses necessary for the Office of the General Counsel, $975,000, together with not to exceed $29,000 to be transferred from "Revolving fund for certification and other services, Food and Drug Administration", and not to exceed $871,000 to be transferred from the Federal old-age and survivors insurance trust fund.

JUVENILE DELINQUENCY AND YOUTH OFFENSES

For grants for demonstration, evaluation, and training projects, and for technical assistance, relating to control of juvenile delinquency and youth offenses, and for salaries and expenses in connection therewith, $6,950,000, to remain available only until June 30, 1964.

SALARIES AND EXPENSES, OFFICE OF AGING

For expenses necessary for the Office of Aging, $545,000.

EDUCATIONAL TELEVISION FACILITIES

For grants to assist in construction of educational television broadcasting facilities, as authorized by part IV of title III of the Communications Act of 1934 (76 Stat. 64), and for related salaries and expenses, to remain available until expended, $6,500,000, of which not to exceed $285,000 shall be available for such salaries and expenses during the current fiscal year.

47 USC 390-397.

GENERAL PROVISIONS

SEC. 201. None of the funds appropriated by this title to the Social Security Administration for grants-in-aid of State agencies to cover, in whole or in part, the cost of operation of said agencies, including the salaries and expenses of officers and employees of said agencies, shall be withheld from the said agencies of any States which have established by legislative enactment and have in operation a merit system and classification and compensation plan covering the selection, tenure in office, and compensation of their employees, because of any disapproval of their personnel or the manner of their selection by the agencies of the said States, or the rates of pay of said officers or employees.

Withholding of funds.
Restriction.

Motor vehicle transfer.

SEC. 202. The Secretary is authorized to make such transfers of motor vehicles, between bureaus and offices, without transfer of funds, as may be required in carrying out the operations of the Department.

Research, indirect costs.

SEC. 203. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 20 per centum of the direct costs.

58 Stat. 682. 42 USC 201 note.

SEC. 204. Appropriations to the Public Health Service available for research grants pursuant to the Public Health Service Act shall also be available, on the same terms and conditions as apply to non-Federal institutions, for research grants to hospitals of the Service, the Bureau of Prisons, Department of Justice, and to Saint Elizabeths Hospital.

Citation of title.

This title may be cited as the "Department of Health, Education, and Welfare Appropriation Act, 1964".

TITLE III—NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $22,460,000: *Provided*, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

61 Stat. 136; 73 Stat. 542.

49 Stat. 450; 61 Stat. 137.

TITLE IV—NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary for carrying out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including temporary employment of referees under section 3 of the Railway Labor Act, as amended, at rates not in excess of $100 per diem; and emergency boards appointed by the President pursuant to section 10 of said Act (45 U.S.C. 160); $1,950,000.

TITLE V—RAILROAD RETIREMENT BOARD

LIMITATION ON SALARIES AND EXPENSES

For expenses necessary for the Railroad Retirement Board, $11,065,000, to be derived from the railroad retirement account.

TITLE VI—FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Service to carry out the functions vested in it by the Labor-Management Relations Act, 1947 (29 U.S.C. 171–180, 182), including expenses of the Labor-Management Panel as provided in section 205 of said Act; expenses of boards of inquiry appointed by the President pursuant to section 206 of said Act; temporary employment of arbitrators, conciliators, and mediators on labor relations at rates not in excess of $100 per diem; and Government-listed telephones in private residences and private apartments for official use in cities where mediators are officially stationed, but no Federal Mediation and Conciliation Service office is maintained; $5,690,000.

TITLE VII—INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), $5,000. 33 USC 567b.

TITLE VIII—UNITED STATES SOLDIERS' HOME

LIMITATION ON OPERATION AND MAINTENANCE AND CAPITAL OUTLAY

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home permanent fund, $6,622,000: *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.

TITLE IX—GENERAL PROVISIONS

SEC. 901. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a) but at rates not to exceed $75 per diem for individuals. 60 Stat. 810.

SEC. 902. Appropriations contained in this Act available for salaries and expenses shall be available for uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131). Uniforms or allowances. 68 Stat. 1114.

SEC. 903. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities. Attendance at meetings.

Restriction.

SEC. 904. None of the funds contained in this Act for "Juvenile delinquency and youth offenses" shall be paid, for the purpose of conducting or assisting in conducting a research or demonstration project, to any person or organization registered with the Clerk of the House and the Secretary of the Senate under the Regulation of Lobbying Act.

60 Stat. 839.
2 USC 261 note.

SEC. 905. The Secretary of Labor and the Secretary of Health, Education, and Welfare, are each authorized to make available not to exceed $5,000 from funds available for salaries and expenses under titles I and II, respectively, for official reception and representation expenses, not otherwise provided for.

Restriction.

SEC. 906. None of the funds appropriated in this Act shall be used to conduct or assist in conducting any program (including but not limited to the payment of salaries, administrative expenses, and the conduct of research activities) related directly or indirectly to the establishment of a national service corps or similar domestic peace corps type of program.

Short title.

This Act may be cited as the "Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1964".

Approved October 11, 1963.

Public Law 88-137

October 11, 1963
[H. R. 2485]

AN ACT

To amend the Act entitled "An Act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases", approved August 11, 1939, as amended.

D. C.
Prevention and control of communicable diseases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases", approved August 11, 1939 (53 Stat. 1408), as amended (sec. 6–119 et seq., D.C. Code, 1961 ed.), is amended by renumbering section 13 as section 14 and by inserting the following new section immediately following section 12:

"IMMEDIATE TREATMENT OF MINOR WITH VENEREAL DISEASE

"SEC. 13. If a minor appears in any clinic, hospital, or other facility of the Department of Public Health of the government of the District of Columbia, and the Director of Public Health or his authorized agent, after having caused a medical examination to be made of such minor, has probable cause to believe that such minor is affected with a venereal disease or is a carrier of a venereal disease, and if, as a result of such examination, the Director of Public Health or his authorized agent determines that immediate medical treatment of the minor will adequately control the disease of the minor so as to protect his health and the health of others without having said minor detained as provided in this Act, the Director of Public Health or his authorized agent shall present to such minor a paper, upon which such minor shall state either (1) that he consents to such treatment, in which event such treatment shall be given to the minor forthwith, or (2) that he refuses to censent to such treatment, in which event no such treatment shall be given to him pursuant to this section. The Director of Public Health or his authorized agent shall exercise reasonable diligence in ascertaining the whereabouts of a parent, or

of a person standing in loco parentis to such minor, and if such whereabouts are ascertained shall as soon as practical notify such parent or loco parentis that such minor is affected with a venereal disease, or is a carrier of a venereal disease, and whether he has received or refused such treatment."

SEC. 2. So much of section 3 of the Act entitled "To amend the Act entitled 'An Act to authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases', approved August 11, 1939", approved August 8, 1946 (60 Stat. 919), as reads "renumbered as section 13" is amended to read "renumbered as section 15".

SEC. 3. Nothing in this Act shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners, or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

D. C. Code 1, app.

Approved October 11, 1963.

Public Law 88-138

AN ACT

To establish a Federal commission on the disposition of Alcatraz Island.

October 16, 1963
[H. R. 1709]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby established a commission to be known as the Commission on the Disposition of Alcatraz Island (in this Act referred to as "the Commission") which shall consist of five members, three of whom shall be appointed by the President of the United States, one by the Speaker of the House of Representatives, and one by the President of the Senate. The three members appointed by the President of the United States shall include a member nominated by the Governor of the State of California and a member nominated by the mayor of San Francisco.

Commission on the Disposition of Alcatraz Island. Establishment.

(b) A vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 2. (a) The Commission shall elect a chairman and a vice chairman from among its members.

(b) Three members of the Commission shall constitute a quorum.

SEC. 3. (a) The Commission shall make an investigation and study of possible uses for Alcatraz Island when it is no longer used as a Federal prison.

(b) The Commission shall recommend the use or uses which it regards as most appropriate, shall make an estimate of the cost thereof, and shall recommend how such cost should be borne.

SEC. 4. The Commission shall transmit the results of its investigation and study, and its recommendations, in a report to the Congress submitted not later than December 31, 1963. In the event that such report is made when the Congress is not in session, it shall be transmitted to the Clerk of the House of Representatives. Six months after the submission of such report, the Commission shall cease to exist.

Report to Congress.

Termination.

SEC. 5. Members of the Commission appointed under the authority of this Act shall serve without compensation.

Approved October 16, 1963.

Public Law 88-139

October 16, 1963
[H. R. 2845]

AN ACT

To provide that the district courts shall be always open for certain purposes, to abolish terms of court and to regulate the sessions of the courts for transacting judicial business.

District courts.
Sessions, regulation.
62 Stat. 897.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 138, 139, 140, and 141 of title 28, United States Code, be amended to read as follows:

"§ 138. Terms abolished

"The district court shall not hold formal terms.

"§ 139. Times for holding regular sessions

"The times for commencing regular sessions of the district court for transacting judicial business at the places fixed by this chapter shall be determined by the rules or orders of the court. Such rules or orders may provide that at one or more of such places the court shall be in continuous session for such purposes on all business days throughout the year. At other places a session of the court shall continue for such purposes until terminated by order of final adjournment or by commencement of the next regular session at the same place.

"§ 140. Adjournment

"(a) Any district court may, by order made anywhere within its district, adjourn or, with the consent of the judicial council of the circuit, pretermit any regular session of court for insufficient business or other good cause.

"(b) If the judge of a district court is unable to attend and unable to make an order of adjournment, the clerk may adjourn the court to the next regular session or to any earlier day which he may determine.

"§ 141. Special sessions; places; notice

"Special sessions of the district court may be held at such places in the district as the nature of the business may require, and upon such notice as the court orders.

"Any business may be transacted at a special session which might be transacted at a regular session."

SEC. 2. Sections 452 and 1869 of title 28, United States Code, and sections 3288 and 3289 of title 18, United States Code, are each amended by striking out the word "term" wherever it appears therein and inserting in lieu thereof the word "session" and the catchline to section 452 is amended by striking out the word "terms" and inserting in lieu thereof the words "expiration of sessions".

28 USC 81-144.

SEC. 3. (a) Items 138, 139, and 141 in the analysis of chapter 5 of title 28, United States Code, immediately preceding section 81, are amended to read as follows:

"138. Terms abolished.
"139. Times for holding regular sessions.
"141. Special sessions; places; notice."

28 USC 451-460.

(b) Item 452 in the analysis of chapter 21 of title 28, United States Code, immediately preceding section 451, is amended to read as follows:

"452. Courts always open; power unrestricted by expiration of sessions."

Approved October 16, 1963.

Public Law 88-140

AN ACT

October 16, 1963
[H. R. 1696]

Defining the interest of local public agencies in water reservoirs constructed by the Government which have been financed partially by such agencies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, cognizant that many States and local interests have in the past contributed to the Government, or have contracted to pay to the Government over a specified period of years, money equivalent to the cost of providing for them water storage space at Government-owned dams and reservoirs, constructed by the Corps of Engineers of the United States Army, and that such practices will continue, and, that no law defines the duration of their interest in such storage space, and realizing that such States and local interests assume the obligation of paying substantially their portion of the cost of providing such facilities, their right to use may be continued during the existence of the facility as hereinafter provided.

Water reservoirs.
Interest of local agencies, definition.

SEC. 2. That this Act be applicable to all dams and reservoirs heretofore or hereafter constructed by the United States Government (acting through the Corps of Engineers of the United States Army) wherein either a part of the construction cost thereof shall have been contributed or may be contributed by States or local interests (hereinafter called "local interests") or local interests have acquired or may acquire rights to utilize certain storage space thereof by making payments during the period of such use as specified in the agreement with the Government and wherein the amount of money paid, exclusive of interest, is equivalent to the cost of providing that part of such dam and reservoir which is allocated to such use, whether such share of cost shall have been determined by the "incremental cost" method or by the "separable costs-remaining benefits" method or by any other method. Included among the dams and reservoirs affected by this Act are those constructed by the Corps of Engineers of the Department of the Army, but nothing in this Act shall be construed to affect or modify section 8 of the Flood Control Act of 1944.

58 Stat. 891.
43 USC 390.

SEC. 3. The right thus acquired by any such local interest is hereby declared to be available to the local interest so long as the space designated for that purpose may be physically available, taking into account such equitable reallocation of reservoir storage capacities among the purposes served by the project as may be necessary due to sedimentation, and not limited to the term of years which may be prescribed in any lease agreement or other agreement with the Government, but the enjoyment of such right will remain subject to performance of its obligations prescribed in such lease agreement or agreement executed in reference thereto. Such obligations will include continued payment of annual operation and maintenance costs allocated to water supply. In addition, local interests shall bear the costs allocated to the water supply of any necessary reconstruction, rehabilitation, or replacement of project features which may be required to continue satisfactory operation of the project. Any affected local interest may utilize such facility so long as it is operated by the Government. In the event that the Government concludes that it can no longer usefully and economically maintain and operate such facility, the responsible department or agency of the Government is authorized to negotiate a contract

with the affected local interest under which the local interest may continue to operate such part of the facility as is necessary for utilization of the storage space allocated to it, under terms which will protect the public interest and provided that the Government is effectively absolved from all liability in connection with such operation.

SEC. 4. Upon application of any affected local interest its existing lease or agreement with the Government will be revised to evidence the conversion of its rights to the use of the storage as prescribed in this Act.

Approved October 16, 1963.

Public Law 88-141

October 16, 1963
[H. R. 772]

AN ACT

To provide for the transfer for urban renewal purposes of land purchased for a low-rent housing project in the city of Detroit, Michigan.

Detroit, Mich.
Low-rent housing, transfer.
63 Stat. 414; 68 Stat. 622.
42 USC 1450-1464.
50 Stat. 888; 63 Stat. 422.
42 USC 1430.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of title I of the Housing Act of 1949, as amended, and the United States Housing Act of 1937, as amended, the Housing and Home Finance Administrator and the Public Housing Commissioner are authorized and directed to consent to the transfer by the city of Detroit, from its low-rent housing project numbered Michigan 1–11 to its Elmwood Park numbered 1 urban renewal project, Michigan R–40, of all real property, except the administration building and appurtenant land, acquired by the city for the low-rent housing project, on the condition that the sum of $1,246,987.31, plus interest thereon from September 9, 1960, to the date of payment at the rate specified in contract numbered C–102 between the city and the Public Housing Administration, will be paid by the city to the Public Housing Administration to be applied to the extent thereof against the city's obligations in connection with the low-rent housing project, and that the amount of these payments will be included in the gross project cost of the Elmwood Park numbered 1 urban renewal project.

SEC. 2. The Housing and Home Finance Administrator and the Public Housing Commissioner are hereby authorized to modify any contracts heretofore entered into with the city of Detroit to the extent necessary to carry out the provisions of section 1 of this Act.

Approved October 16, 1963.

Public Law 88-142

October 16, 1963
[S. 453]

AN ACT

To change the name of the Memphis lock and dam on the Tombigbee River near Aliceville, Alabama.

Alabama.
Aliceville lock and dam, designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Memphis lock and dam near Aliceville, Alabama, on the Tombigbee River shall hereafter be known and designated as the Aliceville lock and dam. Any law, regulation, map, document, record, or other paper of the United States in which such lock and dam are referred to shall be held to refer to such lock and dam as the Aliceville lock and dam.

Approved October 16, 1963.

Public Law 88-143

AN ACT

October 16, 1963
[S. 743]

To furnish to the Padre Junipero Serra 250th Anniversary Association medals in commemoration of this 250th anniversary of his birth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in the commemoration of the two hundred and fiftieth anniversary of the birth of Padre Junipero Serra, who was born in Majorca, Spain, on November 24, 1713, and came to the west coast in 1769 where he founded the first ten missions, which became the nucleus of civilization in what is now California, the Secretary of the Treasury is authorized and directed to strike and furnish to the Padre Junipero Serra 250th Anniversary Association not more than three hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the Padre Junipero Serra 250th Anniversary Association subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the association in quantities of not less than two thousand, but no medals shall be made after December 31, 1964. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes.

Padre Junipero Serra.
250th anniversary medals.

31 USC 368.

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such cost.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such metals as shall be determined by the Secretary of the Treasury in consultation with such association.

Approved October 16, 1963.

Public Law 88-144

AN ACT

October 16, 1963
[S. 1936]

Authorizing the State of Rhode Island or its instrumentality to maintain, repair, and operate the bridge across Mount Hope Bay subject to the terms and conditions of the Act approved March 23, 1906.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act granting the consent of Congress to the Mount Hope Bridge Company, its successors and assigns, to construct, maintain, and operate a bridge across Mount Hope Bay between the towns of Bristol and Portsmouth, in Rhode Island", approved March 3, 1927 (44 Stat. 1391), is amended by striking out section 3 and inserting in lieu thereof the following new section:

Rhode Island.
Mount Hope Bay bridge tolls, continuation.

"SEC. 3. If and when title to such bridge shall become vested in the State of Rhode Island or the Rhode Island Turnpike and Bridge Authority, an instrumentality of said State, the maintenance, repair, and operation of such bridge shall thereafter be governed by the laws of the State of Rhode Island applicable to such bridge, subject, however, to the terms and conditions of the Act entitled 'An Act to regulate the construction of bridges over navigable waters,' approved March 23, 1906."

34 Stat. 84.
33 USC 491-498.

Approved October 16, 1963.

Public Law 88-145

October 16, 1963
[S. 812]

AN ACT

To provide for the release of restrictions and reservations on certain real property heretofore conveyed to the State of Arkansas by the United States of America.

Arkansas.
Real property, release of restrictions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subject to the provisions of section 2 of this Act the Secretary of the Army is authorized to convey, quitclaim, or release to the State of Arkansas, all rights, reservations, restrictions, and exceptions reserved by the United States in and over that part of Camp Joseph T. Robinson which was conveyed to the State of Arkansas by deed executed by the Secretary of the Army on August 25, 1950, pursuant to the Act approved June 30, 1950 (64 Stat. 310), insofar as these rights, reservations, restrictions, and exceptions pertain to that parcel of land in Pulaski County, Arkansas, described in a lease-purchase agreement dated February 10, 1959, entered into between the Arkansas National Guard and the State board of education, State of Arkansas, containing nine and eight-tenths acres, more or less.

Effective date.

SEC. 2. The first section of this Act shall take effect upon the payment by the State of Arkansas to the Secretary of the Army of the fair market value of the fee simple title of the property described therein (but not including any buildings or other permanent improvements placed on such property by the Arkansas State Board of Education), as such value is determined by the Secretary after appraisal.

Approved October 16, 1963.

Public Law 88-146

October 16, 1963
[S. 814]

AN ACT

To amend section 7 of the Administrative Expenses Act of 1946, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 7 of the Administrative Expenses Act of 1946 (60 Stat. 808, as amended; 5 U.S.C. 73b–3(b)) is amended by deleting the word "promoted" wherever it appears and substituting the word "assigned", and by deleting the word "promotion" wherever it appears and substituting the word "assignment".

74 Stat. 327.

Approved October 16, 1963.

Public Law 88-147

October 16, 1963
[S. 1125]

AN ACT

To provide for the striking of medals in commemoration of the one hundredth anniversary of the admission of Nevada to statehood.

Nevada.
100th anniversary medals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the commemoration of the one hundredth anniversary of the admission of Nevada to statehood, the Secretary of the Treasury is authorized and directed to strike and furnish to the Nevada Centennial Commission not more than twenty thousand medals with suitable emblems, devices, and inscriptions to be determined by the Nevada Centennial Commission subject to the approval of the Secretary of the Treasury. The

medals shall be made of silver alloy and delivered at such times as may be required by the commission in quantities of not less than two thousand, but no medals shall be made after December 31, 1964. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes. 31 USC 368.

SEC. 2. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such cost.

SEC. 3. The medals authorized to be issued pursuant to this Act shall be of such size or sizes as shall be determined by the Secretary of the Treasury in consultation with such commission.

Approved October 16, 1963.

Public Law 88-148

AN ACT

October 17, 1963
[S. 13]

To authorize the Administrator of Veterans' Affairs to convey certain land situated in the State of Arkansas to the city of Fayetteville, Arkansas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to section 2 of this Act, the Administrator of Veterans' Affairs shall convey by quitclaim deed, without consideration, to the city of Fayetteville, Arkansas, for park and recreational purposes, all right, title, and interest of the United States in and to the following described tract of land, which constitutes a portion of certain lands heretofore conveyed by such city to the United States without consideration, and which has been declared surplus to the needs of the United States: A tract of land situated in the county of Washington, State of Arkansas, being part of the northeast quarter of section 9, township 16 north, range 30 west, of the fifth principal meridian, and being more particularly described as follows:

Veterans' Affairs Administrator.
Land conveyance, Fayetteville, Ark.

Beginning at the northeast corner of section 9; thence south along the east line of said section 9, 660 feet to a point; thence west 165 feet to a point; thence south 100 feet to a point; thence west 733 feet to a point; thence north 350 feet to a point; thence west 435 feet to a point; thence north 410 feet to a point on the north line of section 9; thence east along the north line of said section 9, 1,333 feet to the point of beginning; and containing 19.382 acres, more or less.

SEC. 2. The land authorized to be conveyed by the first section of this Act shall be conveyed subject (1) to the condition that it shall be used for park and recreational purposes in a manner which, in the judgment of the Administrator of Veterans' Affairs, will not interfere with the care and treatment of patients in the Veterans' Administration hospital situated on lands adjacent to the land herein authorized to be conveyed, and (2) to the condition that in the event that the Administrator of Veterans' Affairs determines, within twenty years after the date of execution of such conveyance, that the land so conveyed has been devoted to any use other than for park and recreational purposes, all right, title, and interest therein shall revert to and revest in the United States in its then existing condition, and (3) to the gas easement which was granted to the Arkansas Western Gas Company (for a period of fifty years) by the Department of the Army.

Approved October 17, 1963.

Public Law 88-149

October 17, 1963
[H. R. 7179]

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending June 30, 1964, and for other purposes.

Department of Defense Appropriation Act, 1964.

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, 1964, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

Military Personnel, Army

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except those undergoing reserve training); $3,785,000,000, and, in addition $100,000,000 which shall be derived by transfer from the Army stock fund and the Defense stock fund, and $50,000,000 which shall be derived by transfer from the Army industrial fund.

Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except those undergoing reserve training), midshipmen and aviation cadets; $2,614,000,000, and, in addition $30,000,000 which shall be derived by transfer from the Defense stock fund, and $90,000,000 which shall be derived by transfer from the Navy industrial fund.

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except those undergoing reserve training); $678,600,000.

Military Personnel, Air Force

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except those undergoing reserve training), cadets and aviation cadets; $3,943,000,000, and, in addition $45,000,000 which shall be derived by transfer from the Air Force stock fund and the Defense stock fund, and $10,000,000 which shall be derived by transfer from the Air Force industrial fund.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, as authorized by law; $210,100,000: *Provided*, That the Army Reserve will be programed to attain an end strength of three hundred thousand for fiscal year 1964.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Naval Reserve on active duty while undergoing reserve training, or while performing drills or equivalent duty, regular and contract enrollees in the Naval Reserve Officers' Training Corps, and retainer pay, as authorized by law; $92,300,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve and the Marine Corps platoon leaders class on active duty while undergoing reserve training, or while performing drills or equivalent duty, as authorized by law; $28,500,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty while undergoing reserve training or while performing drills or equivalent duty, and for members of the Air Reserve Officers' Training Corps, as authorized by law; $55,100,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265 of title 10, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; $242,800,000: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code: *Provided further*, That the Army National Guard will be programed to attain an end strength of four hundred thousand in fiscal year 1964. 70A Stat. 11. 70A Stat. 599.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under sections 265, 8033, and 8496 of title 10, United States Code, or while undergoing training or while performing drills or equivalent duty, as authorized by law; $58,300,000: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code. 70A Stat. 11, 491, 524.

RETIRED PAY, DEFENSE

For retired pay and retirement pay, as authorized by law, of military personnel on the retired lists of the Army, Navy, Marine Corps, and the Air Force, including the reserve components thereof,

retainer pay for personnel of the inactive Fleet Reserve, and payments under Chapter 73 of Title 10, United States Code; $1,143,000,000.

10 USC 1431-1446.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, including administration; medical and dental care of personnel entitled thereto by law or regulation (including charges of private facilities for care of military personnel on duty or leave, except elective private treatment), and other measures necessary to protect the health of the Army; care of the dead; chaplains' activities; awards and medals; welfare and recreation; recruiting expenses; transportation services; communications services; maps and similar data for military purposes; military surveys and engineering planning; contracts for maintenance of reserve tools and facilities for twelve months beginning at any time during the current fiscal year; repair of facilities; hire of passenger motor vehicles; tuition and fees incident to training of military personnel at civilian institutions; field exercises and maneuvers, including payments in advance for rentals or options to rent land; expenses for the Reserve Officers' Training Corps and other units at educational institutions, as authorized by law; not to exceed $4,193,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; $3,369,071,000 of which not less than $239,000,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, including aircraft and vessels; modification of aircraft, missiles, missile systems, and other ordnance; design and alteration of vessels; training and education of members of the Navy; administration; procurement of military personnel; hire of passenger motor vehicles; welfare and recreation; medals, awards, emblems, and other insignia; transportation of things (including transportation of household effects of civilian employees); industrial mobilization; medical and dental care; care of the dead; lease of facilities; charter and hire of vessels; relief of vessels in distress; maritime salvage services; military communications facilities on merchant vessels; dissemination of scientific information; administration of patents, trademarks, and copyrights; annuity premiums and retirement benefits for civilian members of teaching services; tuition, allowances, and fees incident to training of military personnel at civilian institutions; repair of facilities; departmental salaries; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement of services, special clothing, supplies, and equipment; installation of equipment in public or private plants; exploration, prospecting, conservation, development, use, and operation of the naval petroleum and oil shale reserves, as authorized by law; and not to exceed $7,800,000 for emergency and extraordinary expenses, as authorized by section 7202 of title 10,

70A Stat. 442.

United States Code, to be expended on the approval and authority of the Secretary and his determination shall be final and conclusive upon the accounting officers of the Government; $2,913,600,000, of which not less than $134,500,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, necessary for the operation and maintenance of the Marine Corps including equipment and facilities; procurement of military personnel; training and education of regular and reserve personnel, including tuition and other costs incurred at civilian schools; welfare and recreation; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for the enlisted men; procurement and manufacture of military supplies, equipment, and clothing; hire of passenger motor vehicles; transportation of things; medals, awards, emblems and other insignia; operation of station hospitals, dispensaries and dental clinics; and departmental salaries; $191,325,000, of which not less than $18,700,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation, maintenance, and administration of the Air Force, including the Air Force Reserve and the Air Reserve Officers' Training Corps; operation, maintenance, and modification of aircraft and missiles; transportation of things, repair and maintenance of facilities; field printing plants; hire of passenger motor vehicles; recruiting advertising expenses; training and instruction of military personnel of the Air Force, including tuition and related expenses; pay, allowances, and travel expenses of contract surgeons; rental of land or purchase of options to rent land without reference to section 3648, Revised Statutes, as amended, use or repair of private property and other necessary expenses of combat maneuvers; care of the dead; chaplain and other welfare and morale supplies and equipment; conduct of schoolrooms, service clubs, chapels, and other instructional, entertainment, and welfare expenses for enlisted men and patients not otherwise provided for; awards and decorations; industrial mobilization, including maintenance of reserve plants and equipment and procurement planning; special services by contract or otherwise; and not to exceed $3,650,000 for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, and his determination shall be final and conclusive upon the accounting officers of the Government; $4,355,500,000, of which not less than $250,000,000 shall be available only for the maintenance of real property facilities.

31 USC 529.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), including administration; hire of passenger motor vehicles; welfare and recreation; awards and decorations; travel expenses, including expenses of temporary duty travel of military personnel; transportation of things (including trans-

portation of household effects of civilian employees); industrial mobilization; care of the dead; lease of buildings and facilities; dissemination of scientific information; administration of patents, trademarks, and copyrights; tuition and fees incident to the training of military personnel at civilian institutions; repair of facilities; departmental salaries; procurement of services, special clothing, supplies, and equipment; field printing plants; information and educational services for the Armed Forces; communications services; not to exceed $1,375,000 for emergency and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense for such purposes as he deems appropriate, and his determination thereon shall be final and conclusive upon the accounting officers of the Government; $446,000,000, of which not less than $9,270,000 shall be available only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personal services in the National Guard Bureau and services of personnel of the National Guard employed as civilians without regard to their military rank, and the number of caretakers authorized to be employed under provisions of law (32 U.S.C. 709) may be such as is deemed necessary by the Secretary of the Army; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia, as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $180,800,000, of which not less than $1,900,000 shall be available only for the maintenance of real property facilities: *Provided*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

70A Stat. 614.

70A Stat. 599.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard of the several States, Commonwealth of Puerto Rico, and the District of Columbia; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, of Air National Guard commanders while inspecting units in compliance with National Guard regulations when specifically authorized by the Chief, National Guard Bureau; $222,700,000, of which not less than $1,700,000 shall be available only for the maintenance of real property facilities: *Provided*, That the

number of caretakers authorized to be employed under the provisions of law (32 U.S.C. 709) may be such as is deemed necessary by the Secretary of the Air Force and such caretakers may be employed without regard to their military rank as members of the Air National Guard: *Provided further*, That obligations may be incurred under this appropriation without regard to section 107 of title 32, United States Code.

70A Stat. 614.

70A Stat. 599.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses of construction, equipment, and maintenance of rifle ranges, the instruction of citizens in marksmanship, and promotion of rifle practice, in accordance with law, including travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions, and not to exceed $21,000 for incidental expenses of the National Board; $528,000: *Provided*, That travel expenses of civilian members of the National Board shall be paid in accordance with the Standardized Government Travel Regulations, as amended.

CLAIMS, DEFENSE

For payment of claims (except as provided in appropriations for civil functions administered by the Department of the Army) as authorized by law; claims for damages arising under training contracts with carriers; and repayment of amounts determined by the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, or officers designated by them, to have been erroneously collected from military and civilian personnel of the Departments of the Army, Navy, and Air Force or from States, territories, or the District of Columbia, or members of National Guard units thereof; $19,000,000.

CONTINGENCIES, DEFENSE

For emergencies and extraordinary expenses arising in the Department of Defense, to be expended on the approval or authority of the Secretary of Defense and such expenses may be accounted for solely on his certificate that the expenditures were necessary for confidential military purposes; $15,000,000: *Provided*, That a report of disbursements under this item of appropriation shall be made quarterly to the Appropriations Committees of the Congress.

Report to congressional committees.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the Court of Military Appeals; $509,000.

TITLE III

PROCUREMENT

PROCUREMENT OF EQUIPMENT AND MISSILES, ARMY

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, equipment, vehicles, vessels, and aircraft for the Army and the Reserve Officers' Training Corps; purchase of not to exceed five thousand seven hundred and ninety-four passenger motor vehicles for replacement only (including three medium sedans at not to exceed $3,000 each); expenses which in the discretion of the Secretary of the Army are necessary in pro-

viding facilities for production of equipment and supplies for national defense purposes, including construction, and the furnishing of Government-owned facilities and equipment at privately owned plants; and ammunition for military salutes at institutions to which issue of weapons for salutes is authorized; $2,931,094,000, to remain available until expended.

PROCUREMENT OF AIRCRAFT AND MISSILES, NAVY

For construction, procurement, production, modification, and modernization of aircraft, missiles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands, and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; $2,889,145,000, to remain available until expended.

40 USC 255.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament therefor, plant equipment, appliances, and machine tools, and installation thereof in public or private plants; procurement of critical long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; $2,059,589,000, to remain available until expended.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment, and materials not otherwise provided for; Navy ordnance and ammunition (except ordnance for new aircraft, new ships, and ships authorized for conversion); purchase of not to exceed one thousand six hundred and thirteen passenger motor vehicles (including three medium sedans at not to exceed $3,000 each) for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands, and interests therein may be acquired, and construction prosecuted thereon prior to approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; and procurement and installation of equipment, appliances, and machine tools in public or private plants; $1,175,231,000, to remain available until expended.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, and vehicles for the Marine Corps, including purchase of not to exceed three hundred and five passenger motor vehicles (including three medium sedans at not to exceed $3,000 each) which shall be for replacement only; $201,960,000, to remain available until expended.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft, and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; $3,385,575,000, to remain available until expended.

70A Stat. 590.

40 USC 255.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; reserve plant and equipment layaway; and other expenses necessary for the foregoing purposes, including rents and transportation of things; $2,141,990,000, to remain available until expended.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed two thousand four hundred passenger motor vehicles, for replacement only (including twelve medium sedans at not to exceed $3,000 each); and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, without regard to section 9774 of title 10, United States Code, for the foregoing purposes, and such land, and interests therein, may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; $878,299,000, to remain available until expended.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense) necessary for procurement, production, and modification of equipment, supplies, materials and spare parts therefor not otherwise provided for; purchase of sixty-six passenger motor vehicles of which fifty-nine shall be for replacement only (including two medium sedans at not to exceed $3,000 each); expansion of public and private plants, equipment and installation thereof in such plants, erection of structures, and acquisition of land for

the foregoing purposes, and such land and interest therein may be acquired and construction prosecuted thereon prior to the approval of title by the Attorney General as required by section 355, Revised Statutes, as amended; $43,164,000, to remain available until expended.

40 USC 255.

AIRCRAFT AND RELATED PROCUREMENT, NAVY

Appropriations available to the Department of Defense for "Aircraft and Related Procurement, Navy," shall not be available for obligation after June 30, 1963.

TITLE IV

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $1,386,141,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $1,525,713,000, to remain available until expended.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test, and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $3,453,376,000, to remain available until expended: *Provided*, That of the funds available for obligation in this appropriation account $125,000,000 shall be available only for the Dynasoar or Mach 3 Aircraft programs.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), necessary for basic and applied scientific research, development, test, and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law, to remain available until expended; $434,000,000: *Provided*, That such amounts as may be determined by the Secretary of Defense to have been made available in other appropriations available to the Department of Defense during the current fiscal year for programs related to advanced research may be transferred to and merged with this appropriation to be available for the same purposes and time period: *Provided further*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to carry out the purposes of advanced research to those appropriations for military functions under the Department of Defense which are being utilized for related programs, to be merged with and to be available for the same time period as the appropriation to which transferred.

EMERGENCY FUND, DEFENSE

For transfer by the Secretary of Defense, with the approval of the Bureau of the Budget, to any appropriation for military functions under the Department of Defense available for research, development, test, and evaluation, or procurement or production related thereto, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred; $150,000,000, and, in addition, not to exceed $150,000,000, to be used upon determination by the Secretary of Defense that such funds can be wisely, profitably, and practically used in the interest of national defense and to be derived by transfer from such appropriations available to the Department of Defense for obligation during the current fiscal year as the Secretary of Defense may designate: *Provided*, That any appropriations transferred shall not exceed 7 per centum of the appropriation from which transferred.

TITLE V

GENERAL PROVISIONS

Experts or consultants.

SEC. 501. During the current fiscal year, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty station and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

60 Stat. 810.

Noncitizens.

SEC. 502. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense.

Availability of appropriations.

SEC. 503. Appropriations contained in this Act shall be available for insurance of official motor vehicles in foreign countries, when required by laws of such countries; payments in advance of expenses determined by the investigating officer to be necessary and in accord with local custom for conducting investigations in foreign countries incident to matters relating to the activities of the department concerned; reimbursement of General Services Administration for security guard services for protection of confidential files; reimbursement of the Federal Bureau of Investigation for expenses in connection with investigation of defense contractor personnel; and all necessary expenses, at the seat of government of the United States of America or elsewhere, in connection with communication and other services and supplies as may be necessary to carry out the purposes of this Act: *Provided*, That no appropriation contained in this Act, and no funds available from prior appropriations to component departments and agencies of the Department of Defense, shall be used to pay tuition or to make other payments to educational institutions in connection with the instruction or training of file clerks, stenographers, and typists receiving, or prospective file clerks, stenographers, and typists who will receive compensation at a rate below the minimum rate of pay for positions allocated to grade GS–5 under the Classification Act of 1949, as amended.

Restriction.

76 Stat. 843.
5 USC 1113.

Prisoners of war, etc.

SEC. 504. Any appropriation available to the Army, Navy, or the Air Force may, under such regulations as the Secretary concerned may prescribe, be used for expenses incident to the maintenance, pay, and allowances of prisoners of war, other persons in Army, Navy, or Air Force custody whose status is determined by the Secretary concerned to be similar to prisoners of war, and persons detained in such custody pursuant to Presidential proclamation.

Land acquisition.

SEC. 505. Appropriations available to the Department of Defense for the current fiscal year for maintenance or construction shall be available for acquisition of land as authorized by section 2672 of title 10, United States Code.

72 Stat. 1459; 76 Stat. 511.

SEC. 506. Appropriations for the Department of Defense for the current fiscal year shall be available, (a) except as authorized by the Act of September 30, 1950 (20 U.S.C. 236–244), for primary and secondary schooling for minor dependents of military and civilian personnel of the Department of Defense residing on military or naval installations or stationed in foreign countries, as authorized for the Navy by section 7204 of title 10, United States Code, in amounts not exceeding an average of $285 per student, when the Secretary of the Department concerned finds that schools, if any, available in the locality, are unable to provide adequately for the education of such dependents; (b) for expenses in connection with administration of occupied areas; (c) for payment of rewards as authorized for the Navy by section 7209(a) of title 10, United States Code, for information leading to the discovery of missing naval property or the recovery thereof; (d) for payment of deficiency judgments and interests thereon arising out of condemnation proceedings; (e) for payment of rentals for special purpose space at the seat of government and, in administering the provisions of 43 U.S.C. 315q, rentals may be paid in advance.

64 Stat. 1100.

70A Stat. 442.

Occupied areas.

Rewards.

70A Stat. 444.

Deficiency judgments.

Special purpose space.

56 Stat. 654.

Articles for prisoners, etc.

SEC. 507. Appropriations for the Department of Defense for the current fiscal year shall be available for: (a) donations of not to exceed $25 to each prisoner upon each release from confinement in military or contract prison and to each person discharged for fraudulent enlistment; (b) authorized issues of articles to prisoners, applicants for enlistment and persons in military custody; (c) subsistence of selective service registrants called for induction, applicants for enlistment, prisoners, civilian employees as authorized by law, and supernumeraries when necessitated by emergent military circumstances; (d) reimbursement for subsistence of enlisted personnel while sick in hospitals; (e) expenses of prisoners confined in nonmilitary facilities; (f) military courts, boards, and commissions; (g) utility services for buildings erected at private cost, as authorized by law, and buildings on military reservations authorized by regulations to be used for welfare and recreational purposes; (h) exchange fees, and losses in the accounts of disbursing officers or agents in accordance with law; (i) expenses of Latin-American cooperation as authorized for the Navy by law (10 U.S.C. 7208); and (j) expenses of apprehension and delivery of deserters, prisoners, and members absent without leave, including payment of rewards of not to exceed $25 in any one case: *Provided*, That section 212 of the Act of June 30, 1932 (5 U.S.C. 59a), shall not apply to retired military personnel on duty at the United States Soldiers' Home.

70A Stat. 443.

47 Stat. 406; 69 Stat. 498.

Assistance to small business.

SEC. 508. Insofar as practicable, the Secretary of Defense shall assist American small business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by making available or causing to be made available to suppliers in the United States, and particularly to small independent

enterprises, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by making available or causing to be made available to purchasing and contracting agencies of the Department of Defense information as to commodities and services produced and furnished by small independent enterprises in the United States, and by otherwise helping to give small business an opportunity to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

Mess operations.

SEC. 509. No appropriation contained in this Act shall be available for expenses of operation of messes (other than organized messes the operating expenses of which are financed principally from nonappropriated funds) at which meals are sold to officers or civilians except under regulations approved by the Secretary of Defense, which shall (except under unusual or extraordinary circumstances) establish rates for such meals sufficient to provide reimbursement of operating expenses and food costs to the appropriations concerned: *Provided*, That officers and civilians in a travel status receiving a per diem allowance in lieu of subsistence shall be charged at the rate of not less than $2.50 per day: *Provided further*, That for the purposes of this section payments for meals at the rates established hereunder may be made in cash or by deductions from the pay of civilian employees: *Provided further*, That members of organized nonprofit youth groups sponsored at either the national or local level, when extended the privilege of visiting a military installation and permitted to eat in the general mess by the commanding officer of the installation, shall pay the commuted ration cost of such meal or meals.

SEC. 510. No part of any appropriation contained in this Act shall be available until expended unless expressly so provided elsewhere in this or some other appropriation Act.

SEC. 511. Appropriations of the Department of Defense available for operation and maintenance, may be reimbursed during the current fiscal year for all expenses involved in the preparation for disposal and for the disposal of military supplies, equipment, and materiel, and for all expenses of production of lumber or timber products pursuant to section 2665 of title 10, United States Code, from amounts received as proceeds from the sale of any such property: *Provided*, That a report of receipts and disbursements under this limitation shall be made quarterly to the Committees on Appropriations of the Congress: *Provided further*, That no funds available to agencies of the Department of Defense shall be used for the operation, acquisition, or construction of new facilities or equipment for new facilities in the continental limits of the United States for metal scrap baling or shearing or for melting or sweating aluminum scrap unless the Secretary of Defense or an Assistant Secretary of Defense designated by him determines, with respect to each facility involved, that the operation of such facility is in the national interest.

70A Stat. 149.

Report to congressional committees.

SEC. 512. (a) During the current fiscal year, the President may exempt appropriations, funds, and contract authorizations, available for military functions under the Department of Defense, from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interests of national defense.

31 USC 665.

(b) Upon determination by the President that such action is necessary, the Secretary of Defense is authorized to provide for the cost of an airborne alert as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

(c) Upon determination by the President that it is necessary to increase the number of military personnel on active duty beyond

the number for which funds are provided in this Act, the Secretary of Defense is authorized to provide for the cost of such increased military personnel, as an excepted expense in accordance with the provisions of Revised Statutes 3732 (41 U.S.C. 11).

Commissary stores.

SEC. 513. No appropriation contained in this Act shall be available in connection with the operation of commissary stores of the agencies of the Department of Defense for the cost of purchase (including commercial transportation in the United States to the place of sale but excluding all transportation outside the United States) and maintenance of operating equipment and supplies, and for the actual or estimated cost of utilities as may be furnished by the Government and of shrinkage, spoilage, and pilferage of merchandise under the control of such commissary stores, except as authorized under regulations promulgated by the Secretaries of the military departments concerned, with the approval of the Secretary of Defense, which regulations shall provide for reimbursement therefor to the appropriations concerned and, notwithstanding any other provision of law, shall provide for the adjustment of the sales prices in such commissary stores to the extent necessary to furnish sufficient gross revenue from sales of commissary stores to make such reimbursement: *Provided*, That under such regulations as may be issued pursuant to this section all utilities may be furnished without cost to the commissary stores outside the continental United States and in Alaska: *Provided further*, That no appropriation contained in this Act shall be available in connection with the operation of commissary stores within the continental United States unless the Secretary of Defense has certified that items normally procured from commissary stores are not otherwise available at a reasonable distance and a reasonable price in satisfactory quality and quantity to the military and civilian employees of the Department of Defense.

Proficiency flying.

SEC. 514. Notwithstanding any other provision of law, Executive order, or regulation, no part of the appropriations in this Act shall be available for any expenses of operating aircraft under the jurisdiction of the Armed Forces for the purpose of proficiency flying except in accordance with the regulations issued by the Secretaries of the Departments concerned and approved by the Secretary of Defense which shall establish proficiency standards and maximum and minimum flying hours for this purpose: *Provided*, That without regard to any provision of law or Executive order prescribing minimum flight requirements, such regulations may provide for the payment of flight pay at the rates prescribed in section 301 of title 37, United States Code, to certain members of the Armed Forces otherwise entitled to receive flight pay during the current fiscal year (1) who have held aeronautical ratings or designations for not less than fifteen years, or (2) whose particular assignment outside the United States or in Alaska makes it impractical to participate in regular aerial flights.

76 Stat. 461.

Household goods.
Weight restriction.

SEC. 515. No part of any appropriation contained in this Act shall be available for expense of transportation, packing, crating, temporary storage, drayage, and unpacking of household goods and personal effects in excess of eleven thousand pounds net in any one shipment: *Provided*, That the limitations imposed herein shall not be applicable in the case of members transferred to or serving in stations outside the continental United States or in Alaska under orders relieving them from a duty station within the United States prior to July 10, 1952, and who are returned to the United States under orders relieving them from a duty station beyond the United States or in Alaska on or after July 1, 1953.

SEC. 516. Vessels under the jurisdiction of the Department of Commerce, the Department of the Army, the Department of the Air Force, or the Department of the Navy may be transferred or otherwise made available without reimbursement to any such agencies upon the request of the head of one agency and the approval of the agency having jurisdiction of the vessels concerned. Vessel transfer.

SEC. 517. None of the funds provided in this Act shall be available for training in any legal profession nor for the payment of tuition for training in such profession: *Provided*, That this limitation shall not apply to the off-duty training of military personnel as prescribed by section 521 of this Act. Legal training, restriction.

SEC. 518. Not more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of civilian components or summer camp training of the Reserve Officers' Training Corps. Obligated funds, 1964.

SEC. 519. During the current fiscal year the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor. Use of foreign real property.

In addition to the foregoing, agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriation therefor: *Provided*, That within thirty days after the end of each quarter the Secretary of Defense shall render to the Committees on Appropriations of the Senate and the House of Representatives and to the Bureau of the Budget a full report of such property, supplies, and commodities received during such quarter. Report to congressional committees and Budget Bureau.

SEC. 520. During the current fiscal year, appropriations available to the Department of Defense for research and development may be used for the purposes of section 2353 of title 10, United States Code, and for purposes related to research and development for which expenditures are specifically authorized in other appropriations of the service concerned. Research and development.

70A Stat. 134.

SEC. 521. No appropriation contained in this Act shall be available for the payment of more than 75 per centum of charges of educational institutions for tuition or expenses for off-duty training of military personnel, nor for the payment of any part of tuition or expenses for such training for commissioned personnel who do not agree to remain on active duty for two years after completion of such training. Tuition payments, etc.

SEC. 522. No part of the funds appropriated herein shall be expended for the support of any formally enrolled student in basic courses of the senior division, Reserve Officers' Training Corps, who has not executed a certificate of loyalty or loyalty oath in such form as shall be prescribed by the Secretary of Defense. ROTC, loyalty requirement.

SEC. 523. No part of any appropriation contained in this Act shall be available for the procurement of any article of food, clothing, cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles) not grown, reprocessed, Procurement of products, restriction.

reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that a satisfactory quality and sufficient quantity of any articles of food or clothing or any form of cotton, woven silk and woven silk blends, spun silk yarn for cartridge cloth, or wool grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided*, That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions: *Provided further*, That no funds herein appropriated shall be used for the payment of a price differential on contracts hereafter made for the purpose of relieving economic dislocations: *Provided further*, That none of the funds appropriated in this Act shall be used except that, so far as practicable, all contracts shall be awarded on a formally advertised competitive bid basis to the lowest responsible bidder.

Bakery, laundry facilities, etc.

SEC. 524. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or dry-cleaning facility in the United States, its Territories or possessions, as to which the Secretary of Defense does not certify in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Air mail. Reimbursement.

SEC. 525. During the current fiscal year, appropriations of the Department of Defense shall be available for reimbursement to the Post Office Department for payment of costs of commercial air transportation of military mail between the United States and foreign countries.

Furnishings, resale.

SEC. 526. Appropriations contained in this Act shall be available for the purchase of household furnishings and automobiles from military and civilian personnel on duty outside the continental United States, for the purpose of resale at cost to incoming personnel, and for providing furnishings, without charge, in other than public quarters occupied by military or civilian personnel of the Department of Defense on duty outside the continental United States or in Alaska, upon a determination, under regulations approved by the Secretary of Defense, that such action is advantageous to the Government.

Uniforms.

SEC. 527. During the current fiscal year appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131).

68 Stat. 1114.

Transfer of ammunition.

SEC. 528. During the current fiscal year, the Secretary of Defense shall, upon requisition of the National Board for the Promotion of Rifle Practice, and without reimbursement, transfer from agencies of the Department of Defense to the Board ammunition from stock or which has been procured for the purpose in such amounts as he may determine.

Such appropriations of the Department of Defense available for obligation during the current fiscal year as may be designated by the Secretary of Defense shall be available for the travel expenses of military and naval personnel, including the reserve components, and members of the Reserve Officers' Training Corps attending regional, national, or international rifle matches.

Congressional liaison activities.

SEC. 529. Funds provided in this Act for congressional liaison activities of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense shall not exceed $950,000: *Provided*, That this amount shall be available for apportionment to the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Office of the Secretary of Defense as determined by the Secretary of Defense.

Civil reserve air fleet.

SEC. 530. Of the funds made available by this Act for the services of the Military Air Transport Service, $80,000,000 shall be available only for procurement of commercial air transportation service from carriers participating in the civil reserve air fleet program; and the Secretary of Defense shall utilize the services of such carriers which qualify as small businesses to the fullest extent found practicable: *Provided*, That the Secretary of Defense shall specify in such procurement, performance characteristics for aircraft to be used based upon modern aircraft operated by the civil air fleet.

Motor vehicle hire.

SEC. 531. Not to exceed $11,800,000 of the funds made available in this Act for the purpose shall be available for the hire of motor vehicles: *Provided*, That the Secretary of Defense, under circumstances where the immediate movement of persons is imperative, may, if he deems it to be in the national interest, hire motor vehicles for such purpose without regard to this limitation.

Travel expenses.

SEC. 532. Not less than $7,500,000 of the funds made available in this Act for travel expenses in connection with temporary duty and permanent change of station of civilian and military personnel of the Department of Defense shall be available only for the procurement of commercial passenger sea transportation service on American-flag vessels.

Civilian clothing.

SEC. 533. During the current fiscal year, appropriations available to the Department of Defense for operation may be used for civilian clothing, not to exceed $40 in cost for enlisted personnel: (1) discharged for misconduct, unfitness, unsuitability, or otherwise than honorably; (2) sentenced by a civil court to confinement in a civil prison or interned or discharged as an alien enemy; (3) discharged prior to completion of recruit training under honorable conditions for dependency, hardship, minority, disability, or for the convenience of the Government.

Defense contracts.
Advertising costs.

SEC. 534. No part of the funds appropriated herein shall be available for paying the costs of advertising by any defense contractor, except advertising for which payment is made from profits, and such advertising shall not be considered a part of any defense contract cost. The prohibition contained in this section shall not apply with respect to advertising conducted by any such contractor, in compliance with regulations which shall be promulgated by the Secretary of Defense, solely for (1) the recruitment by that contractor of personnel required for the performance by the contractor of obligations arising under a defense contract, (2) the procurement of scarce items required by the contractor for the performance of a defense contract, or (3) the disposal of scrap or surplus materials acquired by the contractor in the performance of a defense contract.

Facilities, maintenance and repair.

SEC. 535. Funds appropriated in this Act for maintenance and repair of facilities and installations shall not be available for acquisition of new facilities, or alteration, expansion, extension, or addition of existing facilities, as defined in Department of Defense Directive 7040.2, dated January 18, 1961, in excess of $25,000: *Provided*, That the Secretary of Defense may amend or change the said directive during the current fiscal year, consistent with the purpose of this section.

Transfer of funds, authority.

SEC. 536. During the current fiscal year, the Secretary of Defense may, if he deems it vital to the security of the United States and in the national interest to further improve the readiness of the Armed Forces, including the reserve components, transfer under the authority and terms of the Emergency Fund an additional $200,000,000: *Provided*, That the transfer authority made available under the terms of the Emergency Fund appropriation contained in this Act is hereby broadened to meet the requirements of this section: *Provided further*, That the Secretary of Defense shall notify the Appropriations Committees of the Congress promptly of all transfers made pursuant to this authority.

Notice to congressional committees.

Contract payments in foreign countries.

SEC. 537. None of the funds appropriated in this Act may be used to make payments under contracts for any program, project, or activity in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Research projects, indirect expenses.

SEC. 538. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 20 per centum of the direct costs.

Use of privately owned shipyards.

SEC. 539. Of the funds made available in this Act for repair, alteration, and conversion of naval vessels, at least 35 per centum shall be available for such repair, alteration, and conversion in privately owned shipyards: *Provided*, That if determined by the Secretary of Defense to be inconsistent with the public interest based on urgency of requirement to have such vessels repaired, altered, or converted as required above, such work may be done in Navy or private shipyards as he may direct.

Restriction.

SEC. 540. No part of the funds appropriated by this Act shall be used to conduct or assist in conducting any program (including but not limited to the payment of salaries, administrative expenses, and the conduct of research activities) related directly or indirectly to the establishment of a national service corps or similar domestic peace corps type of program.

Short title.

SEC. 541. This Act may be cited as the "Department of Defense Appropriation Act, 1964."

Approved October 17, 1963.

Public Law 88-150

October 17, 1963
[H. R. 4842]

AN ACT

To amend the Federal Credit Union Act to extend the time of annual meetings, and for other purposes.

Federal Credit Union Act, amendment.
73 Stat. 631.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Federal Credit Union Act (12 U.S.C. 1760) is amended by striking out "during the month of the following January" and inserting in lieu thereof "during the following January, February, or March".

SEC. 2. Section 13 of the Federal Credit Union Act (12 U.S.C. 1761a) is amended by striking out ", except that the treasurer shall be the general manager of the corporation" in the fourth sentence.

Approved October 17, 1963.

Public Law 88-151

AN ACT

October 17, 1963
[H. R. 242]

To amend section 1820 of title 38 of the United States Code to provide for waiver of indebtedness to the United States in certain cases arising out of default on loans guaranteed or made by the Veterans' Administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1820(a)(4) of title 38, United States Code, is amended by adding after the semicolon the following: "and the authority to waive or release claims may include partial or total waiver of payment by the veteran, or his spouse, following default and loss of the property where the Administrator determines that the default arose out of compelling reasons without fault on the part of the veteran or that collection of the indebtedness would otherwise work a severe hardship upon the veteran;".

Veterans, waiver of indebtedness.
72 Stat. 1213.

SEC. 2. The Administrator of Veterans' Affairs shall submit to the Committee on Labor and Public Welfare of the Senate and the Committee on Veterans' Affairs of the House of Representatives, not later than December 31 of each year, a written report concerning each case in which a waiver of indebtedness has been made under the authority of the amendment made by the first section of this Act. Such report shall include, together with such other information as the Administrator deems appropriate, the name and address of each person with respect to which a waiver of indebtedness has been made and the total amount of such waiver.

Report to Congress.

Approved October 17, 1963.

Public Law 88-152

AN ACT

October 17, 1963
[H. R. 3369]

For the relief of Mrs. Elizabeth G. Mason.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the award of death compensation which the Veterans' Administration has held that Mrs. Elizabeth G. Mason, of Houlton, Maine, is entitled to receive as a result of its finding, because of the death of her late husband, Major Theodore P. Mason, who was killed in combat in Belgium on September 9, 1944, shall be held and considered to be effective as of the day following the said Theodore P. Mason's death on the basis of her original claim for such death compensation which she filed in March 1945, six months after her husband's death; and the Administrator of Veterans' Affairs is hereby authorized and directed to make retroactive payments in accordance with such entitlement.

Mrs. Elizabeth G. Mason.

SEC. 2. Section 104(b) of the Civil Rights Act of 1957, as amended (42 U.S.C. 1975c(b)), is amended by striking out "September 30, 1963" and inserting in lieu thereof "September 30, 1964".

Civil Rights Commission.
71 Stat. 635; 75 Stat. 559.

Approved October 17, 1963.

Public Law 88-153

October 17, 1963
[H. R. 6246]

AN ACT

Relating to the deductibility of accrued vacation pay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 97 of the Technical Amendments Act of 1958, as amended (26 U.S.C., sec. 162 note), is amended by striking out "January 1, 1963," and inserting in lieu thereof "January 1, 1965,".

72 Stat. 1672; 74 Stat. 164.

Approved October 17, 1963.

Public Law 88-154

October 17, 1963
[S. 1994]

AN ACT

To authorize the disposal, without regard to the prescribed six-month waiting period, of certain waterfowl feathers and down from the national stockpile.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Administrator of General Services is hereby authorized to dispose of approximately five million eight hundred thousand pounds of waterfowl feathers and down now held in the national stockpile. Such disposal may be made without regard to the requirement of section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), that no such disposition shall be made until six months after publication in the Federal Register and transmission to the Congress and to the Armed Services Committees thereof of a notice of the proposed disposition.

Waterfowl feathers. Disposition.

60 Stat. 597.

Publication in F. R.

Approved October 17, 1963.

Public Law 88-155

October 18, 1963
[S. J. Res. 123]

JOINT RESOLUTION

To authorize the printing and binding of an edition of Senate Procedure and providing the same shall be subject to copyright by the authors.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be printed and bound for the use of the Senate one thousand five hundred copies of a revised edition of Senate Procedure, to be prepared by Charles L. Watkins, Parliamentarian, and Floyd M. Riddick, Assistant Parliamentarian, to be printed under the supervision of the authors and to be distributed to the Members of the Senate.

Senate Procedure, printing.

SEC. 2. That, notwithstanding any provision of the copyright laws and regulations with respect to publications in the public domain, such edition of Senate Procedure shall be subject to copyright by the authors thereof.

Copyright.

Approved October 18, 1963.

Public Law 88-156

AN ACT

October 24, 1963
[H. R. 7544]

To amend the Social Security Act to assist States and communities in preventing and combating mental retardation through expansion and improvement of the maternal and child health and crippled children's programs, through provision of prenatal, maternity, and infant care for individuals with conditions associated with childbearing which may lead to mental retardation, and through planning for comprehensive action to combat mental retardation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maternal and Child Health and Mental Retardation Planning Amendments of 1963".

Maternal and Child Health and Mental Retardation Planning Amendments of 1963.

INCREASE IN MATERNAL AND CHILD HEALTH SERVICES

SEC. 2. (a) The first sentence of section 501 of the Social Security Act is amended by striking out "there is hereby authorized to be appropriated for each fiscal year beginning after June 30, 1960, the sum of $25,000,000" and inserting in lieu thereof "the following sums are hereby authorized to be appropriated: $25,000,000 for the fiscal year ending June 30, 1963, $30,000,000 for the fiscal year ending June 30, 1964, $35,000,000 for the fiscal year ending June 30, 1965, $40,000,000 each for the fiscal year ending June 30, 1966, and the succeeding fiscal year, $45,000,000 each for the fiscal year ending June 30, 1968, and the succeeding fiscal year, and $50,000,000 each for the fiscal year ending June 30, 1970, and succeeding fiscal years".

49 Stat. 629; 74 Stat. 995. 42 USC 701.

(b) Subsection (a) of section 502 of such Act is amended to read as follows:

64 Stat. 551. 42 USC 702.

"(a) The Secretary shall allot one-half of the sum appropriated pursuant to section 501 for each fiscal year as follows: He shall allot to each State $70,000 and such part of the remainder of such one-half as he finds that the number of live births in such State bore to the total number of live births in the United States in the latest calendar year for which he has statistics."

(c) (1) The first sentence of subsection (b) of section 502 of such Act is amended to read as follows: "The Secretary shall also allot to the States (in addition to the allotments made under subsection (a)) the remaining one-half of the sum appropriated for each fiscal year pursuant to section 501."

(2) The second sentence of such subsection (b) is amended by striking out "Such sums" and "such sums" and inserting in lieu thereof "Such one-half" and "such one-half", respectively.

INCREASE IN CRIPPLED CHILDREN'S SERVICES

SEC. 3. (a) The first sentence of section 511 of the Social Security Act is amended by striking out "there is hereby authorized to be appropriated for each fiscal year beginning after June 30, 1960, the sum of $25,000,000" and inserting in lieu thereof "the following sums are hereby authorized to be appropriated: $25,000,000 for the fiscal year ending June 30, 1963, $30,000,000 for the fiscal year ending June 30, 1964, $35,000,000 for the fiscal year ending June 30, 1965, $40,000,000 each for the fiscal year ending June 30, 1966, and the succeeding fiscal year, $45,000,000 each for the fiscal year ending June 30, 1968, and the succeeding fiscal year, and $50,000,000 each for the fiscal year ending June 30, 1970, and succeeding fiscal years".

49 Stat. 631; 74 Stat. 995. 42 USC 711.

64 Stat. 552; 74 Stat 996. 42 USC 712.

(b) So much of subsection (a) of section 512 of such Act as ends with "$12,500,000 to the States" is amended to read as follows:

42 USC 711.

"(a) The Secretary shall allot one-half of the sum appropriated pursuant to section 511 for each fiscal year as follows: He shall allot to each State $70,000 and shall allot the remainder of such one-half to the States".

(c) (1) The first sentence of subsection (b) of section 512 of such Act is amended to read as follows: "The Secretary shall also allot to the States (in addition to the allotments made pursuant to subsection (a)) the remaining one-half of the sum appropriated for each fiscal year under section 511."

(2) The second sentence of such subsection (b) is amended by striking out "Such sums" and "such sums" and inserting in lieu thereof "Such one-half" and "such one-half" respectively.

PROJECT GRANTS

49 Stat. 633. 29 USC 45b note.

SEC. 4. Part 4 of title V of the Social Security Act is amended to read as follows:

"PART 4—GRANTS FOR SPECIAL MATERNITY AND INFANT CARE PROJECTS AND RESEARCH PROJECTS

"SPECIAL PROJECT GRANTS FOR MATERNITY AND INFANT CARE

"SEC. 531. (a) In order to help reduce the incidence of mental retardation caused by complications associated with childbearing, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1964, $15,000,000 for the fiscal year ending June 30, 1965, and $30,000,000 for each of the next three fiscal years, for grants to assist in meeting the cost of projects as provided in this section.

"(b) From the sums appropriated pursuant to subsection (a), the Secretary is authorized to make grants to the State health agency of any State and, with the consent of such agency in the case of a project in which such agency is unable or unwilling to participate, to the health agency of any political subdivision of the State, to pay not to exceed 75 per centum of the cost (exclusive of general agency overhead) of any project for the provision of necessary health care to prospective mothers (including, after childbirth, health care to mothers and their infants) who have or are likely to have conditions associated with childbearing which increase the hazards to the health of the mothers or their infants (including those which may cause physical or mental defects in the infants) and whom the State or local health agency determines will not receive necessary health care because they are from low-income families or for other reasons beyond their control.

"(c) Payment of grants under this section may be made (after necessary adjustment on account of previously made underpayments or overpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine.

"RESEARCH PROJECTS RELATING TO MATERNAL AND CHILD HEALTH SERVICES AND CRIPPLED CHILDREN'S SERVICES

"SEC. 532. (a) There are authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1964, such sums, not exceeding $8,000,000 for any fiscal year, as the Congress may determine to enable the Secretary to make grants to or jointly financed cooperative arrangements with public or other nonprofit institutions of higher learning, and public or other nonprofit agencies and organizations engaged in research or in maternal and child health or crippled

children's programs, and contracts with public or nonprofit private agencies and organizations engaged in research or in such programs, for research projects relating to maternal and child health services or crippled children's services which show promise of substantial contribution to the advancement thereof.

"(b) Payments of grants or under contracts or cooperative arrangements under this section may be made (after necessary adjustment, in the case of grants, on account of previously made underpayments or overpayments) in advance or by way of reimbursements, and in such installments and on such conditions, as the Secretary may determine."

MENTAL RETARDATION PLANNING

SEC. 5. The Social Security Act is amended by adding at the end thereof the following new title: 49 Stat. 620. 42 USC 1305.

"TITLE XVII—GRANTS FOR PLANNING COMPREHENSIVE ACTION TO COMBAT MENTAL RETARDATION

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1701. For the purpose of assisting the States (including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa) to plan for and take other steps leading to comprehensive State and community action to combat mental retardation, there is authorized to be appropriated the sum of $2,200,000.

"GRANTS TO STATES

"SEC. 1702. The sums appropriated pursuant to section 1701 shall be available for grants to States by the Secretary during the fiscal year ending June 30, 1964, and the succeeding fiscal year. Any such grant to a State, which shall not exceed 75 per centum of the cost of the planning and related activities involved, may be used by it to determine what action is needed to combat mental retardation in the State and the resources available for this purpose, to develop public awareness of the mental retardation problem and of the need for combating it, to coordinate State and local activities relating to the various aspects of mental retardation and its prevention, treatment, or amelioration, and to plan other activities leading to comprehensive State and community action to combat mental retardation.

"APPLICATIONS

"SEC. 1703. In order to be eligible for a grant under section 1702, a State must submit an application therefor which—

"(1) designates or establishes a single State agency, which may be an interdepartmental agency, as the sole agency for carrying out the purposes of this title;

"(2) indicates the manner in which provision will be made to assure full consideration of all aspects of services essential to planning for comprehensive State and community action to combat mental retardation, including services in the fields of education, employment, rehabilitation, welfare, health, and the law, and services provided through community programs for and institutions for the mentally retarded;

"(3) sets forth its plans for expenditure of such grant, which plans provide reasonable assurance of carrying out the purposes of this title;

"(4) provides for submission of a final report of the activities of the State agency in carrying out the purposes of this title, and for submission of such other reports, in such form and containing such information, as the Secretary may from time to time find necessary for carrying out the purposes of this title and for keeping such records and affording such access thereto as he may find necessary to assure the correctness and verification of such reports; and

"(5) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the State under this title.

"PAYMENTS

"SEC. 1704. Payment of grants under this title may be made (after necessary adjustment on account of previously made underpayments or overpayments) in advance or by way of reimbursement, and in such installments and on such conditions, as the Secretary may determine."

MEANING OF "SECRETARY"

SEC. 6. As used in the amendments to the Social Security Act made by this Act, the term "Secretary" means the Secretary of Health, Education, and Welfare.

Approved October 24, 1963, 11:35 a.m.

Public Law 88-157

October 24, 1963
[H. R. 7195]

AN ACT

To amend various sections of title 23 of the United States Code relating to the Federal-aid highway systems.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal-Aid Highway Amendments Act of 1963".

Federal-Aid Highway Amendments Act of 1963.

SEC. 2. Paragraph (3) of section 104(b) of title 23, United States Code, is hereby amended to read as follows:

72 Stat. 889.

"(3) For extensions of the Federal-aid primary and Federal-aid secondary systems within urban areas:

"In the ratio which the population in municipalities and other urban places of five thousand or more in each State bears to the total population in municipalities and other urban places of five thousand or more in all the States as shown by the latest available Federal census."

SEC. 3. (a) So much of paragraph (5) of subsection (b) of section 104 of title 23, United States Code, as precedes the third sentence thereof is amended to read as follows:

72 Stat. 890.

"(5) For the Interstate System for the fiscal years 1960 through 1971:

"For the fiscal years 1960 through 1966, in the ratio which the estimated cost of completing the Interstate System in such State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of completing the Interstate System in all of the States. For the fiscal years 1967 through 1971, in the ratio which the Federal share of the estimated cost of completing the Interstate System in such State, as determined and approved in the manner provided in this paragraph, bears to the sum of the estimated cost of the Federal share of completing the Interstate System in all of the States.

Each apportionment herein authorized for the fiscal years 1960 through 1971, inclusive, shall be made on a date as far in advance of the beginning of the fiscal year for which authorized as practicable but in no case more than eighteen months prior to the beginning of the fiscal year for which authorized."

(b) The eighth and ninth sentences of paragraph (5) of subsection (b) of section 104 of title 23, United States Code, are amended to read as follows: "The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System, after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1965. Upon the approval of such estimate by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1967; June 30, 1968; and June 30, 1969. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1968. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal year ending June 30, 1970. The Secretary shall make a final revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section, in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1969. Upon the approval by the Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal year ending June 30, 1971."

SEC. 4. Subsection (b) of section 109 of title 23, United States Code, is hereby amended to read as follows: 72 Stat. 894.

"(b) The geometric and construction standards to be adopted for the Interstate System shall be those approved by the Secretary in cooperation with the State highway departments. Such standards, as applied to each actual construction project, shall be adequate to enable such project to accommodate the types and volumes of traffic anticipated for such project for the twenty-year period commencing on the date of approval by the Secretary, under section 106 of this title, of the plans, specifications, and estimates for actual construction of such project. The right-of-way width of the Interstate System shall be adequate to permit construction of projects on the Interstate System to such standards. The Secretary shall apply such standards uniformly throughout all the States."

SEC. 5. Subsection (c) of section 131 of title 23, United States Code, is amended by striking out "1963" and inserting in lieu thereof "1965". 72 Stat. 904; 75 Stat. 123.

SEC. 6. Section 307(c)(1) of title 23, United States Code, is amended to read as follows: 72 Stat. 914; 76 Stat. 1148.

"(c)(1) Not to exceed 1½ per centum of the sums apportioned for each fiscal year prior to the fiscal year 1964 to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations; for the planning of future highway programs and the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable 72 Stat. 889.

taxation thereof; and for research and development, necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use."

72 Stat. 892.

SEC. 7. (a) Subsection (c) of section 106 of title 23, United States Code, is amended to read as follows:

"(c) Items included in any such estimate for construction engineering shall not exceed 10 per centum of the total estimated cost of a project financed with Federal-aid primary, secondary, or urban funds, after excluding from such total estimated cost, the estimated costs of rights-of-way, preliminary engineering, and construction engineering: *Provided*, That such limitation shall be 15 per centum in any State with respect to which the Secretary finds such higher limitation to be necessary. For any project financed with interstate funds, such limitation shall be 10 per centum."

72 Stat. 900.

(b) The second sentence of subsection (d) of section 121 of title 23, United States Code, is amended to read as follows: "Payments for construction engineering on any project financed with Federal-aid primary, secondary, or urban funds shall not exceed 10 per centum of the Federal share of the cost of construction of such project after excluding from the cost of construction the costs of rights-of-way, preliminary engineering, and construction engineering: *Provided*, That such limitation shall be 15 per centum in any State with respect to which the Secretary finds such higher limitation to be necessary. For any project financed with interstate funds, such limitation shall be 10 per centum."

Approved October 24, 1963.

Public Law 88-158

October 24, 1963
[H. J. Res. 724]

JOINT RESOLUTION

To provide additional housing for the elderly.

73 Stat. 667;
76 Stat. 670.
12 USC 1701q.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(a)(4) of the Housing Act of 1959 is amended by striking out "$225,000,000" and inserting in lieu thereof "$275,000,000".

Approved October 24, 1963.

Public Law 88-159

October 28, 1963
[H. R. 641]

AN ACT

To approve an order of the Secretary of the Interior canceling and deferring certain irrigation charges, eliminating certain tracts of non-Indian-owned land under the Wapato Indian irrigation project, Washington, and for other purposes.

Wapato Indian irrigation project.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with the Act of June 22, 1936 (49 Stat. 1803; 25 U.S.C. 389–389e), the order of the Secretary of the Interior dated September 12, 1962, canceling $4,494.58 of delinquent irrigation charges, providing for the deferred payment of $10,356.03, and providing for the removal of 78.12 acres of assessable land from the Wapato Indian irrigation project, is hereby approved.

Approved October 28, 1963.

Public Law 88-160

JOINT RESOLUTION

October 28, 1963
[H. J. Res. 192]

Relating to the validity of certain rice acreage allotments for 1962 and prior crop years.

Agriculture.
Rice acreage allotments.
Validity.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in a State in which farm rice acreage allotments are determined on the basis of past production of rice by the producer on the farm, any producer rice acreage allotment found by the ASC county committee or the ASC State committee to have been properly apportioned from the State rice acreage allotment and the acreage allotment for any farm to which such producer allotment has been allocated and approved by the county committee in good faith for any crop year 1956 to 1962, both inclusive, shall be deemed to have been validly established and shall remain in effect, and the farm marketing quota and farm marketing excess, if any, shall be determined on the basis of such valid farm rice acreage allotment.

This resolution shall not apply to any producer rice allotment or any planted rice acreage that has been obtained by duplication, forgery, bribery, intimidation, or practices that would result in the total allotted acreage in the State exceeding the State acreage allotment, less any unallocated reserve acreage.

Approved October 28, 1963.

Public Law 88-161

AN ACT

October 29, 1963
[H. R. 4588]

To provide for the withdrawal and reservation for the Department of the Navy of certain public lands of the United States at Mojave B Aerial Gunnery Range, San Bernardino County, California, for defense purposes.

Mojave B Aerial Gunnery Range, Calif.
Public lands, withdrawal and reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to valid existing rights the public lands, and the minerals therein, within the area described in section 2 of this Act are hereby withdrawn from all appropriations and other forms of disposition under the public land laws including the mining and mineral leasing laws and disposals of materials under the Act of July 31, 1947, as amended (61 Stat. 681; 30 U.S.C. 601–604), except as provided in subsection (b) of this section, and reserved for use of the Department of the Navy for a period of ten years with an option to renew the withdrawal and reservation for a period of five years upon notice to the Secretary of the Interior, and subject to the condition that part or all of the reservation may be terminated at any time by the Secretary of the Navy upon notice to the Secretary of the Interior.

(b) The Secretary of the Interior may, with the concurrence of the Secretary of the Navy, authorize use or disposition of any of the lands or resources withdrawn and reserved by subsection (a) of this section.

(c) Upon request of the Secretary of the Interior at the time of termination of the reservation effected by this Act as provided in subsection (a) of this section, the Department of the Navy shall make safe for nonmilitary uses the land withdrawn and reserved or such portions thereof as may be specified by the Secretary of the Interior, by neutralizing unexploded ammunition, bombs, artillery projectiles, or other explosive objects and chemical agents. There-

after, the Secretary of the Interior pursuant to law shall provide for the appropriate use or disposition of all or any part of the land withdrawn and reserved under provisions of this Act.

SEC. 2. The lands withdrawn and reserved by this Act are those that are now or may hereafter become subject to the public land laws within the area described as follows:

Approximately 312,659 acres, more or less, within the Mojave "B" Aerial Gunnery Range, San Bernardino County, California, and more fully described as follows:

township 25 south, range 44 east, sections 1 to 4 inclusive, sections 9 to 16 inclusive, sections 21 to 28 inclusive, and sections 33 to 36 inclusive;

township 26 south, range 44 east, sections 1 to 4 inclusive, sections 9 to 16 inclusive, sections 21 to 28 inclusive, and sections 33 to 36 inclusive;

township 27 south, range 44 east, sections 1 to 4 inclusive, and sections 9 to 12 inclusive;

township 29 south, range 44 east, sections 1 to 3 inclusive, sections 10 to 15 inclusive, sections 22 to 27 inclusive, and sections 34 to 36 inclusive;

township 30 south, range 44 east, sections 1 to 3 inclusive, sections 10 to 15 inclusive, sections 22 to 27 inclusive, and sections 34 to 36 inclusive;

township 25 south, range 45 east, sections 1 to 36 inclusive;

township 26 south, range 45 east, sections 1 to 36 inclusive;

township 27 south, range 45 east, sections 1 to 6 inclusive;

township 28 south, range 45 east, sections 31 to 36 inclusive;

township 29 south, range 45 east, sections 1 to 36 inclusive;

township 30 south, range 45 east, sections 1 to 34 inclusive, all of section 35 except south half of southwest quarter, and section 36;

township 25 south, range 46 east, sections 1 to 35 inclusive, and all of section 36 except east half of east half of northeast quarter;

township 26 south, range 46 east, sections 1 to 36 inclusive;

township 27 south, range 46 east, sections 1 to 6 inclusive;

township 28 south, range 46 east, sections 25 to 36 inclusive;

township 29 south, range 46 east, sections 1 to 36 inclusive;

township 30 south, range 46 east, sections 1 to 36 inclusive;

township 25 south, range 47 east, sections 5 to 8 inclusive, sections 17 to 20 inclusive, north half of section 29, north half of section 30, south half of section 31, and southwest quarter of section 32;

township 26 south, range 47 east, sections 4 to 9 inclusive, sections 16 to 21 inclusive, and sections 28 to 33 inclusive;

township 28 south, range 47 east, sections 19 to 21 inclusive; and sections 28 to 33 inclusive;

township 29 south, range 47 east, sections 3 to 10 inclusive, sections 15 to 22 inclusive, and sections 27 to 34 inclusive;

township 30 south, range 47 east, sections 3 to 10 inclusive; sections 15 to 22 inclusive; and sections 27 to 34 inclusive; Mount Diablo meridian.

Approved October 29, 1963.

Public Law 88-162

JOINT RESOLUTION

October 30, 1963
[H. J. Res. 782]

Making continuing appropriations for the fiscal year 1964, and for other purposes.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution of August 28, 1963 (Public Law 88–109), is hereby amended by striking out "October 31, 1963" and inserting in lieu thereof "November 30, 1963".

Continuing Appropriations, 1964.
Ante, p. 134.

Approved October 30, 1963.

Public Law 88-163

AN ACT

October 30, 1963
[H. R. 75]

To provide for exceptions to the rules of navigation in certain cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Department in which the Coast Guard is operating may permit vessels desiring to navigate or operate under bridges constructed over navigable waters of the United States to temporarily lower any lights, day signals, or other navigational means and appliances prescribed or required pursuant to law, rule, or regulation, and, if necessary, may authorize vessels so navigating or operating to depart from the rules to prevent collisions as prescribed by law, rule, or regulation. The Secretary of the Department in which the Coast Guard is operating may also prescribe such special regulations to be observed by vessels so navigating or operating as in his judgment the public safety may require for the prevention of collisions.

Vessels.
Navigation rules, exception.

(b) Notice of the regulations to accomplish the purposes of this Act shall be published in the Federal Register and in the Notice to Mariners, and after the effective date specified in such notices, such regulations shall have the force of law.

Publication in F. R.

(c) Any person who navigates or operates a vessel in violation of the regulations established pursuant to this section shall be liable to a penalty not exceeding $500. In addition, any vessel navigated or operated in violation of the regulations established pursuant to this section shall be liable to a penalty of $500, for which sum such vessel may be seized and proceeded against, by way of libel, in the district court of the United States for any district within which such vessel may be found.

Penalty.

Approved October 30, 1963.

Public Law 88-164

October 31, 1963
[S. 1576]

AN ACT

To provide assistance in combating mental retardation through grants for construction of research centers and grants for facilities for the mentally retarded and assistance in improving mental health through grants for construction of community mental health centers, and for other purposes.

Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963".

TITLE I—CONSTRUCTION OF RESEARCH CENTERS AND FACILITIES FOR THE MENTALLY RETARDED

SHORT TITLE

SEC. 100. This title may be cited as the "Mental Retardation Facilities Construction Act".

PART A—GRANTS FOR CONSTRUCTION OF CENTERS FOR RESEARCH ON MENTAL RETARDATION AND RELATED ASPECTS OF HUMAN DEVELOPMENT

70 Stat. 717; *Ante*, p. 164. 42 USC 292-292i.

SEC. 101. Title VII of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART D—CENTERS FOR RESEARCH ON MENTAL RETARDATION AND RELATED ASPECTS OF HUMAN DEVELOPMENT

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 761. There are authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1964, $8,000,000 for the fiscal year ending June 30, 1965, and $6,000,000 each for the fiscal year ending June 30, 1966, and the fiscal year ending June 30, 1967, for project grants to assist in meeting the costs of construction of facilities for research, or research and related purposes, relating to human development, whether biological, medical, social, or behavioral, which may assist in finding the causes, and means of prevention, of mental retardation, or in finding means of ameliorating the effects of mental retardation. Sums so appropriated shall remain available until expended for payments with respect to projects or which applications have been filed under this part before July 1, 1967, and approved by the Surgeon General thereunder before July 1, 1968.

"APPLICATIONS

"SEC. 762. (a) Applications for grants under this part with respect to any facility may be approved by the Surgeon General only if—

"(1) the applicant is a public or nonprofit institution which the Surgeon General determines is competent to engage in the type of research for which the facility is to be constructed; and

"(2) the application contains or is supported by reasonable assurances that (A) for not less than twenty years after completion of construction, the facility will be used for the research, or research and related purposes, for which it was constructed; (B) sufficient funds will be available for meeting the non-Federal share of the cost of constructing the facility; (C) sufficient funds

will be available, when the construction is completed, for effective use of the facility for the research, or research and related purposes, for which it was constructed; and (D) all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the center will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5); and the Secretary of Labor shall have, with respect to the labor standards specified in this clause (D) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z-15), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

49 Stat. 1011.

64 Stat. 1267.

63 Stat. 108.

"(b) In acting on applications for grants, the Surgeon General shall take into consideration the relative effectiveness of the proposed facilities in expanding the Nation's capacity for research and related purposes in the field of mental retardation and related aspects of human development, and such other factors as he, after consultation with the national advisory council or councils concerned with the field or fields of research involved, may by regulation prescribe in order to assure that the facilities constructed with such grants, severally and together, will best serve the purpose of advancing scientific knowledge pertaining to mental retardation and related aspects of human development.

"AMOUNT OF GRANTS; PAYMENTS

"SEC. 763. (a) The total of the grants with respect to any project for the construction of a facility under this part may not exceed 75 per centum of the necessary cost of construction of the center as determined by the Surgeon General.

"(b) Payments of grants under this part shall be made in advance or by way of reimbursement, in such installments consistent with construction progress, and on such conditions as the Surgeon General may determine.

"(c) No grant may be made after January 1, 1964, under any provision of this Act other than this part, for any of the four fiscal years in the period beginning July 1, 1963, and ending June 30, 1967, for construction of any facility described in this part, unless the Surgeon General determines that funds are not available under this part to make a grant for the construction of such facility.

"RECAPTURE OF PAYMENTS

"SEC. 764. If, within twenty years after completion of any construction for which funds have been paid under this part—

"(1) the applicant or other owner of the facility shall cease to be a public or nonprofit institution, or

"(2) the facility shall cease to be used for the research purposes, or research and related purposes, for which it was constructed, unless the Surgeon General determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

"NONINTERFERENCE WITH ADMINISTRATION OF INSTITUTIONS

"SEC. 765. Except as otherwise specifically provided in this part, nothing contained in this part shall be construed as authorizing any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over, or impose any requirement or condition with respect to, the research or related purposes conducted by, and the personnel or administration of, any institution.

"DEFINITIONS

"SEC. 766. As used in this part—

"(1) the terms 'construction' and 'cost of construction' include (A) the construction of new buildings and the expansion, remodeling, and alteration of existing buildings, including architects' fees, but not including the cost of acquisition of land or off-site improvements, and (B) equipping new buildings and existing buildings, whether or not expanded, remodeled, or altered;

"(2) the term 'nonprofit institution' means an institution owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual."

PART B—PROJECT GRANTS FOR CONSTRUCTION OF UNIVERSITY-AFFILIATED FACILITIES FOR THE MENTALLY RETARDED

AUTHORIZATION OF APPROPRIATIONS

SEC. 121. For the purpose of assisting in the construction of clinical facilities providing, as nearly as practicable, a full range of inpatient and outpatient services for the mentally retarded and facilities which will aid in demonstrating provision of specialized services for the diagnosis and treatment, education, training, or care of the mentally retarded or in the clinical training of physicians and other specialized personnel needed for research, diagnosis and treatment, education, training, or care of the mentally retarded, there are authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1964, $7,500,000 for the fiscal year ending June 30, 1965, and $10,000,000 each for the fiscal year ending June 30, 1966, and the fiscal year ending June 30, 1967. The sums so appropriated shall be used for project grants for construction of public and other nonprofit facilities for the mentally retarded which are associated with a college or university.

APPLICATIONS

SEC. 122. Applications for grants under this part with respect to any facility may be approved by the Secretary only if the application contains or is supported by reasonable assurances that—

(1) the facility will be associated, to the extent prescribed in regulations of the Secretary, with a college or university hospital (including affiliated hospitals), or with such other part of a college or university as the Secretary may find appropriate in the light of the purposes of this part;

(2) the plans and specifications are in accord with regulations prescribed by the Secretary under section 133(3);

(3) title to the site for the project is or will be vested in one or more of the agencies or institutions filing the application or in a public or other nonprofit agency or institution which is to operate the facility;

(4) adequate financial support will be available for construction of the project and for its maintenance and operation when completed; and

(5) all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

49 Stat. 1011.

64 Stat. 1267.

63 Stat. 108.

AMOUNT OF GRANTS; PAYMENTS

SEC. 123. (a) The total of the grants with respect to any project for the construction of a facility under this part may not exceed 75 per centum of the necessary cost of construction thereof as determined by the Secretary.

(b) Payments of grants under this part shall be made in advance or by way of reimbursement, in such installments consistent with construction progress, and on such conditions as the Secretary may determine.

RECOVERY

SEC. 124. If any facility with respect to which funds have been paid under this part shall, at any time within twenty years after the completion of construction—

(1) be sold or transferred to any person, agency, or organization which is not qualified to file an application under this part, or

(2) cease to be a public or other nonprofit facility for the mentally retarded, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for the mentally retarded, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of the facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects.

NONDUPLICATION OF GRANTS

SEC. 125. No grant may be made after January 1, 1964, under any provision of the Public Health Service Act, for any of the four fiscal years in the period beginning July 1, 1963, and ending June 30, 1967, for construction of any facility for the mentally retarded described in this part, unless the Secretary determines that funds are not available under this part to make a grant for the construction of such facility.

58 Stat. 682.
42 USC 201 note.

PART C—GRANTS FOR CONSTRUCTION OF FACILITIES FOR THE MENTALLY RETARDED

AUTHORIZATION OF APPROPRIATIONS

SEC. 131. There are authorized to be appropriated, for grants for construction of public and other nonprofit facilities for the mentally retarded, $10,000,000 for the fiscal year ending June 30, 1965, $12,500,000 for the fiscal year ending June 30, 1966, $15,000,000 for the fiscal year ending June 30, 1967, and $30,000,000 for the fiscal year ending June 30, 1968.

ALLOTMENTS TO STATES

SEC. 132. (a) For each fiscal year, the Secretary shall, in accordance with regulations, make allotments from the sums appropriated under section 131 to the several States on the basis of (1) the population, (2) the extent of the need for facilities for the mentally retarded, and (3) the financial need of the respective States; except that no such allotment to any State, other than the Virgin Islands, American Samoa, and Guam, for any fiscal year may be less than $100,000. Sums so allotted to a State for a fiscal year for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted, to such State for such next fiscal year.

(b) In accordance with regulations of the Secretary, any State may file with him a request that a specified portion of its allotment under this part be added to the allotment of another State under this part for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a facility for the mentally retarded in such other State. If it is found by the Secretary that construction of the facility with respect to which the request is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this part, such portion of such State's allotment shall be added to the allotment of the other State under this part, to be used for the purpose referred to above.

(c) Upon the request of any State that a specified portion of its allotment under this part be added to the allotment of such State under title II, and upon (1) the simultaneous certification to the Secretary by the State agency designated as provided in the State plan approved under this part to the effect that it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion, or (2) a showing satisfactory to the Secretary that the need for the community mental health centers in such State is substantially greater than for the facilities for the mentally retarded, the Secretary shall, subject to such limitations as he may by regulations prescribe, promptly adjust the allotments of such State in accordance with such request and shall notify such State agency and the State agency designated under the State plan approved under title II, and thereafter the allotments as so adjusted shall be deemed the State's allotments for purposes of this part and title II.

REGULATIONS

SEC. 133. Within six months after enactment of this Act, the Secretary shall, after consultation with the Federal Hospital Council (established by section 633 of the Public Health Service Act and hereinafter in this part referred to as the "Council"), by general regulations applicable uniformly to all the States, prescribe— 60 Stat. 1048. 42 USC 291k.

(1) the kinds of services needed to provide adequate services for mentally retarded persons residing in a State;

(2) the general manner in which the State agency (designated as provided in the State plan approved under this part) shall determine the priority of projects based on the relative need of different areas, giving special consideration to facilities which will provide comprehensive services for a particular community or communities;

(3) general standards of construction and equipment for facilities of different classes and in different types of location; and

(4) that the State plan shall provide for adequate facilities for the mentally retarded for persons residing in the State, and shall provide for adequate facilities for the mentally retarded to furnish needed services for persons unable to pay therefor. Such regulations may require that before approval of an application for a facility or addition to a facility is recommended by a State agency, assurance shall be received by the State from the applicant that there will be made available in such facility or addition a reasonable volume of services to persons unable to pay therefor, but an exception shall be made if such a requirement is not feasible from a financial viewpoint.

STATE PLANS

SEC. 134. (a) After such regulations have been issued, any State desiring to take advantage of this part shall submit a State plan for carrying out its purposes. Such State plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) hereof will have authority to carry out such plan in conformity with this part;

(3) provide for the designation of a State advisory council which shall include representatives of State agencies concerned with planning, operation, or utilization of facilities for the mentally retarded and of nongovernment organizations or groups concerned with education, employment, rehabilitation, welfare, and health, and including representatives of consumers of the services provided by such facilities;

(4) set forth a program for construction of facilities for the mentally retarded (A) which is based on a statewide inventory of existing facilities and survey of need; (B) which conforms with the regulations prescribed under section 133(1); and (C) which meets the requirements for furnishing needed services to persons unable to pay therefor, included in regulations prescribed under section 133(4);

(5) set forth the relative need, determined in accordance with the regulations prescribed under section 133(2), for the several projects included in such programs, and provide for the construction, insofar as financial resources available therefor and for

maintenance and operation make possible, in the order of such relative need;

(6) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of facilities which receive Federal aid under this part;

(8) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

(9) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports; and

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

APPROVAL OF PROJECTS

SEC. 135. (a) For each project for construction pursuant to a State plan approved under this part, there shall be submitted to the Secretary through the State agency an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the construction of the project, the application may be filed by one or more of such agencies. Such application shall set forth—

(1) a description of the site for such project;

(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 133(3);

(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the facility;

(4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed;

(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

49 Stat. 1011.

64 Stat. 1267.
63 Stat. 108.

(6) a certification by the State agency of the Federal share for the project.

The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (A) that the application contains such reasonable assurance as to title, financial support, and payment of prevailing rates of wages and overtime pay; (B) that the plans and specifications are in accord with the regulations prescribed pursuant to section 133; (C) that the application is in conformity with the State plan approved under section 134 and contains an assurance that in the operation of the facility there will be compliance with the applicable requirements of the State plan and of the regulations prescribed under section 133(4) for furnishing needed facilities for persons unable to pay therefor, and with State standards for operation and maintenance; and (D) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to section 133(2). No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing.

(b) Amendment of any approved application shall be subject to approval in the same manner as an original application.

WITHHOLDING OF PAYMENTS

SEC. 136. Whenever the Secretary after reasonable notice and opportunity for hearing to the State agency designated as provided in section 134(a)(1), finds—

(1) that the State agency is not complying substantially with the provisions required by section 134 to be included in its State plan or with regulations under this part;

(2) that any assurance required to be given in an application filed under section 135 is not being or cannot be carried out;

(3) that there is a substantial failure to carry out plans and specifications approved by the Secretary under section 135; or

(4) that adequate State funds are not being provided annually for the direct administration of the State plan,

the Secretary may forthwith notify the State agency that—

(5) no further payments will be made to the State from allotments under this part; or

(6) no further payments will be made from allotments under this part for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (1), (2), (3), or (4) of this section,

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

NONDUPLICATION OF GRANTS

SEC. 137. No grant may be made after January 1, 1964, under any provision of the Public Health Service Act, for any of the four fiscal years in the period beginning July 1, 1964, and ending June 30, 1968, for construction of any facility for the mentally retarded described in this part, unless the Secretary determines that funds are not avail-

58 Stat. 682.
42 USC 201 note.

able under this part to make a grant for the construction of such facility.

TITLE II—CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS

SHORT TITLE

Citation of title.

SEC. 200. This title may be cited as the "Community Mental Health Centers Act".

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There are authorized to be appropriated, for grants for construction of public and other nonprofit community mental health centers, $35,000,000 for the fiscal year ending June 30, 1965, $50,000,000 for the fiscal year ending June 30, 1966, and $65,000,000 for the fiscal year ending June 30, 1967.

ALLOTMENTS TO STATES

SEC. 202. (a) For each fiscal year, the Secretary shall, in accordance with regulations, make allotments from the sums appropriated under section 201 to the several States on the basis of (1) the population, (2) the extent of the need for community mental health centers, and (3) the financial need of the respective States; except that no such allotment to any State, other than the Virgin Islands, American Samoa, and Guam, for any fiscal year may be less than $100,000. Sums so allotted to a State for a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose for the next fiscal year (and for such year only), in addition to the sums allotted for such State for such next fiscal year.

(b) In accordance with regulations of the Secretary, any State may file with him a request that a specified portion of its allotment under this title be added to the allotment of another State under this title for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a community mental health center in such other State. If it is found by the Secretary that construction of the center with respect to which the request is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this title, such portion of such State's allotment shall be added to the allotment of the other State under this title to be used for the purpose referred to above.

(c) Upon the request of any State that a specified portion of its allotment under this title be added to the allotment of such State under part C of title I and upon (1) the simultaneous certification to the Secretary by the State agency designated as provided in the State plan approved under this title to the effect that it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion or (2) a showing satisfactory to the Secretary that the need for facilities for the mentally retarded in such State is substantially greater than for community mental health centers, the Secretary shall, subject to such limitations as he may by regulation prescribe, promptly adjust the allotments of such State in accordance with such request and shall notify such State agency and the State agency designated under the State plan approved under part C of title I, and thereafter the allotments as so adjusted shall be deemed the State's allotments for purposes of this title and part C of title I.

REGULATIONS

SEC. 203. Within six months after enactment of this Act, the Secretary shall, after consultation with the Federal Hospital Council (established by section 633 of the Public Health Service Act) and the National Advisory Mental Health Council (established by section 217 of the Public Health Service Act), by general regulations applicable uniformly to all the States, prescribe— 60 Stat. 1048. 42 USC 291k. 64 Stat. 446. 42 USC 218.

(1) the kinds of community mental health services needed to provide adequate mental health services for persons residing in a State;

(2) the general manner in which the State agency (designated as provided in the State plan approved under this title) shall determine the priority of projects based on the relative need of different areas, giving special consideration to projects on the basis of the extent to which the centers to be constructed thereby will, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, provide comprehensive mental health services (as determined by the Secretary in accordance with regulations) for mentally ill persons in a particular community or communities or which will be part of or closely associated with a general hospital;

(3) general standards of construction and equipment for centers of different classes and in different types of location; and

(4) that the State plan shall provide for adequate community mental health centers for people residing in the State, and shall provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor. Such regulations may require that before approval of an application for a center or addition to a center is recommended by a State agency, assurance shall be received by the State from the applicant that there will be made available in such center or addition a reasonable volume of services to persons unable to pay therefor, but an exception shall be made if such a requirement is not feasible from a financial viewpoint.

STATE PLANS

SEC. 204. (a) After such regulations have been issued, any State desiring to take advantage of this title shall submit a State plan for carrying out its purposes. Such State plan must—

(1) designate a single State agency as the sole agency for the administration of the plan, or designate such agency as the sole agency for supervising the administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) hereof will have authority to carry out such plan in conformity with this title;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernment organizations or groups, and of State agencies, concerned with planning, operation, or utilization of community mental health centers or other mental health facilities, including representatives of consumers of the services provided by such centers and facilities who are familiar with the need for such services, to consult with the State agency in carrying out such plan;

(4) set forth a program for construction of community mental health centers (A) which is based on a statewide inventory of

existing facilities and survey of need; (B) which conforms with the regulations prescribed by the Secretary under section 203(1); and (C) which meets the requirements for furnishing needed services to persons unable to pay therefor, included in regulations prescribed under section 203(4);

(5) set forth the relative need, determined in accordance with the regulations prescribed under section 203(2), for the several projects included in such programs, and provide for the construction, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

(6) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of centers which receive Federal aid under this title;

(8) provide for affording to every applicant for a construction project an opportunity for hearing before the State agency;

(9) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports; and

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary any modifications thereof which it considers necessary.

(b) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

APPROVAL OF PROJECTS

SEC. 205. (a) For each project for construction pursuant to a State plan approved under this title, there shall be submitted to the Secretary through the State agency an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the construction of the project, the application may be filed by one or more of such agencies. Such application shall set forth—

(1) a description of the site for such project;

(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 203(3);

(3) reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or other nonprofit agency which is to operate the community mental health center;

(4) reasonable assurance that adequate financial support will be available for the construction of the project and for its maintenance and operation when completed;

(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction of the project will be paid wages at rates not less than those prevailing on similar construction in the

locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c); and

49 Stat. 1011.

64 Stat. 1267.

63 Stat. 108.

(6) a certification by the State agency of the Federal share for the project.

The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (A) that the application contains such reasonable assurance as to title, financial support, and payment of prevailing rates of wages and overtime pay; (B) that the plans and specifications are in accord with the regulations prescribed pursuant to section 203; (C) that the application is in conformity with the State plan approved under section 204 and contains an assurance that in the operation of the center there will be compliance with the applicable requirements of the State plan and of the regulations prescribed under section 203(4) for furnishing needed services for persons unable to pay therefor, and with State standards for operation and maintenance; (D) that the services to be provided by the center, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for persons residing in a particular community or communities in or near which such center is to be situated, at least those essential elements of comprehensive mental health services for mentally ill persons which are prescribed by the Secretary in accordance with regulations; and (E) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to section 203(2). No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing.

(b) Amendment of any approved application shall be subject to approval in the same manner as an original application.

WITHHOLDING OF PAYMENTS

SEC. 206. Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency designated as provided in section 204(a)(1), finds—

(1) that the State agency is not complying substantially with the provisions required by section 204 to be included in its State plan, or with regulations under this title;

(2) that any assurance required to be given in an application filed under section 205 is not being or cannot be carried out;

(3) that there is a substantial failure to carry out plans and specifications approved by the Secretary under section 205; or

(4) that adequate State funds are not being provided annually for the direct administration of the State plan,

the Secretary may forthwith notify the State agency that—

(5) no further payments will be made to the State from allotments under this title; or

(6) no further payments will be made from allotments under this title for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (1), (2), (3), or (4) of this section,

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

NONDUPLICATION OF GRANTS

SEC. 207. No grant may be made after January 1, 1964, under any provision of the Public Health Service Act, for any of the three fiscal years in the period beginning July 1, 1964, and ending June 30, 1967, for construction of any facility described in this title, unless the Secretary determines that funds are not available under this title to make a grant for the construction of such facility.

58 Stat. 682.
42 USC 201 note.

TITLE III—TRAINING OF TEACHERS OF MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN

TRAINING OF TEACHERS OF HANDICAPPED CHILDREN

SEC. 301. (a) (1) The second sentence of the first section of the Act of September 6, 1958 (Public Law 85-926), is amended by striking out "Such grants" and inserting in lieu thereof "Grants under this section" and by striking out "fellowships" and inserting in lieu thereof "fellowships or traineeships".

72 Stat. 1777.
20 USC 611.

(2) Such section is further amended by inserting before the second sentence thereof, the following new sentence: "He is also authorized to make grants to public or other nonprofit institutions of higher learning to assist them in providing professional or advanced training for personnel engaged or preparing to engage in employment as teachers of handicapped children, as supervisors of such teachers, or as speech correctionists or other specialists providing special services for education of such children, or engaged or preparing to engage in research in fields related to education of such children."

(3) The first sentence of such section is amended by striking out "mentally retarded children" and inserting in lieu thereof "mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education (hereinafter in this Act referred to as 'handicapped children')". Section 2 of such Act is amended by striking out "mentally retarded children" and inserting in lieu thereof "handicapped children".

20 USC 612.

Repeal.
20 USC 613.
20 USC 617.

(4) The second sentence of section 3 of such Act is repealed. Section 7 of such Act is amended to read as follows:

"SEC. 7. There are authorized to be appropriated for carrying out this Act $11,500,000 for the fiscal year ending June 30, 1964; $14,500,000 for the fiscal year ending June 30, 1965; and $19,500,000 for the fiscal year ending June 30, 1966."

(5) The amendments made by this subsection shall apply in the case of fiscal years beginning after June 30, 1963, except that deaf children shall not be included as "handicapped children" for purposes of such amendments for the fiscal year ending June 30, 1964.

(b) Effective for fiscal years beginning after June 30, 1964, the first section of such Act is amended by adding at the end thereof the following new sentence: "The Commissioner is also authorized to

make grants to public or other nonprofit institutions of higher learning to assist them in establishing and maintaining scholarships, with such stipends as may be determined by the Commissioner, for training personnel preparing to engage in employment as teachers of the deaf."

(c) (1) The first sentence of subsection (a) of section 6 of the Act of September 22, 1961 (Public Law 87–276, 20 U.S.C. 676) is amended by inserting immediately before the period at the end thereof the following: ", and $1,500,000 for the fiscal year ending June 30, 1964". 75 Stat. 576.

(2) Subsection (b) of such section 6 is amended by striking out "1963" and inserting in lieu thereof "1964".

RESEARCH AND DEMONSTRATION PROJECTS IN EDUCATION OF HANDICAPPED CHILDREN

SEC. 302. (a) There is authorized to be appropriated for the fiscal year ending June 30, 1964, and each of the next two fiscal years, the sum of $2,000,000 to enable the Commissioner of Education to make grants to States, State or local educational agencies, public and nonprofit private institutions of higher learning, and other public or nonprofit private educational or research agencies and organizations for research or demonstration projects relating to education for mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education (hereinafter in this section referred to as "handicapped children"). Such grants shall be made in installments, in advance or by way of reimbursement, and on such conditions as the Commissioner of Education may determine.

(b) The Commissioner of Education is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy relating to particular fields of education of handicapped children or relating to special services necessary thereto or special problems involved therein.

(c) The Commissioner of Education shall also from time to time appoint panels of experts who are competent to evaluate various types of research or demonstration projects under this section, and shall secure the advice and recommendations of such a panel before making any such grant in the field in which such experts are competent.

(d) Members of any committee or panel appointed under this section who are not regular full-time employees of the United States shall, while serving on the business of such committee or panel, be entitled to receive compensation at rates fixed by the Secretary of Health, Education, and Welfare, but not exceeding $75 per day, including travel time; and, while so serving away from their homes or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently. 60 Stat. 808.

(e) The Commissioner of Education is authorized to delegate any of his functions under this section, except the promulgation of regulations, to any officer or employee of the Office of Education.

TITLE IV—GENERAL

DEFINITIONS

SEC. 401. For purposes of this Act—

(a) The term "State" includes Puerto Rico, Guam, American Samoa, the Virgin Islands, and the District of Columbia.

(b) The term "facility for the mentally retarded" means a facility specially designed for the diagnosis, treatment, education, training, or custodial care of the mentally retarded, including facilities for training specialists and sheltered workshops for the mentally retarded, but only if such workshops are part of facilities which provide or will provide comprehensive services for the mentally retarded.

(c) The term "community mental health center" means a facility providing services for the prevention or diagnosis of mental illness, or care and treatment of mentally ill patients, or rehabilitation of such persons, which services are provided principally for persons residing in a particular community or communities in or near which the facility is situated.

(d) The terms "nonprofit facility for the mentally retarded", "nonprofit community mental health center", and "nonprofit private institution of higher learning" mean, respectively, a facility for the mentally retarded, a community mental health center, and an institution of higher learning which is owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term "nonprofit private agency or organization" means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations.

(e) The term "construction" includes construction of new buildings, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical transportation facilities); including architect's fees, but excluding the cost of off-site improvements and the cost of the acquisition of land.

(f) The term "cost of construction" means the amount found by the Secretary to be necessary for the construction of a project.

(g) The term "title", when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project.

(h) The term "Federal share" with respect to any project means—

(1) if the State plan under which application for such project is filed contains, as of the date of approval of the project application, standards approved by the Secretary pursuant to section 402 the amount determined in accordance with such standards by the State agency designated under such plan; or

(2) if the State plan does not contain such standards, the amount (not less than 33⅓ per centum and not more than either 66⅔ per centum or the State's Federal percentage, whichever is the lower) established by such State agency for all projects in the State: *Provided*, That prior to the approval of the first such project in the State during any fiscal year such State agency shall give to the Secretary written notification of the Federal share established under this paragraph for such projects in such State to be approved by the Secretary during such fiscal year, and the Federal share for such projects in such State approved during such fiscal year shall not be changed after such approval.

(i) The Federal percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that the Federal percentage for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66⅔ per centum.

(j) (1) The Federal percentages shall be promulgated by the Secretary between July 1 and August 31 of each even-numbered year, on the basis of the average of the per capita incomes of the States and of the United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation; except that the Secretary shall promulgate such percentages as soon as possible after the enactment of this Act, which promulgation shall be conclusive for the fiscal year ending June 30, 1965.

(2) The term "United States" means (but only for purposes of this subsection and subsection (i)) the fifty States and the District of Columbia.

(k) The term "Secretary" means the Secretary of Health, Education, and Welfare.

STATE STANDARDS FOR VARIABLE FEDERAL SHARE

SEC. 402. The State plan approved under part C of title I or title II may include standards for determination of the Federal share of the cost of projects approved in the State under such part or title, as the case may be. Such standards shall provide equitably (and, to the extent practicable, on the basis of objective criteria) for variations between projects or classes of projects on the basis of the economic status of areas and other relevant factors. No such standards shall provide for a Federal share of more than 66⅔ per centum or less than 33⅓ per centum of the cost of construction of any project. The Secretary shall approve any such standards and any modifications thereof which comply with the provisions of this section.

PAYMENTS FOR CONSTRUCTION

SEC. 403. (a) Upon certification to the Secretary by the State agency, designated as provided in section 134 in the case of a facility for the mentally retarded, or section 204 in the case of a community mental health center, based upon inspection by it, that work has been performed upon a project, or purchases have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (2) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to section 136 or section 206, as the case may be, payment may, after he has given the State agency so designated notice of opportunity for hearing pursuant to such section, be withheld, in whole or in part, pending corrective action or action based on such hearing, and (3) the total of payments under this subsection with respect to such project may not exceed an amount equal to the Federal share of the cost of construction of such project.

(b) In case an amendment to an approved application is approved as provided in section 135 or 205 or the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

JUDICIAL REVIEW

SEC. 404. If the Secretary refuses to approve any application for a project submitted under section 135 or 205, the State agency through which such application was submitted, or if any State is dissatisfied with his action under section 134(b) or 204(b) or section 136 or 206, such State, may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

72 Stat. 941.

62 Stat. 928.

RECOVERY

SEC. 405. If any facility or center with respect to which funds have been paid under section 403 shall, at any time within twenty years after the completion of construction—

(1) be sold or transferred to any person, agency, or organization (A) which is not qualified to file an application under section 135 or 205, or (B) which is not approved as a transferee by the State agency designated pursuant to section 134 (in the case of a facility for the mentally retarded) or section 204 (in case of a community mental health center), or its successor; or

(2) cease to be a public or other nonprofit facility for the mentally retarded or community mental health center, as the case may be, unless the Secretary determines, in accordance with regulations, that there is good cause for releasing the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for the mentally retarded or such center as a community mental health center,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility or center which has ceased to be public or other nonprofit facility for the mentally

retarded or community mental health center, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the center is situated) of so much of such facility or center as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility or center prior to judgment.

STATE CONTROL OF OPERATIONS

SEC. 406. Except as otherwise specifically provided, nothing in this Act shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility for the mentally retarded or community mental health center with respect to which any funds have been or may be expended under this Act.

CONFORMING AMENDMENT

SEC. 407. (a) The first sentence of section 633(b) of the Public Health Service Act is amended by striking out "eight" and inserting in lieu thereof "twelve". The second sentence thereof is amended to read: "Six of the twelve appointed members shall be persons who are outstanding in fields pertaining to medical facility and health activities, and three of these six shall be authorities in matters relating to the operation of hospitals or other medical facilities, one of them shall be an authority in matters relating to the mentally retarded and one of them shall be an authority in matters relating to mental health, and the other six members shall be appointed to represent the consumers of services provided by such facilities and shall be persons familiar with the need for such services in urban or rural areas."

60 Stat. 1048. 42 USC 291k.

(b) The terms of office of the additional members of the Federal Hospital Council authorized by the amendment made by subsection (a) who first take office after enactment of this Act shall expire, as designated by the Secretary at the time of appointment, one at the end of the first year, one at the end of the second year, one at the end of the third year, and one at the end of the fourth year after the date of appointment.

Approved October 31, 1963, 10:07 a.m.

Public Law 88-165

AN ACT

November 4, 1963
[S. 1064]

To amend the Act redefining the units and establishing the standards of electrical and photometric measurements to provide that the candela shall be the unit of luminous intensity.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to redefine the units and establish the standards of electrical and photometric measurements" (Act of July 21, 1950; 64 Stat. 370) is amended by deleting the word "candle" wherever it appears and inserting in lieu thereof the word "candela".

15 USC 223.

Approved November 4, 1963.

Public Law 88-166

November 4, 1963
[H. R. 844]

AN ACT

To declare that certain land of the United States is held by the United States in trust for the Oglala Sioux Indian Tribe of the Pine Ridge Reservation.

Indians.
Oglala Sioux Tribe.
Land in trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to approximately 5,422.68 acres of land in South Dakota that have been used for the benefit of the Oglala Community School and have been determined excess to the needs of the Bureau of Indian Affairs, together with the improvements thereon, are hereby declared to be held by the United States in trust for the Oglala Sioux Indian Tribe of the Pine Ridge Reservation. Such land is described as follows:

(a) 1,040 acres; northeast quarter section 15; west half section 16; south half and the northeast quarter and the south half northwest quarter section 17, township 35 north, range 43 west, sixth principal meridian.

(b) 180.47 acres; lots 1, 2, 3, and 4, section 20, and lot 4, section 21, township 35 north, range 43 west, sixth principal meridian.

(c) 80 acres; south half northeast quarter section 15, township 35 north, range 44 west, sixth principal meridian.

(d) 36.32 acres; lot 3, section 21, township 35 north, range 43 west, sixth principal meridian.

(e) 602.57 acres; lots 1, 2, 3, and 4, east half west half, southeast quarter section 18; lots 1, 2, 3, and 4, section 19, township 35 north, range 43 west, sixth principal meridian.

(f) 683.81 acres; south half, northeast quarter section 13; lots 1 and 2, section 23; lots 1, 2, 3, and 4, section 24, township 35 north, range 44 west, sixth principal meridian.

(g) 960 acres; all section 8; southwest quarter section 9, north half northwest quarter section 17, east half northeast quarter section 18, township 35 north, range 43 west, sixth principal meridian.

(h) 266.79 acres; southwest quarter northwest quarter, west half southwest quarter section 14, east half southeast quarter, section 15; lot 1 section 22; lot 4 section 23, township 35 north, range 44 west, sixth principal meridian.

(i) 760 acres; east half section 10; west half section 11; northwest quarter northwest quarter section 14; north half northeast quarter section 15, township 35 north, range 44 west, sixth principal meridian.

(j) 153.62 acres; east half southwest quarter, southeast quarter northwest quarter section 14, lot 3, section 23, township 35 north, range 44 west, sixth principal meridian.

(k) 160 acres; southeast quarter section 14, township 35 north, range 44 west, sixth principal meridian.

(l) 339.10 acres; east half northwest, east half southwest, west half southeast, section 15, lots 2, 3, and 4, section 22, township 35 north, range 44 west, sixth principal meridian.

(m) 160 acres; southwest quarter, section 17, township 35 north, range 41 west, sixth principal meridian.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

25 USC 70a.

Approved November 4, 1963.

Public Law 88-167

AN ACT

November 4, 1963
[H. R. 2635]

To amend the Act of August 9, 1955, for the purpose of including the Fort Mojave Indian Reservation among reservations excepted from the twenty-five year lease limitations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby further amended by inserting the words "the Fort Mojave Reservation," after the words "the Southern Ute Reservation,". 73 Stat. 597.

Approved November 4, 1963.

Public Law 88-168

AN ACT

November 4, 1963
[H. R. 3306]

To establish a revolving fund from which the Secretary of the Interior may make loans to finance the procurement of expert assistance by Indian tribes in cases before the Indian Claims Commission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated the sum of $900,000 for the establishment of a revolving fund from which the Secretary of the Interior may make loans to Indian tribes and bands and to other identifiable groups of American Indians residing within the territorial limits of the United States for use by them in obtaining expert assistance, other than the assistance of counsel, for the preparation and trial of claims pending before the Indian Claims Commission. Indians. Revolving fund, establishment.

SEC. 2. No loan shall be made under this Act to a tribe, band, or group if it has funds available on deposit in the Federal Treasury or elsewhere in an amount adequate to obtain the expert assistance it needs or if, in the opinion of the Secretary, the fees to be paid the experts are unreasonable in light of the services to be performed by them.

SEC. 3. Every loan made under this Act shall be reported to the Committees on Interior and Insular Affairs of the Senate and House of Representatives within fifteen days of the time it is made. Report to congressional committees.

SEC. 4. Any loan made under this Act shall bear interest and shall, together with such interest, be repayable out of the proceeds of any judgment recovered by the tribe, band, or group on its claim against the United States. If no judgment is recovered or if the amount of the judgment recovered is inadequate to repay the loan and interest thereon, the unpaid amount may be declared nonrepayable by the Secretary.

SEC. 5. Repayments of loans made under this Act and of interest thereon shall be credited to the revolving fund established under the first section of this Act.

SEC. 6. No liability shall attach to the United States because of a failure to make a loan in the amount requested.

SEC. 7. After the date of the approval of this Act, the Secretary of the Interior shall approve no contract which makes the compensation payable to a witness before the Indian Claims Commission contingent upon the recovery of a judgment against the United States.

Approved November 4, 1963.

Public Law 88-169

November 4, 1963
[H. R. 845]

AN ACT

To declare that certain land of the United States is held by the United States in trust for the Oglala Sioux Indian Tribe of the Pine Ridge Reservation.

Indians.
Oglala Sioux Tribe.
Lands in trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the land described herein and heretofore used as a site for the Wakpamni Lake Day School on the Pine Ridge Reservation in South Dakota which has been determined excess to the needs of the Bureau of Indian Affairs, together with the improvements thereon, are hereby declared to be held by the United States in trust for the Oglala Sioux Indian Tribe of the Pine Ridge Reservation. The land is described as the east half northeast quarter northeast quarter, section 9 and the west half northwest quarter northwest quarter, section 10, township 35 north, range 41 west, sixth principal meridian, South Dakota.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

25 USC 70a.

Approved November 4, 1963.

Public Law 88-170

November 4, 1963
[H. R. 6225]

AN ACT

To provide for the rehabilitation of Guam, and for other purposes.

Guam.
Rehabilitation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the purpose of this Act is to provide for rehabilitation in connection with the damage caused in Guam by Typhoon Karen on November 11, 1962; to provide for the construction of necessary public works, including the acquisition of real property; to develop and stimulate trade and industry; and to provide facilities for community life through a program of useful public works and community development.

Appropriation authorization.

SEC. 2. There is authorized to be appropriated to the Secretary of the Interior not to exceed $45,000,000 to carry out the purposes of this Act, to be paid to the Government of Guam in such sums as may be requested by the Governor of Guam with the concurrence of the territorial legislature and approved by the Secretary of the Interior, and such moneys as may be appropriated shall be available until expended. No payment shall be made unless it is requested prior to June 30, 1973. Funds appropriated pursuant to this Act and paid to the Government of Guam shall be available for administrative expenses necessary to carry out the purposes of this Act, including the employment of consultants, such as engineers, architects and other technical experts, personal services and rental in Guam and elsewhere, supplies and equipment, travel expenses, transfer of household goods and effects, purchase, repair, operation, and maintenance of vehicles, and such other expenses as may be necessary for carrying out the foregoing purposes. Funds appropriated pursuant to this Act shall also be available for use by the Government of Guam to permit Guam to qualify for participation in Federal programs.

SEC. 3. The Secretary of the Treasury shall withhold from sums

collected pursuant to section 30 of the Organic Act of Guam (48 U.S.C. 1421h), before such sums are transferred to the Government of Guam, such amounts as the Secretary of the Interior estimates will reimburse the United States, with interest as set forth below, over a period of thirty years beginning June 30, 1968, for 64 Stat. 392.

(a) 100 per centum of such moneys as are paid under section 2 hereof for water projects, power projects, or telephone projects;

(b) 100 per centum of such moneys as are paid under section 2 hereof for use by the Government of Guam to permit Guam to qualify for participation in Federal programs; and

(c) 50 per centum of all other moneys as are paid under section 2 hereof.

The foregoing amounts, until reimbursed to the United States, shall bear interest beginning July 1, 1968, at a rate determined by the Secretary of the Treasury, which rate shall be determined by the Secretary of the Treasury, taking into consideration the average yield on outstanding marketable obligations of the United States of comparable maturities as of the last day of the month preceding the advance, adjusted to the nearest one-eighth of 1 per centum. All sums so withheld shall be deposited in the Treasury of the United States as miscellaneous receipts.

SEC. 4. The Government of Guam in carrying out the purpose of this Act may utilize, to the extent practicable, the available services and facilities of agencies and instrumentalities of the Federal Government upon a reimbursable basis. Reimbursements may be credited to the appropriation or fund which provided the services and facilities or the appropriation or fund currently available for providing such services or facilities. Agencies and instrumentalities of the Federal Government shall make available to the Government of Guam upon request of the Secretary of the Interior such services and facilities as they are equipped to render or furnish, and they may do so without reimbursement if otherwise authorized by law.

SEC. 5. No portion of the sums to be repaid by the Government of Guam to the Treasury, as provided for in section 3 hereof, shall be considered to be public indebtedness of Guam within the meaning of section 11 of the Organic Act of Guam (48 U.S.C. 1423a). 64 Stat. 387.

SEC. 6. The Secretary of the Interior and the Governor of Guam, with the assistance of such departments and agencies of the Federal Government and the Government of Guam as the President and the Governor, respectively, may designate, shall prepare a long-range economic development plan for Guam. Of the moneys authorized to be appropriated by section 2 of this Act, not more than $200,000 shall be available to agencies of the Department of the Interior to carry out the purposes of this section. Other Federal departments and agencies designated by the President to furnish such assistance may do so without reimbursement or transfer of funds. An interim report of the Secretary and the Governor on progress toward formulation of such plan shall be presented to the President and the Congress on or before September 1, 1964, or nine months from the date on which appropriations to carry out this Act first become available, whichever occurs later, and the final report on the plan shall be presented on or before July 1, 1965, or eighteen months from the date on which appropriations to carry out this Act first become available, whichever occurs later. Report to President and Congress.

Approved November 4, 1963.

Public Law 88-171

November 4, 1963
[H. R. 6481]

AN ACT

To permit the government of Guam to authorize a public authority to undertake urban renewal and housing activities.

Guam.
Urban renewal and housing activities.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Legislature of Guam may by law grant to a public corporate authority, existing or to be created by or under such law, powers to undertake urban renewal and housing activities in Guam. Such legislature may by law provide for the appointment, terms of office, or removal of the members of such authority and for the powers of such authority, including authority to accept whatever benefits the Federal Government may make available, and to do all things, to exercise any and all powers, and to assume and fulfill any and all obligations, duties, responsibilities, and requirements, including but not limited to those relating to planning or zoning, necessary or desirable for receiving such Federal assistance, except that such authority shall not be given any power of taxation, nor any power to pledge the faith and credit of the territory of Guam for any loan whatever.

64 Stat. 384.
48 USC 1421 note.

SEC. 2. The Legislature of Guam may by law authorize such authority, any provision of the Organic Act of Guam, or any other Act of Congress to the contrary notwithstanding, to borrow money and to issue notes, bonds, and other obligations of such character and maturity, with such security, and in such manner as the legislature may provide. Such notes, bonds, and other obligations shall not be a debt of the United States, or of Guam other than such authority, nor constitute a debt, indebtedness, or the borrowing of money within the meaning of any limitation or restriction on the issuance of notes, bonds, or other obligations contained in any laws of the United States applicable to Guam or to any agency thereof.

SEC. 3. The Legislature of Guam may by law assist such authority by furnishing, or authorizing the furnishing of, cash donations, loans, conveyances of real and personal property, facilities, and services, and otherwise, and may by law take other action in aid of urban renewal or housing or related activities.

SEC. 4. Each and every part of Public Law 6–135, approved December 18, 1962, heretofore enacted by the Legislature of Guam dealing with any part of the subject matter of this Act and not inconsistent herewith is ratified and confirmed.

SEC. 5. Powers granted herein shall be in addition to, and not in derogation of, any powers granted by other law to, or for the benefit or assistance of, any public corporate authority.

Approved November 4, 1963.

Public Law 88-172

November 7, 1963
[S. 1523]

AN ACT

To make certain changes in the functions of the Beach Erosion Board and the Board of Engineers for Rivers and Harbors, and for other purposes.

Beach Erosion Board.
Change in functions.
74 Stat. 484.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Board established by section 2 of the River and Harbor Act approved July 3, 1930, as amended (33 U.S.C. 426), referred to as the Beach Erosion Board, is hereby abolished. There shall be established under the Chief of Engineers, United States Army, a Coastal Engineering

Research Center which, except as hereinafter provided in section 3 hereof, shall be vested with all the functions of the Beach Erosion Board, including the authority to make general investigations as provided in section 1 of the Act approved July 31, 1945 (59 Stat. 508), and such additional functions as the Chief of Engineers may assign. 33 USC 426a.

SEC. 2. The functions of the Coastal Engineering Research Center established by section 1 of this Act, shall be conducted with the guidance and advice of a Board on Coastal Engineering Research, constituted by the Chief of Engineers in the same manner as the present Beach Erosion Board.

SEC. 3. All functions of the Beach Erosion Board pertaining to review of reports of investigations made concerning erosion of the shores of coastal and lake waters, and the protection of such shores, are hereby transferred to the Board established by section 3 of the River and Harbor Act approved June 13, 1902, as amended (33 U.S.C. 541), referred to as the Board of Engineers for Rivers and Harbors. 32 Stat. 372.

Approved November 7, 1963.

Public Law 88-173

AN ACT

November 7, 1963
[H. R. 8821]

To revise the provisions of law relating to the methods by which amounts made available to the States pursuant to the Temporary Unemployment Compensation Act of 1958 and title XII of the Social Security Act are to be restored to the Treasury.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3302(c)(2)(A) of the Internal Revenue Code of 1954 is amended to read as follows:

Unemployment compensation payments. Restoration. 68A Stat. 439. 26 USC 3302.

"(A) in the case of a taxable year beginning on January 1, 1963 (and in the case of any succeeding taxable year beginning before January 1, 1968), as of the beginning of which there is a balance of such advances, by 5 percent of the tax imposed by section 3301 with respect to the wages paid by such taxpayer during such taxable year which are attributable to such State; and".

(b) Section 3302(c)(2)(B) of such Code is amended by striking out "beginning with a consecutive January 1" and inserting in lieu thereof "beginning on or after January 1, 1968,".

(c) Section 3302(c)(2) of such Code is amended by adding after subparagraph (B) the following:

"At the request (made before November 1 of the taxable year) of the Governor of any State, the Secretary of Labor shall, as soon as practicable after June 30 or (if later) the date of the receipt of such request, certify to such Governor and to the Secretary of the Treasury the amount he estimates equals .15 percent (plus an additional .15 percent for each additional 5-percent reduction, provided by subparagraph (B)) of the total of the remuneration which would have been subject to contributions under the State unemployment compensation law with respect to the calendar year preceding such certification if the dollar limit on remuneration subject to contributions under such law were equal to the dollar limit under section 3306(b)(1) for such calendar year. If, after receiving such certification and before November 10 of the taxable year, the State pays into the Federal unemployment account the amount so certified (and designates such payment as being made for purposes of this sentence), the

reduction provided by the first sentence of this paragraph shall not apply for such taxable year."

Effective date.

(d) The amendments made by subsections (a), (b), and (c) of this section shall apply only with respect to taxable years beginning on or after January 1, 1963.

SEC. 2. Section 104 of the Temporary Unemployment Compensation Act of 1958, as amended (42 U.S.C. 1400c), is amended to read as follows:

72 Stat. 173; 74 Stat. 982.

"SEC. 104. The total credits allowed under section 3302(c) of the Federal Unemployment Tax Act (26 U.S.C. 3302(c)) to taxpayers with respect to wages attributable to a State shall be reduced—

"(1) for the taxable year beginning on January 1, 1963, by 5 percent of the tax imposed by section 3301 of the Federal Unemployment Tax Act, and

Ante, p. 51.
26 USC 3301.

"(2) for any succeeding taxable year, by 10 percent of the tax imposed by said section 3301,

unless and until the Secretary of the Treasury finds that before November 10 of the taxable year there have been restored to the Treasury the amounts of temporary unemployment compensation paid in the State under this Act (except amounts paid to individuals who exhausted their unemployment compensation under title XV of the Social Security Act and title IV of the Veterans' Readjustment Assistance Act of 1952 prior to their making their first claims under this Act), the amount of costs incurred in the administration of this Act with respect to the State, and the amount estimated by the Secretary of Labor as the State's proportionate share of other costs incurred in the administration of this Act. In applying clauses (1) and (2) of the preceding sentence, the tax imposed by section 3301 of the Federal Unemployment Tax Act shall be computed at the rate of 3 percent in lieu of the rate provided by such section. At the request (made before November 1 of the taxable year) of the Governor of any State, the Secretary of Labor shall, as soon as practicable after June 30 or (if later) the date of the receipt of such request, certify to such Governor and to the Secretary of the Treasury the amount he estimates for the taxable year beginning on January 1, 1963, equals .15 percent (and for any succeeding taxable year equals .3 percent) of the total of the remuneration which would have been subject to contributions under the State unemployment compensation law with respect to the calendar year preceding such certification if the dollar limit on remuneration subject to contributions under such law were equal to the dollar limit under section 3306(b)(1) of the Federal Unemployment Tax Act for such calendar year. If, after receiving such certification and before November 10 of the taxable year, the State restores to the general fund of the Treasury the amount so certified (and designates such restoration as being made for purposes of this sentence), the reduction provided by the first sentence of this section shall not apply for such taxable year."

68 Stat. 1130.
42 USC 1361-1371.
66 Stat. 684; 72 Stat. 1217.
38 USC 2001 note.
26 USC 3301.
68A Stat. 447.
26 USC 3306.

Approved November 7, 1963.

Public Law 88-174

AN ACT

November 7, 1963
[H. R. 6500]

To authorize certain construction at military installations, and for other purposes.

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

Military Construction Authorization Act, 1964.

TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects:

Army.

INSIDE THE UNITED STATES

CONTINENTAL ARMY COMMAND

(First Army)

Fort Devens, Massachusetts: Maintenance facilities, medical facilities, troop housing and community facilities, $1,091,000.

Fort Dix, New Jersey: Operational facilities, maintenance facilities, medical facilities, administrative facilities, troop housing and community facilities, and utilities, $19,362,000.

Fort Jay, New York: Utilities, $131,000.

(Second Army)

Fort Belvoir, Virginia: Training facilities, $1,083,000.

Fort Eustis, Virginia: Maintenance facilities, and utilities, $297,000.

Fort Knox, Kentucky: Operational facilities, maintenance facilities, medical facilities, administrative facilities, and utilities, $1,256,000.

Fort George G. Meade, Maryland: Operational facilities, and utilities, $237,000.

Fort Monroe, Virginia: Operational facilities, and utilities, $315,000.

Fort Ritchie, Maryland: Utilities, $267,000.

Fort Story, Virginia: Maintenance facilities, $890,000.

(Third Army)

Fort Benning, Georgia: Maintenance facilities, medical facilities, community facilities, and utilities, $3,665,000.

Fort Bragg, North Carolina: Training facilities, maintenance facilities, supply facilities, medical facilities, troop housing, and utilities, $15,886,000.

Fort Campbell, Kentucky: Operational facilities, maintenance facilities, supply facilities, medical facilities, and administrative facilities, $1,621,000.

Fort Gordon, Georgia: Training facilities, $6,700,000.

Fort Jackson, South Carolina: Maintenance facilities, medical facilities, administrative facilities, troop housing and community facilities, and utilities, $9,026,000.

Fort McPherson, Georgia: Troop housing, $166,000.

Fort Rucker, Alabama: Training facilities, maintenance facilities, hospital and medical facilities, and troop housing, $5,823,000.

Fort Stewart, Georgia: Maintenance facilities, and utilities, $430,000.

(Fourth Army)

Fort Hood, Texas: Operational facilities, maintenance facilities, supply facilities, troop housing, and utilities, $7,018,000.
Fort Sam Houston, Texas: Troop housing, and utilities, $216,000.
Camp Wolters, Texas: Operational facilities, $257,000.

(Fifth Army)

Fort Carson, Colorado: Operational and training facilities, maintenance facilities, supply facilities, community facilities, and utilities, $7,355,000.
Detroit Defense Area, Michigan: Maintenance facilities, and supply facilities, $654,000.
Fort Benjamin Harrison, Indiana: Training facilities, troop housing, and utilities, $1,822,000.
Fort Leavenworth, Kansas: Medical facilities, administrative facilities, troop housing and community facilities, and utilities, $2,493,000.
Fort Riley, Kansas: Troop housing and community facilities, $861,000.
Fort Leonard Wood, Missouri: Training facilities, maintenance facilities, medical facilities, troop housing and community facilities, $8,163,000.

(Sixth Army)

Fort Irwin, California: Training facilities, troop housing and community facilities, $1,715,000.
Fort Lewis, Washington: Utilities, $610,000.
Presidio of Monterey, California: Training facilities, $979,000.
Fort Ord, California: Operational facilities, and community facilities, $1,295,000.
Presidio of San Francisco, California: Supply facilities, $278,000.

(Military District of Washington, District of Columbia)

Cameron Station, Virginia: Supply facilities, $250,000.
Fort Myer, Virginia: Operational facilities, maintenance facilites, and troop housing, $4,000,000.

UNITED STATES ARMY MATERIEL COMMAND

(United States Army Materiel Command, Headquarters)

Natick Laboratories, Massachusetts: Research, development and test facilities, $3,408,000.

(United States Army Missile Command)

Redstone Arsenal, Alabama: Research, development and test facilities, and utilities, $4,211,000.

(United States Army Munitions Command)

Army Chemical Center, Maryland: Research, development and test facilities, $410,000.
Fort Detrick, Maryland: Utilities, $89,000.

(United States Army Supply and Maintenance Command)

Atlanta Army Depot, Georgia: Administrative facilities, $49,000.
Aeronautical Maintenance Center, Texas: Maintenance facilities, $1,754,000.
Oakland Army Terminal, California: Medical facilities, $532,000.
Pueblo Army Depot, Colorado: Utilities, $1,204,000.
Sharpe Army Depot, California: Maintenance facilities, and utilities, $152,000.
Utah Army Depot, Utah: Utilities, $88,000.

(United States Army Test and Evaluation Command)

Aberdeen Proving Ground, Maryland: Research, development and test facilities, troop housing and community facilities, $4,065,000.
Dugway Proving Ground, Utah: Operational facilities, research, development and test facilities, $1,017,000.
Fort Huachuca, Arizona: Operational facilities, and utilities, $849,000.
White Sands Missile Range, New Mexico: Research, development and test facilities, and utilities, $1,248,000.
Yuma Test Station, Arizona: Community facilities, $373,000.

SIGNAL CORPS

East Coast Radio Transmitter Station, Woodbridge, Virginia: Utilities, $88,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York: Training facilities, and utilities, $2,291,000.

ARMY SECURITY AGENCY

Two Rock Ranch Station, California: Operational facilities, and utilities, $222,000.
Vint Hills Farms, Virginia: Operational facilities, and medical facilities, $1,306,000.

ARMY COMPONENT COMMANDS

(United States Army Air Defense Command)

Various locations: Operational facilities, maintenance facilities, troop housing, and utilities, $22,560,000.

(Alaska Command Area)

Fort Richardson, Alaska: Maintenance facilities, $1,711,000.

(Pacific Command Area)

Hawaii Defense Area, Hawaii: Operational facilities, $150,000.
Schofield Barracks, Hawaii: Maintenance facilities, and utilities, $913,000.
Fort Shafter, Hawaii: Utilities, $74,000.

OUTSIDE THE UNITED STATES

ARMY MATERIEL COMMAND

Various locations: Research, development and test facilities, $740,000.

ARMY SECURITY AGENCY

Various locations: Operational facilities, supply facilities, administrative facilities, troop housing and community facilities, and utilities, $5,798,000.

ARMY COMPONENT COMMANDS

(Pacific Command Area)

Japan: Utilities, $461,000.

Okinawa: Operational facilities, supply facilities, troop housing, and utilities, $2,554,000.

(European Command Area)

France: Operational facilities, and supply facilities, $3,666,000.

Germany: Operational facilities, maintenance facilities, supply facilities, troop housing, and utilities, $9,485,000.

(Caribbean Command Area)

Fort Buchanan, Puerto Rico: Real estate, $111,000.

Fort Clayton, Canal Zone: Community facilities, $442,000.

Classified installations and facilities.

SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $8,900,000.

Construction for unforeseen requirements.

SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $12,500,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1964, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Report to congressional committees.

74 Stat. 168.

SEC. 104. (a) Public Law 86–500, as amended, is amended under heading "INSIDE THE UNITED STATES" in section 101, as follows:

(1) Under the subheading "DEFENSE ATOMIC SUPPORT AGENCY" with respect to National Naval Medical Center, Maryland, strike out "$1,891,000" and insert in place thereof "$2,852,000".

(b) Public Law 86–500, as amended, is amended by striking out in clause (1) of section 502, "$79,499,000" and "$146,429,000" and inserting in place thereof "$80,460,000" and "$147,390,000", respectively. 76 Stat. 226.

SEC. 105. (a) Public Law 87–57 is amended under heading "INSIDE THE UNITED STATES" in section 101, as follows: 75 Stat. 97, 98.

(1) Under the subheading "TECHNICAL SERVICES FACILITIES (Signal Corps)", with respect to Lexington Signal Depot, Kentucky, strike out "$33,000" and insert in place thereof "$56,000".

(2) Under the subheading "ARMY COMPONENT COMMANDS (Pacific Command Area)", with respect to various locations, strike out "$814,000" and insert in place thereof "$1,156,000".

(b) Public Law 87–57 is amended by striking out in clause (1) of section 602, "$76,918,000" and "$130,406,000" and inserting in place thereof "$77,283,000" and "$130,771,000". 75 Stat. 109.

SEC. 106. (a) Public Law 87–554 is amended in section 101 as follows: 76 Stat. 224.

(1) Under the heading "INSIDE THE UNITED STATES", and under the subheading "CONTINENTAL ARMY COMMAND (Sixth Army)", with respect to "Hunter-Liggett Military Reservation, California" strike out "$159,000" and insert in place thereof "$232,000".

(2) Under the heading "OUTSIDE THE UNITED STATES", and under the subheading "ARMY SECURITY AGENCY", with respect to "Various locations", strike out "$4,684,000" and insert in place thereof "$6,494,000".

(b) Public Law 87–554 is amended by striking out in clause (1) of section 602, "$101,743,000", "$29,699,000" and "$148,442,000" and inserting in place thereof "$101,816,000", "$31,509,000" and "$150,325,000", respectively. 76 Stat. 240.

TITLE II

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment for the following projects: Navy.

INSIDE THE UNITED STATES

BUREAU OF SHIPS FACILITIES

(Naval Shipyards)

Naval Shipyard, Boston, Massachusetts: Operational facilities, and utilities, $169,000.

Naval Shipyard, Bremerton, Washington: Maintenance facilities, $1,902,000.

Naval Shipyard, Charleston, South Carolina: Operational facilities, maintenance facilities, supply facilities, and medical facilities, $3,171,000.

Naval Shipyard, Mare Island, California: Utilities, $850,000.

Naval Shipyard, New York, New York: Administrative facilities, $200,000.

Naval Shipyard, Norfolk, Virginia: Maintenance facilities, $5,382,000.

Naval Shipyard, Pearl Harbor, Oahu, Hawaii: Operational facilities, maintenance facilities, and research, development and test facilities, $2,921,000.

Naval Shipyard, Philadelphia, Pennsylvania: Operational facilities, $90,000.

Naval Shipyard, Portsmouth, New Hampshire: Maintenance facilities, $574,000.

Naval Repair Facility, San Diego, California: Maintenance facilities, $522,000.

Naval Shipyard, San Francisco, California: Research, development and test facilities, and utilities, $274,000.

(Fleet Support Stations)

Naval Facility, Cape Hatteras, North Carolina: Community facilities, $62,000.

Naval Submarine Base, New London, Connecticut: Administrative facilities, and utilities, $823,000.

Headquarters, Commander-in-Chief, Atlantic Fleet, Norfolk, Virginia: Troop housing, $625,000.

Fleet Training Group, Naval Station Annex, Pearl Harbor, Oahu, Hawaii: Training facilities, $194,000.

(Research, Development, Test and Evaluation Stations)

Navy Underwater Sound Laboratory, New London, Connecticut: Operational facilities, $1,770,000.

FLEET BASE FACILITIES

Naval Station, Charleston, South Carolina: Troop housing, and utilities and ground improvements, $754,000.

Naval Command Systems Support Activity, District of Columbia: Administrative facilities, $986,000.

Naval Station, Key West, Florida: Utilities, $226,000.

Naval Station, Long Beach, California: Operational facilities, $94,000.

Naval Station, Norfolk, Virginia: Operational facilities, $2,355,000.

Naval Station, San Diego, California: Operational facilities, $786,000.

NAVAL WEAPONS FACILITIES

(Naval Air Training Stations)

Naval Air Station, Corpus Christi, Texas: Operational and training facilities, and troop housing, $208,000.

Naval Air Station, Glynco, Georgia: Community facilities, $310,000.

Naval Air Station, Memphis, Tennessee: Operational facilities, $289,000.

Naval Air Station, Pensacola, Florida: Utilities, $73,000.

Naval Auxiliary Air Station, Whiting Field, Florida: Operational facilities, and utilities, $251,000.

(Field Support Stations)

Naval Station, Adak, Alaska: Maintenance facilities, and troop housing, $4,765,000.

Naval Air Station, Alameda, California: Operational facilities, $477,000.

Naval Air Station, Barbers Point, Oahu, Hawaii: Operational facilities, $94,000.

Naval Air Station, Brunswick, Maine: Operational facilities, and maintenance facilities, $1,075,000.

Naval Air Station, Cecil Field, Florida: Operational facilities, $150,000.

Naval Auxiliary Air Station, Fallon, Nevada: Operational facilities, $780,000.

Naval Air Station, Jacksonville, Florida: Operational facilities, and maintenance facilities, $884,000.

Naval Air Station, Key West, Florida: Operational and training facilities, maintenance facilities, troop housing, utilities, and real estate, $8,031,000.

Naval Air Station, Miramar, California: Maintenance facilities, $2,400,000.

Naval Air Station, Norfolk, Virginia: Operational facilities, and maintenance facilities, $3,242,000.

Naval Air Station, North Island, California: Operational facilities, and maintenance facilities, $2,358,000.

Naval Air Station, Oceana, Virginia: Operational facilities, and maintenance facilities, $657,000.

Naval Air Station, Quonset Point, Rhode Island: Operational facilities, and utilities, $834,000.

Naval Auxiliary Landing Field, San Clemente Island, California: Operational facilities, maintenance facilities, troop housing, and utilities, $1,092,000.

Naval Air Station, Sanford, Florida: Operational facilities, and maintenance facilities, $1,138,000.

Naval Air Station, Whidbey Island, Washington: Operational facilities, $80,000.

(Marine Corps Air Stations)

Marine Corps Air Station, Beaufort, South Carolina: Maintenance facilities, and community facilities, $538,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California: Operational and training facilities, and maintenance facilities, $740,000.

Marine Corps Air Station, Cherry Point, North Carolina: Operational facilities, maintenance facilities, administrative facilities, and utilities, $1,400,000.

Marine Corps Air Station, El Toro, California: Operational facilities, and maintenance facilities, $2,042,000.

Marine Corps Air Station, Kaneohe Bay, Oahu, Hawaii: Maintenance facilities, $621,000.

Marine Corps Air Facility, New River, North Carolina: Operational facilities, maintenance facilities, administrative facilities, and troop housing, $2,034,000.

Marine Corps Air Facility, Santa Ana, California: Training facilities, $276,000.

Marine Corps Air Station, Yuma, Arizona: Supply facilities, $259,000.

(Fleet Readiness Stations)

Naval Ammunition Depot, Charleston, South Carolina: Maintenance facilities, and troop housing and community facilities, $952,000.

Naval Propellant Plant, Indian Head, Maryland: Research, development and test facilities, supply facilities, and real estate, $694,000.

Naval Torpedo Station, Keyport, Washington: Research, development and test facilities, and real estate, $258,000.

Naval Weapons Station, Yorktown, Virginia: Utilities, $932,000.

(Research, Development, Test and Evaluation Stations)

Naval Ordnance Test Station, China Lake, California: Research, development and test facilities, $1,268,000.

Naval Air Development Center, Johnsville, Pennsylvania: Research, development and test facilities, $780,000.

Pacific Missile Range, Point Mugu, California: Operational facilities, and research, development and test facilities; at Point Arguello, research, development and test facilities, and troop housing; and, on San Nicolas Island, research, development and test facilities, $3,869,000.

Naval Ordnance Laboratory, White Oak, Maryland: Research, development and test facilities, $6,173,000.

Naval Ordnance Missile Test Facility, White Sands, New Mexico: Research, development and test facilities, $490,000.

SUPPLY FACILITIES

Fleet Material Support Office, Mechanicsburg, Pennsylvania: Administrative facilities, $352,000.

MARINE CORPS FACILITIES

Marine Corps Base, Camp Lejeune, North Carolina: Training facilities, maintenance facilities, and utilities, $1,892,000.

Marine Corps Schools, Quantico, Virginia: Training facilities, $735,000.

Marine Corps Base, Twenty-nine Palms, California: Community facilities, and utilities, $179,000.

SERVICE SCHOOL FACILITIES

Naval Academy, Annapolis, Maryland: Training facilities, and troop housing, $12,819,000.

Naval Training Center, Bainbridge, Maryland: Utilities, $70,000.

Naval Schools, Mine Warfare, Charleston, South Carolina: Training facilities, $819,000.

Naval Amphibious Base, Coronado, California: Utilities, $163,000.

Fleet Anti-Air Warfare Training Center, Dam Neck, Virginia: Medical facilities, and troop housing, $1,812,000.

Naval Training Center, Great Lakes, Illinois: Training facilities, and utilities, $3,235,000.

Naval War College, Newport, Rhode Island: Training facilities, $65,000.

Fleet Anti-Submarine Warfare School, San Diego, California: Utilities, $175,000.

Naval Training Center, San Diego, California: Troop housing, $79,000.

MEDICAL FACILITIES

Naval Hospital, Long Beach, California: Troop housing, $336,000.

COMMUNICATION FACILITIES

(Communication Stations)

Naval Radio Station, Cutler, Maine: Community facilities, $240,000.

Naval Radio Station, Sugar Grove, West Virginia: Operational facilities, maintenance facilities, troop housing, and utilities, $3,480,000.

(Security Group Stations)

Naval Security Station, District of Columbia: Troop housing, $231,000.

Naval Security Group Activity, Skaggs Island, California: Utilities, $341,000.

Naval Security Group Activity, Winter Harbor, Maine: Troop housing, and utilities, $282,000.

OFFICE OF NAVAL RESEARCH FACILITIES

Naval Research Laboratory, District of Columbia: Research, development and test facilities, administrative facilities, and utilities, $6,730,000.

YARDS AND DOCKS FACILITIES

Navy Public Works Center, Newport, Rhode Island: Utilities, $965,000.

Navy Public Works Center, Norfolk, Virginia: Utilities, $1,658,000.

Navy Public Works Center, Pearl Harbor, Oahu, Hawaii: Utilities, $171,000.

Naval Construction Battalion Center, Port Hueneme, California: Operational facilities, and utilities, $1,490,000.

OUTSIDE THE UNITED STATES

BUREAU OF SHIPS FACILITIES

Naval Station, Subic Bay, Republic of Philippines: Community facilities, $255,000.

NAVAL WEAPONS FACILITIES

Naval Station, Argentia, Newfoundland, Canada: Operational facilities, and community facilities, $1,365,000.

Marine Corps Air Facility, Futema, Okinawa: Training facilities, $202,000.

Marine Corps Air Station, Iwakuni, Japan: Operational and training facilities, $287,000.

Naval Station, Midway Islands: Community facilities, and ground improvements, $581,000.

Naval Air Facility, Naples, Italy: Operational facilities, $310,000.

Naval Station, Sangley Point, Republic of Philippines: Operational facilities, $57,000.

MARINE CORPS FACILITIES

Camp Smedley B. Butler, Okinawa: Operational and training facilities, maintenance facilities, supply facilities, administrative facilities, and troop housing and community facilities, $6,135,000.

COMMUNICATION FACILITIES

Naval Radio Station, Barrigada, Guam, Mariana Islands: Operational facilities, $414,000.

Naval Communication Station, Londonderry, Northern Ireland: Operational facilities, $517,000.

Naval Radio Station, Summit, Canal Zone: Utilities, $65,000.

Naval Radio Station, Totsuka, Japan: Operational facilities, and utilities, $1,116,000.

Classified installations and facilities.

SEC. 202. The Secretary of the Navy may establish or develop classified naval installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $63,095,000.

Construction for unforeseen requirements.

SEC. 203. The Secretary of the Navy may establish or develop naval installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $12,500,000: *Provided*, That the Secretary of the Navy or his designee shall notify the Committees on Armed Services of the Senate and the House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1964, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Report to congressional committees.

75 Stat. 102.

SEC. 204. (a) Public Law 87–57, as amended, is amended in section 201 under the heading "INSIDE THE UNITED STATES" and subheading "COMMUNICATION FACILITIES", with respect to the Naval Radio Station, Cheltenham, Maryland, by striking out "$151,000", and inserting in place thereof, "$238,000".

76 Stat. 231.

(b) Public Law 87–57, as amended, is amended by striking out in clause (2) of section 602, the amounts "$81,558,000" and "$140,663,000", and inserting respectively in place thereof "$81,645,000" and "$140,750,000".

TITLE III

Air Force.

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for the following projects:

INSIDE THE UNITED STATES

AIR DEFENSE COMMAND

Ent Air Force Base, Colorado Springs, Colorado: Operational facilities, and medical facilities, $677,000.

Grand Forks Air Force Base, Grand Forks, North Dakota: Operational facilities and utilities, $1,439,000.

Hamilton Air Force Base, San Rafael, California: Operational facilities, and troop housing, $675,000.

Kincheloe Air Force Base, Sault Sainte Marie, Michigan: Operational facilities, maintenance facilities, and troop housing and community facilities, $808,000.

Kingsley Field, Klamath Falls, Oregon: Operational facilities, maintenance facilities, and medical facilities, $213,000.

McChord Air Force Base, Tacoma, Washington: Operational facilities, maintenance facilities, medical facilities, and community facilities, $1,436,000.

NORAD Headquarters, Colorado Springs, Colorado: Operational facilities, $7,000,000.

Otis Air Force Base, Falmouth, Massachusetts: Utilities, $91,000.

Paine Field, Everett, Washington: Maintenance facilities, $131,000.

Portland International Airport, Portland, Oregon: Operational facilities, maintenance facilities, troop housing and community facilities, and utilities, $1,659,000.

Stewart Air Force Base, Newburgh, New York: Operational facilities, maintenance facilities, and utilities, $212,000.

Suffolk County Air Force Base, Westhampton Beach, New York: Maintenance facilities, and community facilities, $907,000.

Truax Field, Madison, Wisconsin: Maintenance facilities, and community facilities, $447,000.

Tyndall Air Force Base, Panama City, Florida: Operational facilities, and maintenance facilities, $681,000.

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Ogden, Utah: Operational facilities, maintenance facilities, supply facilities, administrative facilities, and troop housing, $2,717,000.

Kelly Air Force Base, San Antonio, Texas: Maintenance facilities, medical facilities, administrative facilities, and troop housing, $4,345,000.

McClellan Air Force Base, Sacramento, California: Operational facilities, maintenance facilities, supply facilities, administrative facilities, and utilities, $2,132,000.

Norton Air Force Base, San Bernardino, California: Maintenance facilities, and utilities, $983,000.

Olmsted Air Force Base, Middletown, Pennsylvania: Operational facilities, and maintenance facilities, $1,247,000.

Robins Air Force Base, Macon, Georgia: Maintenance facilities, administrative facilities, and utilities, $1,240,000.

Tinker Air Force Base, Oklahoma City, Oklahoma: Operational facilities, maintenance facilities, supply facilities, and utilities, $1,025,000.

Wright-Patterson Air Force Base, Dayton, Ohio: Maintenance facilities, research, development and test facilities, administrative facilities, and utilities, $3,993,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee: Research, development and test facilities, supply facilities, and utilities, $4,060,000.

Brooks Air Force Base, San Antonio, Texas: Training facilities, research, development and test facilities, and troop housing and community facilities, $1,155,000.

Edwards Air Force Base, Muroc, California: Research, development and test facilities, $9,660,000.

Eglin Air Force Base, Valparaiso, Florida: Operational facilities, maintenance facilities, research, development and test facilities, supply facilities, hospital facilities, and troop housing, $5,110,000.

Holloman Air Force Base, Alamogordo, New Mexico: Maintenance facilities, research, development and test facilities, $196,000.

Kirtland Air Force Base, Albuquerque, New Mexico: Research, development and test facilities, and troop housing and community facilities, $1,035,000.

Laurence G. Hanscom Field, Bedford, Massachusetts: Troop housing and community facilities, $602,000.

Patrick Air Force Base, Cocoa, Florida: Operational facilities, maintenance facilities, and troop housing, $1,119,000.

Sacramento Peak Upper Air Research Site, Alamogordo, New Mexico: Research, development and test facilities, $2,889,000.

Various Locations, Atlantic Missile Range: Operational facilities, maintenance facilities, research, development and test facilities, troop housing, and utilities, $7,856,000.

AIR TRAINING COMMAND

Amarillo Air Force Base, Amarillo, Texas: Training facilities, and hospital facilities, $3,985,000.

Chanute Air Force Base, Rantoul, Illinois: Training facilities, troop housing, and utilities, $2,573,000.

Craig Air Force Base, Selma, Alabama: Operational facilities, $829,000.

Keesler Air Force Base, Biloxi, Mississippi: Training facilities, hospital facilities, and utilities, $3,319,000.

Lackland Air Force Base, San Antonio, Texas: Medical facilities, and troop housing, $1,394,000.

Laredo Air Force Base, Laredo, Texas: Operational facilities, $275,000.

Laughlin Air Force Base, Del Rio, Texas: Operational facilities, maintenance facilities, and utilities, $909,000.

Lowry Air Force Base, Denver, Colorado: Troop housing, $974,000.

Randolph Air Force Base, San Antonio, Texas: Operational facilities, administrative facilities, and real estate, $3,044,000.

Reese Air Force Base, Lubbock, Texas: Operational facilities, utilities, and real estate, $504,000.

Sheppard Air Force Base, Wichita Falls, Texas: Training facilities, supply facilities, and troop housing, $1,723,000.

Stead Air Force Base, Reno, Nevada: Operational and training facilities, $236,000.

Vance Air Force Base, Enid, Oklahoma: Operational facilities, $709,000.

AIR UNIVERSITY

Gunter Air Force Base, Montgomery, Alabama: Administrative facilities, and troop housing and community facilities, $765,000.

Maxwell Air Force Base, Montgomery, Alabama: Maintenance facilities, administrative facilities, and troop housing and community facilities, $852,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska: Maintenance facilities, administrative facilities, troop housing, and utilities, $1,853,000.

Elmendorf Air Force Base, Anchorage, Alaska: Operational facilities, maintenance facilities, administrative facilities, community facilities, and utilities, $2,689,000.

Galena Airport, Galena, Alaska: Medical facilities, $145,000.

King Salmon Airport, Naknek, Alaska: Operational facilities, and supply facilities, $160,000.

Various locations: Operational facilities, maintenance facilities, supply facilities, troop housing and community facilities, and utilities, $9,718,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland: Operational facilities, maintenance facilities, medical facilities, troop housing, and utilities, $1,996,000.

Bolling Air Force Base, Washington, District of Columbia: Administrative facilities, troop housing, community facilities, and utilities, $4,000,000.

MILITARY AIR TRANSPORT SERVICE

Charleston Air Force Base, Charleston, South Carolina: Maintenance facilities, supply facilities, medical facilities, and community facilities, $1,284,000.

Dover Air Force Base, Dover, Delaware: Operational facilities, $520,000.

Hunter Air Force Base, Savannah, Georgia: Maintenance facilities, $766,000.

McGuire Air Force Base, Wrightstown, New Jersey: Operational and training facilities, $487,000.

Orlando Air Force Base, Orlando, Florida: Training facilities, $191,000.

Scott Air Force Base, Belleville, Illinois: Operational facilities, $145,000.

Travis Air Force Base, Fairfield, California: Operational and training facilities, maintenance facilities, hospital facilities, and utilities, $2,716,000.

PACIFIC AIR FORCE

Hickam Air Force Base, Honolulu, Hawaii: Operational facilities, supply facilities, medical facilities, and utilities, $1,373,000.

STRATEGIC AIR COMMAND

Altus Air Force Base, Altus, Oklahoma: Operational facilities, and administrative facilities, $392,000.

Beale Air Force Base, Marysville, California: Operational facilities, $470,000.

Bergstrom Air Force Base, Austin, Texas: Operational facilities, and troop housing, $463,000.

Biggs Air Force Base, El Paso, Texas: Operational facilities, $174,000.

Blytheville Air Force Base, Blytheville, Arkansas: Operational facilities, maintenance facilities, administrative facilities, and troop housing, $549,000.

Bunker Hill Air Force Base, Peru, Indiana: Operational facilities, $168,000.

Carswell Air Force Base, Fort Worth, Texas: Operational facilities, and community facilities, $841,000.

Castle Air Force Base, Merced, California: Operational facilities, and community facilities, $163,000.

Clinton-Sherman Air Force Base, Clinton, Oklahoma: Maintenance facilities, community facilities, and utilities, $329,000.

Columbus Air Force Base, Columbus, Mississippi: Operational facilities, $70,000.

Davis-Monthan Air Force Base, Tucson, Arizona: Operational facilities, and community facilities, $709,000.

Dyess Air Force Base, Abilene, Texas: Troop housing, $653,000.

Ellsworth Air Force Base, Rapid City, South Dakota: Operational facilities, $51,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming: Operational and training facilities, maintenance facilities, supply facilities, and troop housing, $1,391,000.

Glasgow Air Force Base, Glasgow, Montana: Operational facilities, administrative facilities, and community facilities, $633,000.

Homestead Air Force Base, Homestead, Florida: Maintenance facilities, and community facilities, $853,000.

Larson Air Force Base, Moses Lake, Washington: Operational facilities, and troop housing and community facilities, $722,000.

Little Rock Air Force Base, Little Rock, Arkansas: Training facilities, maintenance facilities, supply facilities, administrative facilities, and community facilities, $1,646,000.

Lockbourne Air Force Base, Columbus, Ohio: Operational facilities, and utilities, $297,000.

Malmstrom Air Force Base, Great Falls, Montana: Medical facilities, and community facilities, $609,000.

March Air Force Base, Riverside, California: Maintenance facilities, and medical facilities, $186,000.

Minot Air Force Base, Minot, North Dakota: Operational facilities, medical facilities, and community facilities, $1,408,000.

Mountain Home Air Force Base, Mountain Home, Idaho: Operational facilities, $135,000.

Offutt Air Force Base, Omaha, Nebraska: Maintenance facilities, and administrative facilities, $663,000.

Pease Air Force Base, Portsmouth, New Hampshire: Operational facilities, maintenance facilities, supply facilities, and utilities, $410,000.

Plattsburgh Air Force Base, Plattsburgh, New York: Maintenance facilities, and supply facilities, $89,000.

Schilling Air Force Base, Salina, Kansas: Operational facilities, $94,000.

Turner Air Force Base, Albany, Georgia: Operational facilities, troop housing and community facilities, and utilities, $653,000.

Vandenberg Air Force Base, Lompoc, California: Operational facilities, hospital facilities, administrative facilities, and troop housing, $6,666,000.

Westover Air Force Base, Chicopee Falls, Massachusetts: Operational facilities and administrative facilities, $1,332,000.

Whiteman Air Force Base, Knob Noster, Missouri: Operational facilities, $80,000.

Wurtsmith Air Force Base, Oscoda, Michigan: Supply facilities, and troop housing and community facilities, $547,000.

TACTICAL AIR COMMAND

England Air Force Base, Alexandria, Louisiana: Operational facilities, maintenance facilities, administrative facilities, and troop housing and community facilities, $886,000.

George Air Force Base, Victorville, California: Operational and training facilities, maintenance facilities, and troop housing and community facilities, $4,226,000.

Langley Air Force Base, Hampton, Virginia: Administrative facilities, troop housing, and utilities, $2,067,000.

Luke Air Force Base, Phoenix, Arizona: Operational facilities, $130,000.

MacDill Air Force Base, Tampa, Florida: Maintenance facilities, $99,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina: Operational facilities, $123,000.

Nellis Air Force Base, Las Vegas, Nevada: Administrative facilities, and troop housing, $797,000.

Pope Air Force Base, Fort Bragg, North Carolina: Operational facilities, maintenance facilities, and real estate, $3,783,000.

Sewart Air Force Base, Smyrna, Tennessee: Operational facilities, maintenance facilities, and troop housing, $1,786,000.

Seymour Johnson Air Force Base, Goldsboro, North Carolina: Administrative facilities, and troop housing, $650,000.

Shaw Air Force Base, Sumter, South Carolina: Operational facilities, maintenance facilities, and administrative facilities, $1,087,000.

AIRCRAFT CONTROL AND WARNING SYSTEM

Various locations: Operational facilities, maintenance facilities, troop housing and community facilities, and utilities, $1,731,000.

OUTSIDE THE UNITED STATES

AIR DEFENSE COMMAND

Various locations: Operational facilities, troop housing and community facilities, and utilities, $1,132,000.

CARIBBEAN AIR COMMAND

Albrook Air Force Base, Canal Zone: Medical facilities, and troop housing, $291,000.

Howard Air Force Base, Canal Zone: Operational facilities, and supply facilities, $347,000.

MILITARY AIR TRANSPORT SERVICE

Wake Island: Supply facilities, $34,000.

Various locations: Operational facilities, and utilities, $1,198,000.

PACIFIC AIR FORCE

Various locations: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, troop housing and community facilities, and utilities, $24,557,000.

STRATEGIC AIR COMMAND

Ramey Air Force Base, Puerto Rico: Supply facilities, $93,000.

Various locations: Operational facilities, maintenance facilities, community facilities, and utilities, $1,407,000.

UNITED STATES AIR FORCES IN EUROPE

Various locations: Operational and training facilities, maintenance facilities, supply facilities, medical facilities, administrative facilities, troop housing and community facilities, and utilities, $23,884,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various locations: Operational facilities, medical facilities, troop housing and community facilities, and utilities, $11,610,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary

Classified installations and facilities.

public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $252,629,000.

Construction for unforeseen requirements.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with the interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $12,500,000: *Provided*, That the Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1964, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Report to congressional committees.

68 Stat. 550.

SEC. 304. (a) Public Law 83–534, as amended, is amended in section 301 under the heading "CONTINENTAL UNITED STATES" and subheading "AIR DEFENSE COMMANDS", with respect to Stewart Air Force Base, Newburgh, New York, by striking "$2,659,000" and inserting in place thereof "$2,797,000".

71 Stat. 551.

(b) Public Law 83–534, as amended, is amended by striking out in clause (3) of section 502 the amounts of "$409,937,000" and "$419,766,000" and inserting in place thereof "$410,075,000" and "$419,904,000", respectively.

76 Stat. 234.

SEC. 305. (a) Public Law 87–554 is amended in section 301 under the heading "INSIDE THE UNITED STATES" and subheading "STRATEGIC AIR COMMAND", with respect to McCoy Air Force Base, Orlando, Florida, by striking out "$380,000" and inserting in place thereof "$408,000".

76 Stat. 240.

(b) Public Law 87–554 is amended by striking out in clause (3) of section 602 the amounts of "$131,651,000" and "$743,379,000" and inserting in place thereof "$131,679,000" and "$743,407,000", respectively.

TITLE IV

Defense. Military installations and facilities.

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including site preparation, appurtenances, utilities, and equipment, for defense agencies for the following projects:

DEFENSE ATOMIC SUPPORT AGENCY

Armed Forces Radiobiology Research Institute, National Naval Medical Center, Bethesda, Maryland: Research, development and test facilities, $1,200,000.

Sandia Base, Albuquerque, New Mexico: Community facilities, and utilities, $389,000.

Various locations: Utilities, $272,000.

DEFENSE COMMUNICATIONS AGENCY

Navy Service Center, Arlington County, Virginia: Administrative facilities, $342,000.

Scott Air Force Base, Belleville, Illinois: Administrative facilities, $718,000.

Various locations: Operational facilities, $200,000.

DEFENSE INTELLIGENCE AGENCY

Arlington Hall, Arlington County, Virginia: Administrative facilities, $61,000.

Naval Station, Anacostia Annex, District of Columbia: Training facilities, $164,000.

DEFENSE SUPPLY AGENCY

Defense Electronics Supply Center, Dayton, Ohio: Administrative facilities, and utilities, $623,000.

Defense Clothing and Textile Supply Center, Philadelphia, Pennsylvania: Maintenance facilities, and utilities, $125,000.

Defense General Supply Center, Richmond, Virginia: Administrative facilities, and utilities, $309,000.

SEC. 402. The Secretary of Defense may establish or develop classified installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $20,000,000.

TITLE V

MILITARY FAMILY HOUSING

Family housing.

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities, in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Administrator, Housing and Home Finance Agency, as to the availability of adequate private housing at such locations. If the Secretary and the Administrator are unable to reach agreement with respect to the availability of adequate private housing at any location, the Secretary shall immedately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

Notification to congressional committees.

(a) Family housing units for—

(1) the Department of the Army, 1,847 units, $36,052,000.

Fort Greely, Alaska, 62 units.

Petroleum Distribution Pipeline, Alaska, 19 units.

Fort Richardson, Alaska, 100 units.

Pine Bluff Arsenal, Arkansas, 33 units.

Fort Irwin, California, 65 units.

Fort Ord, California, 200 units.

Fort Carson, Colorado, 280 units.

Fort Stewart, Georgia, 132 units.

Savanna Army Depot, Illinois, 32 units.

Aberdeen Proving Ground, Maryland, 100 units.
Fort Detrick, Maryland, 40 units.
Vint Hill Farms Station, Virginia, 30 units.
Fort Myer, Virginia, 120 units.
Army Security Agency, location 04, 60 units.
Army Security Agency, location 23, 84 units.
Fort Buckner, Okinawa, 490 units.

(2) the Department of the Navy, 4,248 units, $75,242,000.
Naval Station, Kodiak, Alaska, 250 units.
Marine Corps Air Station, Yuma, Arizona, 100 units.
Naval Air Station, Alameda, California, 300 units.
Marine Corps Cold Weather Training Center, Bridgeport, California, 40 units.
Naval Air Facility, El Centro, California, 100 units.
Naval Station, Long Beach, California, 400 units.
Naval Shipyard, Mare Island, California, 300 units.
Marine Corps Base, Camp Pendleton, California, 100 units.
Naval Shipyard, San Francisco, California, 124 units.
Marine Corps Air Station, Kaneohe Bay, Hawaii, 100 units.
Naval Station, Pearl Harbor, Hawaii, 400 units.
Naval Radio Station, Cutler, Maine, 12 units.
Naval Air Station, New York, New York, 8 units.
Naval Supply Depot, Mechanicsburg, Pennsylvania, 75 units.
Naval Air Station, Quonset Point, Rhode Island, 200 units.
Naval Station, Charleston, South Carolina, 592 units.
Naval Hospital, Beaufort, South Carolina, 1 unit.
Naval Station, Norfolk, Virginia, 280 units.
Naval Shipyard, Bremerton, Washington, 300 units.
Naval Radio Station, Sugar Grove, West Virginia, 20 units.
Naval Radio Station, Sabana Seca, Puerto Rico, 100 units.
Naval Radio Station, Londonderry, Northern Ireland, 30 units.
Naval Security Group Activity, Edzell, Scotland, 90 units.
Naval Radio Station, Thurso, Scotland, 26 units.
Classified location, 300 units.

(3) the Department of the Air Force, 4,045 units, $72,675,000.
Elmendorf Air Force Base, Alaska, 290 units.
George Air Force Base, California, 150 units.
Vandenberg Air Force Base, California, 150 units.
Ent Air Force Base, Colorado, 200 units.
Lowry Air Force Base, Colorado, 100 units.
Robins Air Force Base, Georgia, 100 units.
Bellows Air Force Station, Hawaii, 20 units.
Hickam-Wheeler Air Force Bases, Hawaii, 150 units.
Andrews Air Force Base, Maryland, 150 units.
L. G. Hanscom Air Force Base, Massachusetts, 200 units.
K. I. Sawyer Air Force Base, Michigan, 100 units.
Malmstrom Air Force Base, Montana, 200 units.
Grand Forks Air Force Base, North Dakota, 300 units.
Minot Air Force Base, North Dakota, 300 units.
Altus Air Force Base, Oklahoma, 100 units.
Arnold Engineering Development Center, Tennessee, 40 units.

Langley Air Force Base, Virginia, 100 units.
F. E. Warren Air Force Base, Wyoming, 200 units.
Various locations, 245 relocatable units.
Goose Air Base, Canada, 200 units.
Kadena Air Base, Okinawa, 100 units.
Naha Air Base, Okinawa, 200 units.
Clark Air Base, Philippine Islands, 250 units.
Site QC, 200 units.

(b) Trailer Court Facilities for:
(1) The Department of the Army, 383 spaces, $657,000.
(2) The Department of the Navy, 172 spaces, $279,000.
(3) The Department of the Air Force, 984 spaces, $1,607,000.

Limitations.

SEC. 502. Authorizations for the construction of family housing provided in this Act shall be subject to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The cost per unit of family housing constructed in the United States (other than Alaska), the Canal Zone, and Puerto Rico shall not exceed—

$22,000 for generals or equivalent;
$19,800 for colonels or equivalent;
$17,600 for majors and/or lieutenant colonels or equivalent;
$15,400 for all other commissioned or warrant officer personnel or equivalent;
$13,200 for enlisted personnel;

(b) When family housing units are constructed in areas other than those listed in subsection (a), the average cost of all such units, in any project of 50 units or more, shall not exceed $32,000, and in no event shall the cost of any unit exceed $40,000.

(c) The cost limitations provided in subsections (a) and (b) shall be applied to the five-foot line.

(d) No project in excess of 50 units in the areas listed in subsection (a) shall be constructed at an average unit cost exceeding $17,500, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(e) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $26,000, including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

SEC. 503. Sections 4774(b), 7574(b), and 9774(b) of Title 10, United States Code, are each amended to read as follows: "(b) the maximum limitations prescribed by subsection (a) are increased 10 percent for quarters of the commanding officer of any station, air base, or other installation, based on the grade authorized for that position."

70A Stat. 269, 468, 590.

SEC. 504. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) For the Department of the Army, $2,231,000;
(b) For the Department of the Navy, $1,177,000;
(c) For the Department of the Air Force, $2,363,000.

SEC. 505. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is amended to read as follows:

75 Stat. 111.
10 USC 2674 note.

"SEC. 515. During fiscal years 1964 through and including 1965, the Secretaries of the Army, Navy, and Air Force, respectively, are authorized to lease housing facilities at or near military installations in the United States and Puerto Rico for assignment as public quarters

to military personnel and their dependents, if any, without rental charge, upon a determination by the Secretary of Defense, or his designee, that there is a lack of adequate housing facilities at or near such military installations. Such housing facilities shall be leased on a family or individual unit basis and not more than five thousand of such units may be so leased at any one time. Expenditures for the rental of such housing facilities may not exceed an average of $160 a month for any such unit, including the cost of utilities and maintenance and operation."

74 Stat. 186.

SEC. 506. Section 407(g) of Public Law 85–241 (71 Stat. 531, 556), as amended (42 U.S.C. 1594j(g)), is amended by changing the period to a semicolon and adding the following: "*And provided further*, That the Secretary of Defense, or his designee, may exempt from this requirement any housing at any particular installation as to which he determines that (1) the housing is safe, decent, and sanitary, so as to be suitable for occupancy; (2) the housing cannot be made adequate as public quarters with a reasonable expenditure of funds; (3) the rentals charged to, or the allowances forfeited by, the occupants are not less than the costs of maintaining and operating the housing; and (4) there is a continuing need which cannot appropriately be met by privately owned housing in the area."

Foreign countries.
Military housing.

SEC. 507. For the purpose of providing military family housing in foreign countries, the Secretary of Defense is authorized to enter into agreements guaranteeing the builders of such housing a rental return equivalent to a specified portion of the annual rental income which the builders would receive from the tenants if the housing were fully occupied: *Provided*, That the aggregate amount guaranteed under such agreements entered into during the fiscal years 1964 and 1965 shall not exceed such amount as may be applicable to five thousand units: *Provided further*, That no such agreement shall guarantee the payment of more than 97 per centum of the anticipated rentals, nor shall any guarantee extend for a period of more than ten years, nor shall the average guaranteed rental on any project exceed $150 per unit per month including the cost of maintenance and operation.

76 Stat. 523.

SEC. 508. Section 2681(b) of title 10, United States Code, is amended to read as follows:

"(b) The Department of Defense shall pay the Commodity Credit Corporation an amount not to exceed $6,000,000 a year until the amount due for foreign currencies used for housing constructed or acquired under this section has been liquidated."

Appropriation authorization.

SEC. 509. There is authorized to be appropriated for use by the Secretary of Defense or his designee for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $211,912,000 of which not to exceed $9,400,000 is authorized to be appropriated for initial acquisition during fiscal year 1964 of 2,023 housing units, pursuant to title IV of the Housing Amendments of 1955, as amended (42 U.S.C. 1594 et seq.) and improvements to such units; and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payments to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $473,400,000.

68 Stat. 603.

SEC. 510. Section 406(a) of Public Law 85-241, as amended, is amended by inserting a comma after the word "activities" and adding the following: "and no certificates with respect to any family housing units shall be issued by the Secretary of Defense or his designee or by any of the military departments in connection with section 810 of the National Housing Act, as amended,". 73 Stat. 321. 42 USC 1594i. 73 Stat. 683. 12 USC 1748h-2.

TITLE VI

GENERAL PROVISIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise. Land improvements, etc. 70A Stat. 269, 590.

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V shall not exceed— Appropriation authorization.

(1) for title I: Inside the United States, $154,976,000; outside the United States, $23,257,000; section 102, $8,900,000; section 103, $12,500,000; or a total of $199,633,000.

(2) for title II: Inside the United States, $115,563,000; outside the United States, $11,304,000; section 202, $63,095,000; section 203, $12,500,000; or a total of $202,462,000.

(3) for title III: Inside the United States, $158,685,000; outside the United States, $64,553,000; section 302, $252,629,000; section 303, $12,500,000; or a total of $488,367,000.

(4) for title IV: A total of $24,403,000.

(5) for title V: Military family housing, a total of $685,312,000.

SEC. 603. Any of the amounts named in titles I, II, III, and IV of this Act may, in the discretion of the Secretary concerned, be increased by 5 per centum for projects inside the United States (other than Alaska) and by 10 per centum for projects outside the United States or in Alaska, if he determines in the case of any particular project that such increase (1) is required for the sole purpose of meeting unusual variations in cost arising in connection with that project, and (2) could not have been reasonably anticipated at the time such project was submitted to the Congress. However, the total costs of all projects in each such title may not be more than the total amount authorized to be appropriated for projects in that title.

SEC. 604. Whenever—

(1) the President determines that compliance with section 2313 (b) of title 10, United States Code, for contracts made under this Act for the establishment or development of military installations and facilities in foreign countries would interfere with the carrying out of this Act; and Contracts. 70A Stat. 132.

(2) the Secretary of Defense and the Comptroller General have agreed upon alternative methods of adequately auditing those contracts;

the President may exempt those contracts from the requirements of that section.

SEC. 605. Contracts for construction made by the United States for performance within the United States and its possessions, under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Bureau of Yards and Docks, Department of the Navy, unless the Secretary of Defense determines that because such jurisdiction and supervision is wholly impracticable such contracts should be executed under the jurisdiction and supervision of another department or Government agency, and shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semi-annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

70A Stat. 127.
10 USC 2301-2314.
Reports to Congress.

Repeals.

SEC. 606. (a) As of October 1, 1964, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in Acts approved before July 28, 1962, and not superseded or otherwise modified by a later authorization are repealed except—

Exceptions.

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) the authorization for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1964, and authorizations for appropriations therefor;

(3) notwithstanding the provisions of section 606 of the Act of July 27, 1962 (76 Stat. 223, 241), the authorization for utilities and ground improvements in the amount of $125,000 for Naval Training Center, Great Lakes, Illinois, that is contained in title II, section 201, under the heading "INSIDE THE UNITED STATES" and subheading "SERVICE SCHOOL FACILITIES" of the Act of June 8, 1960 (74 Stat. 172).

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing which are contained in this Act or any Act approved prior to July 28, 1962, are repealed except the authorization for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before such date.

Unit cost limitations.

SEC. 607. None of the authority contained in titles I, II, and III of this Act shall be deemed to authorize any building construction project inside the United States (other than Alaska) at a unit cost in excess of—

(1) $32 per square foot for cold-storage warehousing;
(2) $8 per square foot for regular warehousing;
(3) $1,850 per man for permanent barracks;
(4) $8,500 per man for bachelor officers quarters;

unless the Secretary of Defense determines that, because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable.

SEC. 608. The last sentence of section 2674(a) of title 10, United States Code, is amended by changing the figure "$5,000" to "$10,000".

76 Stat. 511.

SEC. 609. (a) Chapter 159 of title 10, United States Code, is amended— 70A Stat. 147. 10 USC 2661-2681.

(1) by adding the following new section at the end thereof:

"§ 2682. Facilities for defense agencies

"The construction, maintenance, rehabilitation, repair, alteration, addition, expansion, or extension of a real property facility for an activity or agency of the Department of Defense (other than a military department) financed from appropriations for military functions of the Department of Defense will be accomplished by or through a military department designated by the Secretary of Defense. A real property facility under the jurisdiction of the Department of Defense which is used by an activity or agency of the Department of Defense (other than a military department) shall be under the jurisdiction of a military department designated by the Secretary of Defense."; and

(2) by adding the following new item at the end of the analysis:

"2682. Facilities for defense agencies."

(b) Section 610 of the Act of July 27, 1962 (76 Stat. 223, 242), is repealed. Repeal.

SEC. 610. Section 412(b) of Public Law 86-149, as amended, is amended to read as follows: 76 Stat. 55. 5 USC 171a note.

"(b) No funds may be appropriated after December 31, 1960, to or for the use of any armed force of the United States for the procurement of aircraft, missiles, or naval vessels, or after December 31, 1962, to or for the use of any armed force of the United States for the research, development, test, or evaluation of aircraft, missiles, or naval vessels, or after December 31, 1963, to or for the use of any armed force of the United States for any research, development, test, or evaluation, unless the appropriation of such funds has been authorized by legislation enacted after such dates."

SEC. 611. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1964." Citation of titles.

TITLE VII

RESERVE FORCES FACILITIES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed— Reserve Forces Facilities Authorization Act, 1964. 70A Stat. 120. 10 USC 2231-2238.

(1) for Department of the Army:
  (a) Army National Guard of the United States, $7,500,000.
  (b) Army Reserve, $4,700,000.

(2) for Department of the Navy: Naval and Marine Corps Reserves, $5,700,000.

(3) for Department of the Air Force:
  (a) Air National Guard of the United States, $15,970,380.
  (b) Air Force Reserve, $4,600,000.

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended, and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended, and even though the land is held temporarily. The authority to acquire 31 USC 529. 70A Stat. 269, 590. 40 USC 255.

real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 703. As of July 1, 1964, all authorizations for specific facilities for Reserve Forces to be accomplished by the Secretary of Defense, and all authorizations for appropriations therefor, that are contained
75 Stat. 112. in the Reserve Forces Facilities Act of 1961, and not superseded or otherwise modified by a later authorization, are repealed, except the authorizations for facilities for the Reserve Forces as to which appropriated funds have been obligated in whole or in part before July 1, 1964, and authorizations for appropriations therefor.

75 Stat. 114. SEC. 704. (a) Public Law 87–57, as amended, is amended under the heading "Army National Guard of the United States (non-Armory)" in clause (1) of section 701 with respect to Point Pleasant, West Virginia, by striking out "$340,000" and inserting in place thereof "$424,000".

76 Stat. 244. (b) Public Law 87–57, as amended, is amended by striking out in clause 1(a) of section 704 "$22,778,750", and inserting in place thereof "$22,862,750".

73 Stat. 325. SEC. 705. (a) Public Law 86–149, as amended, is amended under the heading "Army Reserve" in clause (1) of section 501 with respect to Morristown, New Jersey, by striking out "$317,000" and inserting in place thereof "$377,000".

75 Stat. 118. (b) Public Law 86–149, as amended, is amended by striking out in clause (1)(a) of section 504 "$21,530,000" and inserting in place thereof "$21,590,000".

SEC. 706. The Secretary of Defense, or his designee, may construct, expand, rehabilitate, convert, or equip existing facilities of the New York Naval Militia at Rochester, New York, and Troy, New York, without regard to the provisions of section 2233(b) of title 10, United
70A Stat. 121. States Code.

Citation of title. SEC. 707. This title may be cited as the "Reserve Forces Facilities Authorization Act, 1964."

Approved November 7, 1963.

Public Law 88-175

November 13, 1963
[H. R. 1049]

AN ACT

To amend sections 334, 367, and 369 of the Bankruptcy Act (11 U.S.C. 734, 767, 769) and to add a new section 355 so as to require claims to be filed and to limit the time within which claims may be filed in chapter XI (arrangement) proceedings to the time prescribed by section 57n of the Bankruptcy Act (11 U.S.C. 93n).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 334 of
Bankruptcy Act, amendments. 72 Stat. 820. the Bankruptcy Act (11 U.S.C. 734) is amended to read as follows:

"SEC. 334. Within ten days after the petition is filed the court shall give notice by mail to the debtors, the creditors, and other parties in interest of a first meeting of creditors to be held not less than fifteen days nor more than thirty days after the date of the mailing of such notice. The last date for filing claims shall be set forth in such notice."

SEC. 2. That after section 354 of the Bankruptcy Act (11 U.S.C.
66 Stat. 433. 754) a new section is added to read as follows:
11 USC 755. 11 USC 722. 11 USC 93.

"SEC. 355. Where a petition is filed under section 322 of this Act, subdivision n of section 57 of this Act shall apply."

SEC. 3. That paragraph 3 of section 367 of the Bankruptcy Act (11 U.S.C. 767) is amended to read as follows:

"(3) the consideration deposited, if any, shall be distributed and the rights provided by the arrangement shall inure to the creditors affected by the arrangement whose claims (a) have been filed prior to the date of confirmation but within the time prescribed by section 355 of this chapter and are allowed or (b) have been filed after the date of confirmation but within the time prescribed by section 355 of this chapter and are allowed; and".

SEC. 4. Paragraphs (2) and (3) of section 369 of the Bankruptcy Act (11 U.S.C. 769) are amended to read as follows: 52 Stat. 912.

"(2) are disputed or unliquidated, have been scheduled by the debtor, and are filed within the time prescribed by section 355 of this chapter; or

"(3) arise from the rejection of executory contracts by the debtor and are filed within the time prescribed by section 355 of this chapter."

Approved November 13, 1963.

Public Law 88-176

AN ACT

November 13, 1963
[H.R. 2835]

To clarify the status of circuit and district judges retired from regular active service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (b) of section 43 of title 28, United States Code, is amended to read as follows: Judges, retired. Status. 62 Stat. 870.

"(b) Each court of appeals shall consist of the circuit judges of the circuit in regular active service. The circuit justice and justices or judges designated or assigned shall also be competent to sit as judges of the court."

(b) Paragraph (c) of section 46 of title 28, United States Code, is amended to read as follows:

"(c) Cases and controversies shall be heard and determined by a court or division of not more than three judges, unless a hearing or rehearing before the court in banc is ordered by a majority of the circuit judges of the circuit who are in regular active service. A court in banc shall consist of all circuit judges in regular active service. A circuit judge of the circuit who has retired from regular active service shall also be competent to sit as a judge of the court in banc in the rehearing of a case or controversy if he sat in the court or division at the original hearing thereof."

SEC. 2. Paragraph (b) of section 132 of title 28, United States Code, is amended to read as follows: 62 Stat. 895.

"(b) Each district court shall consist of the district judge or judges for the district in regular active service. Justices or judges designated or assigned shall be competent to sit as judges of the court."

SEC. 3. The first sentence of section 332 of title 28, United States Code, is amended to read as follows: "The chief judge of each circuit shall call, at least twice in each year and at such places as he may designate, a council of the circuit judges for the circuit, in regular active service, at which he shall preside." 62 Stat. 902.

Approved November 13, 1963.

Public Law 88-177

November 13, 1963
[H. J. Res. 626]

JOINT RESOLUTION

Granting the consent of Congress to the establishment of an interstate school district by Hanover, New Hampshire, and Norwich, Vermont, and to an agreement between Hanover School District, New Hampshire, and Norwich Town School District, Vermont.

Whereas, by act of legislature approved May 16, 1961, the State of New Hampshire, and, by act of the general assembly approved April 3, 1963, the State of Vermont, have separately but identically authorized the establishment by Hanover, New Hampshire, and Norwich, Vermont, of an interstate school district; and

Whereas section 116:7 of said act of May 16, 1961 (New Hampshire), and section 7 of said act of April 3, 1963 (Vermont), are identical to the following effect:

"AGREEMENT BETWEEN HANOVER AND NORWICH. Either before or after the corporate existence of the district begins, Hanover and Norwich shall enter into one or more agreements (not inconsistent with the provisions of this chapter) which shall:

"a. Express the rights and duties and procedures of Hanover and Norwich and the district in relation to each other, to the extent that such rights and duties and procedure are not expressed in this chaper and/or by Vermont law.

"b. Determine the grades of school to be included in the district school system.

"c. Place a valuation on the existing plant to be taken over and determine Hanover's and Norwich's fair share of such valuation and the terms on which it is to be paid as hereinafter provided.

"d. Determine the ratio for the apportionment of expenses during the first two fiscal years.

"e. Establish the official name of the district. In addition, the agreements may include the transaction of any other business (except the election of officers) which might be transacted at the organization meeting. Such agreements shall be executed on behalf of Hanover in written form signed by a majority of the Hanover School Board and approved or ratified by a two-thirds majority of those present and voting by voice or ballot at an annual or special meeting of the Hanover school district. Such agreements shall be executed on behalf of Norwich by such officer or officers of Norwich or of Vermont as may thereunto be duly authorized.", and

Whereas, in accordance with said section 116: 7 and said section 7, the Hanover, New Hampshire, School Board on May 14, 1963, and the directors of the Town of Norwich, Vermont, School District on May 16, 1963, have entered into the following agreement:

"ARTICLES OF AGREEMENT BETWEEN HANOVER AND NORWICH IN ACCORDANCE WITH SECTION 116:7 OF NEW HAMPSHIRE STATUTE AND SECTION 7 OF VERMONT STATUTE

"a. Procedural Agreements.

"1. The schools of the Hanover District, the Norwich District and the Union District shall be administered by the same Superintendent. The Union District may also hire an Assistant Superintendent.

"2. The curricula of the elementary schools of the Hanover and Norwich Districts shall be standardized so that children in both towns will have an integrated curriculum.

"3. The Union District will accept tuition pupils in grades 7–12 when this is to the advantage of its educational program.

"4. Except for the special cases listed below, the following statutory formula shall in general apply for apportionment of current annual appropriations after the first two fiscal years of operation:

> ". . . shall be divided between Hanover and Norwich in the proportion that the average daily membership of each in the district school for the preceding fiscal year bears to the total average membership for such year."

"Included would be special costs specifically applicable to grades 7–12, such as Athletics and Activities, Driver Training, Fixed Charges, and Health Supervision, except for those relating to the Hanover grade school personnel, and any Capital Outlay chargeable to the high school alone.

"Excluded are subsidy of school lunch, costs of operation, maintenance and capital outlay for the gym and cafeteria, and costs of operation, maintenance and capital outlay related to grounds. In these cases the following formulae shall apply.

"i. Subsidy of school lunch is to be apportioned in the ratio of the average daily membership of Norwich grades 7 through 12 to Hanover grades 1 through 12.

"ii. Maintenance and operating costs and capital outlay for the gym and cafeteria, after September 1, 1964, shall be allocated as follows: 85 percent of costs relating to the gym and 80 percent of costs relating to the cafeteria shall be charged to the Union District, with the remainder charged to the Hanover Grade School.

"iii. Except for items clearly assignable either to the Hanover Grade School or to the Union District alone, the costs of the operation, maintenance and capital outlay related to grounds, after September 1, 1964, shall be assigned as follows: 73 percent to the Union District and the rest to the Hanover Grade School.

"Costs allocated to the Union District under (ii) and (iii) shall be divided between the member towns in accordance with the statutory formula set forth above. Allocations in all exceptions mentioned above shall have periodic reviews, which will provide corrections as needed.

"b. Grades of School to be Included.

"Grades 7 through 12 shall be included in the district school system, beginning September, 1964.

"c. Valuation of Present Plant and Fair Share of Towns.

"The present school plant for grades 7 through 12, including building, land, and equipment in Hanover, New Hampshire, shall be valued at $1,215,000. The process of buying in shall take place as follows: Norwich shall compensate the Hanover School District for Norwich's share of the school plant, in a lump sum; Hanover shall then deed to the Union District the above specified plant.

"The cost of buying into the Union District and the cost of new construction undertaken during 1963–64 shall be divided according to the ratio of students in grades 7 through 12 in any school and resident in the respective towns as of April 1, 1963.

"d. Apportionment of Expenses During the First Two Fiscal Years.

"The operating expenses for the school year 1964–65 shall be based on the same ratio as in c above, computed as of Novem-

ber 1, 1963, and for 1965–66 on the ratio computed as of November 1, 1964.

"e. Name of the District.

"The name of the new district shall be the Dresden School District.

"f. Procedure for Future Amendments.

"Any amendment to the Articles of Agreement arrived at after the organization of the Interstate Union shall be by a ⅔ vote of the Directors resident in the town of Norwich and ⅔ vote of the Directors resident in the town of Hanover.

"Approved by the Hanover School Board on May 14, 1963.

"William L. Wilson	John G. Kemeny	Elisabeth M. Bradley
"Almon B. Ives	Carol E. McLane	John W. Schleicher

"Approved by the Directors of the Town of Norwich School District on May 16, 1963.

"Peter P. Plante	William W. Ballard	Cecilia Lewis".

Vermont-New Hampshire interstate school district.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby given to the establishment by Hanover, New Hampshire, and Norwich, Vermont, of an interstate school district as authorized by said act of May 16, 1961 (New Hampshire), and said act of April 3, 1963 (Vermont), and to the above-quoted agreement between the Hanover, New Hampshire, School Board and the directors of the Town of Norwich, Vermont, School District.

SEC. 2. The right is hereby reserved by the Congress or any of its standing committees to require the disclosure and the furnishing of such information and data by the Dresden School District as is deemed appropriate by the Congress or such committee.

SEC. 3. The right to alter, amend, or repeal this Act is expressly reserved.

Approved November 13, 1963.

Public Law 88-178

November 13, 1963
[H. R. 7405]

AN ACT

To amend the Bretton Woods Agreements Act to authorize the United States Governor of the International Bank for Reconstruction and Development to vote for an increase in the Bank's authorized capital stock.

Bretton Woods Agreements Act, amendment.
59 Stat. 512; 76 Stat. 105.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bretton Woods Agreements Act, as amended (22 U.S.C. 286–286k–1), is amended by adding at the end thereof the following new section:

"SEC. 19. The United States Governor of the Bank is authorized to vote for an increase of $1,000,000,000 in the authorized capital stock of the Bank under article II, section 2, of the articles of agreement of the Bank, as recommended in the report, dated November 6, 1962, to the Board of Governors of the Bank by the Bank's Executive Directors."

Approved November 13, 1963.

Public Law 88-179

AN ACT

November 13, 1963
[S. 876]

To authorize the Administrator of General Services to convey certain land in Prince Georges County, Maryland, to the American National Red Cross.

American National Red Cross.
Conveyance.
63 Stat. 377.
40 USC 471 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, should such land become surplus property pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Administrator of General Services is authorized to convey, within a period of two years following the date of enactment of this Act, not to exceed two and one-half acres of land located at the northeast corner of the intersection of Rhode Island Avenue and Sunnyside Road in Prince Georges County, Maryland, to the American National Red Cross upon the payment to the United States of the fair market value of the property as determined by the Administrator: *Provided*, That the instrument of conveyance authorized by this Act shall provide that upon determination by the Administrator of General Services that the American National Red Cross has failed to begin construction of a chapter house on said property within two years after the conveyance or to complete construction thereof within a reasonable time after such construction has begun, all right, title, and interest to the property shall revert to the United States in the then existing condition of that property, and the Secretary of the Treasury is authorized upon such reverter to pay from the general funds of the Treasury to the American National Red Cross the amount, without interest and less any damage to the land as determined by the Administrator, paid by the American National Red Cross to the United States for such property.

SEC. 2. The cost of any survey required in connection with the conveyance of this property shall be at the expense of the American National Red Cross.

Approved November 13, 1963.

Public Law 88-180

AN ACT

November 19, 1963
[H. R. 1989]

To authorize the government of the Virgin Islands to issue general obligation bonds.

Virgin Islands.
Bonds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b) of section 8 of the Revised Organic Act of the Virgin Islands, as amended (68 Stat. 497, 500; 48 U.S.C. 1574(b)), is redesignated as paragraph (i) of such subsection (b), and is amended by deleting the last sentence thereof and by striking out the word "subsection" and inserting in lieu thereof the words "paragraph (i)".

(b) Subsection (b) is further amended by adding the following new paragraph (ii):

"(ii)(A) Subject to the provisions of this paragraph (ii), the legislature of the government of the Virgin Islands may cause to be issued such negotiable general obligation bonds or other evidence of indebtedness as it may deem necessary and advisable to construct, improve, extend, better, repair, reconstruct, acquire, and equip hospitals, schools, libraries, gymnasia, athletic fields, sewers, sewage-disposal plants, and water systems: *Provided*, That no public indebtedness of the Virgin Islands shall be incurred in excess of 10 per centum of the aggregate assessed valuation of the taxable real property in the Virgin Islands. Bonds issued pursuant to this paragraph

(ii) shall bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may be sold at either public or private sale, may be redeemable (either with or without premium) or nonredeemable, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner, as shall be prescribed by the legislature of the government of the Virgin Islands. In case any of the officers whose signatures appear on the bonds or coupons shall cease to be such officers before delivery of such bonds, such signature, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds so issued shall bear interest at a rate not to exceed that specified by the legislature and payable semiannually. All such bonds shall be sold for not less than the principal amount thereof plus accrued interest. All bonds issued by the government of the Virgin Islands, including specifically interest thereon, shall be exempt from taxation by the Government of the United States, or by the government of the Virgin Islands or any political subdivision thereof, or by any State, territory, or possession or by any political subdivision of any State, territory, or possession, or by the District of Columbia.

"(B) The proceeds of the bond issues or other obligations herein authorized shall be expended only for the public improvements set forth in the preceding subparagraph, or for the reduction of the debt created by such bond issue or obligation, unless otherwise authorized by the Congress.

"(C) Bonds or other obligations issued pursuant to this paragraph (ii) shall not be a debt of the United States, nor shall the United States be liable thereon."

Approved November 19, 1963.

Public Law 88-181

November 19, 1963
[H. R. 5244]

AN ACT

To modify the project on the Mississippi River at Muscatine, Iowa, to permit the use of certain property for public park purposes.

Muscatine, Iowa.
Project modification.
64 Stat. 163.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project on the Mississippi River at Muscatine, Iowa, authorized in section 101 of the Rivers and Harbors Act, 1950, is hereby modified to provide—

(a) that in addition to all other purposes set forth in House Document 733, Eightieth Congress, to which local interests agreed to put the real property described in section 2 of this Act, such property may be used by the city of Muscatine, Iowa, for public park and recreation purposes;

(b) that local interests shall provide and maintain at local expense adequate public terminal and transfer facilities open to all on equal terms.

SEC. 2. The real property referred to in the first section of this Act is a tract of land situated in the county of Muscatine, State of Iowa, being part of the original town of Muscatine, located in the southwest quarter section 36, township 77 north, range 2 west, of the fifth principal meridian, more particularly described as follows:

Beginning at the intersection of the extension of the westerly line of Orange Street of said original town of Muscatine and the

southerly right-of-way line of the Chicago, Rock Island, and Pacific Railroad; thence southeasterly along said westerly line of Orange Street extended to a point 265 feet from the southeasterly corner of block 16 of said original town of Muscatine; thence northeasterly to a point on the extension of the easterly line of said Orange Street, 265 feet from the southwesterly corner of block 17; then continuing southeasterly along said easterly line of said Orange Street extended a distance of 450 feet, more or less, to the proposed harbor line as set forth on plate 1 of House Document Numbered 733, Eightieth Congress, at the city of Muscatine, Iowa; thence northeasterly and upstream along said proposed harbor line to a point on the extension of the northeasterly line of lot 3, block 19, of the original town of Muscatine, Iowa; thence northwesterly along said line to the southerly right-of-way line of the Chicago, Rock Island, and Pacific Railroad; thence southwesterly along said right-of-way line to the point of beginning; containing 10 acres, more or less.

Approved November 19, 1963.

Public Law 88-182

AN ACT

November 20, 1963
[S. 912]

Approving a compromise and settlement agreement of the Navajo Tribe of Indians and authorizing the tribe to execute and the Secretary of the Interior to approve any oil and gas leases entered into pursuant to the agreement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement entered into by the Navajo Indian Tribe, Shell Oil Company (a corporation), and Humble Oil & Refining Company (a corporation), dated May 1, 1959, as amended by subsequent agreements dated September 14, 1960, November 7, 1962, and January 7, 1963, respectively, and on file with the Secretary of the Interior, is hereby approved, such agreement having been entered into for the purpose of compromising and settling, among such tribe and corporations, certain matters arising out of disputed title claims between the Navajo Indian Tribe and the State of Utah to the oil and gas rights in section 16, township 40 south, range 24 east, Salt Lake meridian, and in section 16, township 40 south, range 26 east, Salt Lake meridian, both in San Juan County, Utah.

Indians.
Navajo Tribe,
oil and gas
leases.

SEC. 2. Notwithstanding any other provision of law, the Navajo Tribe of Indians is hereby authorized to lease, in accordance with the undertakings of such tribe in the aforementioned agreement, as amended, any interests which it might have or hereafter acquire in those lands described in the first section of this Act, and the Secretary of the Interior shall approve any lease so made.

SEC. 3. Nothing in this Act is intended or shall be construed as a finding, interpretation, or construction by the Congress of the validity or invalidity of the respective claims of the Navajo Indian Tribe and the State of Utah to the lands described in the first section of this Act, and the determination of such conflicting claims shall be unaffected by anything in this Act.

Approved November 20, 1963.

93-025 O-64-24

Public Law 88-183

November 20, 1963
[H. R. 2073]

AN ACT

To authorize the Secretary of the Interior to convey certain submerged lands to the governments of Guam, the Virgin Islands, and American Samoa, and for other purposes.

Interior Department.
Land conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) upon the request of the Governor of Guam, the Governor of the Virgin Islands, or the Governor of American Samoa, the Secretary of the Interior is authorized to convey to the government of the territory concerned whatever right, title, or interest the United States has in particular tracts of tidelands, submerged lands, or filled lands in or adjacent to the territory, subject to the limitations contained in this section. The term "tidelands, submerged lands, or filled lands" means for the purposes of this Act all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coastlines of the territory, as heretofore or hereafter modified by accretion, erosion, and reliction, including artificially made, filled-in, or reclaimed lands which were formerly permanently or periodically covered by tidal waters.

"Tidelands, submerged lands, or filled lands."

(b) No conveyance shall be made pursuant to this section unless the land proposed to be conveyed is clearly required for specific economic development purposes or to satisfy a compelling public need.

Notification to congressional committees.

(c) No conveyance shall be made pursuant to this section until the expiration of sixty calendar days (exclusive of days on which the House of Representatives or the Senate is not in session because of an adjournment of more than three days to a day certain) from the date on which the Secretary of the Interior submits to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate an explanatory statement indicating the tract proposed to be conveyed and the need therefor, unless prior to the expiration of such sixty calendar days both committees inform the Secretary that they wish to take no action with respect to the proposed conveyance.

(d) Conveyances pursuant to this section shall be subject to such terms and conditions as the Secretary of the Interior may deem appropriate, and shall be made without reimbursement or with such reimbursement as he may deem appropriate.

(e) The governments of Guam, the Virgin Islands, and American Samoa shall have proprietary rights of ownership and the rights of management, administration, leasing, use, and the development of the lands conveyed pursuant to this section, but the Secretary of the Interior and such territorial governments shall not have the power or right to convey title to such lands unless the Secretary of the Interior (1) determines that such right to convey is necessary and (2) advises the committee of such determination in the manner described in subsection (c) of this section, and (3) unless the Secretary of the Interior, in proposing to convey such lands to such territorial governments, and such territorial governments in proposing to convey such lands to a third party or third parties pursuant to this section, shall publish notice of such proposed conveyance at least once a week for three weeks in a daily newspaper or newspapers of general circulation in the territory affected by the proposed conveyance. Such published notice shall include the names of all parties to the proposed contract of conveyance, the purchase price, and a general summary of the boundaries of the tract or tracts proposed to be included in the conveyance.

(f) There shall be excepted from conveyances made pursuant to this section all deposits of oil, gas, and other minerals, but the term "minerals" shall not include sand, gravel, or coral.

Administrative responsibility.

SEC. 2. (a) The Secretary of the Interior shall have administrative responsibility for all tidelands, submerged lands, or filled lands in or adjacent to Guam, the Virgin Islands, and American Samoa, except (1) lands conveyed pursuant to section 1 of this Act, (2) lands that are not owned by the United States on the date of enactment of this Act, and (3) lands that are within the administrative responsibility of any other department or agency of the United States on the date of enactment of this Act, for so long as such condition continues. In exercising such authority, the Secretary may grant revocable permits, subject to such terms and conditions as he may deem appropriate, for the use, occupancy, and filling of such lands, and for the removal of sand, gravel, and coral therefrom.

(b) Nothing contained in this section shall affect the authority heretofore conferred upon any department, agency, or officer of the United States with respect to the lands referred to in this section.

Reservation of certain rights.

SEC. 3. (a) Nothing in this Act shall affect the right of the President to establish naval defensive sea areas and naval airspace reservations around and over the islands of Guam, American Samoa, and the Virgin Islands which he deems necessary for national defense.

(b) Nothing in this Act shall affect the use, development, improvement, or control by or under the constitutional authority of the United States of the lands conveyed pursuant to section 1 of this Act and the navigable waters overlying such lands, for the purposes of navigation or flood control or the production of power, or shall be construed as the release or relinquishment of any rights of the United States arising under the constitutional authority of Congress to regulate or improve navigation, or to provide for flood control, or the production of power.

(c) The United States retains all of its navigational servitude and rights in and powers of regulation and control of the lands conveyed pursuant to section 1 of this Act and the navigable waters overlying such lands, for the constitutional purposes of commerce, navigation, national defense, and international affairs, all of which shall be paramount to, but shall not be deemed to include, proprietary rights of ownership, or the rights of management, administration, leasing, use, and development of the lands and natural resources not in derogation of United States navigational servitude and rights which are specifically conveyed to the governments of Guam, the Virgin Islands, or American Samoa, as the case may be, pursuant to section 1 of this Act.

Concurrent jurisdiction.

SEC. 4. (a) Except as otherwise provided in this section, the governments of Guam, the Virgin Islands, and American Samoa, as the case may be, shall have concurrent jurisdiction with the United States over parties found, acts performed, and offenses committed on property owned, reserved, or controlled by the United States in Guam, the Virgin Islands, and American Samoa. A judgment of conviction or acquittal on the merits under the laws of Guam, the Virgin Islands, or American Samoa shall be a bar to any prosecution under the criminal laws of the United States for the same act or acts, and a judgment of conviction or acquittal on the merits under the laws of the United States shall be a bar to any prosecution under the laws of Guam, the Virgin Islands, or American Samoa for the same act or acts.

(b) Notwithstanding the provisions of subsection (a) of this section, the President may from time to time exclude from the concurrent jurisdiction of the government of Guam persons found, acts performed, and offenses committed on the property of the United States which is under the control of the Secretary of Defense to such extent and in such circumstances as he finds required in the interest of the national defense.

Approved November 20, 1963.

Public Law 88-184

November 20, 1963
[H. R. 3488]

AN ACT

To provide for the striking of medals in commemoration of the one hundred and fiftieth anniversary of the statehood of the State of Indiana.

Indiana.
150th anniversary medals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in commemoration of the one hundred and fiftieth anniversary of the admission of the State of Indiana into the Union of the United States, the Secretary of the Treasury is authorized and directed to strike and furnish to the Indiana Sesquicentennial Commission not more than one hundred thousand medals with suitable emblems, devices, and inscriptions to be determined by the Indiana Sesquicentennial Commission, subject to the approval of the Secretary of the Treasury. The medals shall be made and delivered at such times as may be required by the commission in quantities of not less than two thousand, but no medals shall be made after December 31, 1966.

SEC. 2. (a) The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such cost.

(b) Upon authorization from the Indiana Sesquicentennial Commission, the Secretary of the Treasury shall cause duplicates of such medals to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor).

SEC. 3. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes. The medals authorized to be issued pursuant to this Act shall be of such size and of such metals as shall be determined by the Secretary of the Treasury in consultation with the Indiana Sesquicentennial Commission.

31 USC 368.

Approved November 20, 1963.

Public Law 88-185

November 20, 1963
[H. R. 7193]

AN ACT

To provide for the striking of medals in commemoration of the fiftieth anniversary of the founding of the first union health center in the United States by the International Ladies' Garment Workers' Union.

ILGWU, health center.
50th anniversary medal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the founding in 1914 by the International Ladies' Garment Workers' Union of the first health center ever operated by a trade union in the United States, thus creating a new conception of medical care for the worker which has been followed by many other

unions and socially minded institutions, the Secretary of the Treasury is authorized and directed to strike an appropriate silver medal with suitable emblems, devices, and inscriptions to be determined by the International Ladies' Garment Workers' Union and subject to the approval of the Secretary of the Treasury.

SEC. 2. The Secretary of the Treasury is authorized and directed to coin and furnish to the International Ladies' Garment Workers' Union not more than two thousand copies in bronze of such medal of such size or sizes as shall be determined by the Secretary in consultation with the International Ladies' Garment Workers' Union. The medals shall be made and delivered at such times as may be required by the union in quantities of not less than one thousand but no medals shall be made after December 31, 1965. The medals shall be considered to be national medals within the meaning of section 3551 of the Revised Statutes. 31 USC 368.

SEC. 3. The Secretary of the Treasury shall cause such medals to be struck and furnished at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses; and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such cost. The medals authorized to be issued pursuant to this Act shall be of such size or sizes and of such metals as shall be determined by the Secretary of the Treasury in consultation with such union.

Approved November 20, 1963.

Public Law 88-186

AN ACT

November 26, 1963
[S. 777]

To amend the Arms Control and Disarmament Act in order to increase the authorization for appropriations and to modify the personnel security procedures for contractor employees.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 49(a) of the Act entitled "Arms Control and Disarmament Act", approved September 26, 1961 (75 Stat. 639), is amended by adding at the end thereof the following new sentence: "In addition, there is hereby authorized to be appropriated for the fiscal years 1964 and 1965, the sum of $20,000,000, to remain available until expended, to carry out the purposes of this Act." Arms Control and Disarmament Act, amendment. 22 USC 2589.

SEC. 2. Section 45 of the Act entitled "Arms Control and Disarmament Act", approved September 26, 1961 (75 Stat. 637), is amended by redesignating subsection 45(b) as subsection 45(c) and by inserting after subsection 45(a) the following new subsection: 22 USC 2585.

"(b) In the case of contractors or subcontractors and their officers or employees, actual or prospective, the Director may accept, in lieu of the investigation prescribed in subsection (a) hereof, a report of investigation conducted by a Government agency, other than the Civil Service Commission or the Federal Bureau of Investigation, when it is determined by the Director that the completed investigation meets the standards established in subsection (a) hereof: *Provided*, That security clearance had been granted to the individual concerned by another Government agency based upon such investigation and report.

The Director may also grant access for information classified no higher than 'confidential' to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of reports on less than full-field investigations: *Provided*, That such investigations shall each include a current national agency check."

SEC. 3. Section 33 of the Arms Control and Disarmament Act (22 U.S.C. 2573) is amended by adding at the end thereof the following new sentence: "Nothing contained in this Act shall be construed to authorize any policy or action by any Government agency which would interfere with, restrict, or prohibit the acquisition, possession, or use of firearms by an individual for the lawful purpose of personal defense, sport, recreation, education, or training."

75 Stat. 634.

SEC. 4. Section 49 of the Arms Control and Disarmament Act is amended by adding at the end thereof the following new subsections:

"(c) Not more than 20 per centum of any appropriation made pursuant to this Act shall be obligated and/or reserved during the last month of a fiscal year.

"(d) None of the funds herein authorized to be appropriated shall be used to pay for the dissemination within the United States of propaganda concerning the work of the United States Arms Control and Disarmament Agency."

75 Stat. 633.
22 USC 2571.

SEC. 5. In section 31(2) before the word "private" insert the words "United States".

Approved November 26, 1963.

Public Law 88-187

November 26, 1963
[H. R. 8969]

AN ACT

To provide, for the period ending June 30, 1964, temporary increases in the public debt limit set forth in section 21 of the Second Liberty Bond Act.

Public debt limit.
Temporary increases.
Ante, pp. 50, 131.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, during the period beginning on December 1, 1963, and ending on June 30, 1964, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act, as amended (31 U.S.C. 757b), shall be temporarily increased to $309,000,000,000. Because of variations in the timing of revenue receipts, the public debt limit as increased by the preceding sentence is further increased through June 29, 1964, by $6,000,000,000.

Approved November 26, 1963.

Public Law 88-188

November 29, 1963
[H. J. Res. 809]

JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1964, and for other purposes.

Continuing appropriations, 1964.
Ante, p. 281.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution of October 30, 1963 (Public Law 88-162), is hereby amended by striking out "November 30, 1963" and inserting in lieu thereof "January 31, 1964".

Approved November 29, 1963.

Public Law 88-189

AN ACT

November 29, 1963
[S. 2267]

To amend Public Law 88–72 to increase the authorization for appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of Public Law 88–72 is hereby amended by striking the figure "$172,562,000" and inserting in lieu thereof the figure "$190,507,000".

Atomic Energy Commission.
Appropriation authorization, increase.
Ante, p. 84.

SEC. 2. Section 101(d) of Public Law 88–72 is amended by adding at the end thereof:

"Project 64–d–10, occupational health laboratory, Los Alamos Scientific Laboratory, New Mexico, $1,650,000.

"Project 64–d–11, high temperature chemistry facility, Los Alamos Scientific Laboratory, New Mexico, $1,435,000.

"Project 64–d–12, plutonium research support building, Los Alamos Scientific Laboratory, New Mexico, $655,000.

"Project 64–d–13, radiochemistry building, Lawrence Radiation Laboratory, California, $5,900,000.

"Project 64–d–14, hazards control addition, Lawrence Radiation Laboratory, California, $1,000,000.

"Project 64–d–15, plant engineering and services building, Lawrence Radiation Laboratory, California, $1,400,000.

"Project 64–d–16, west cafeteria addition, Lawrence Radiation Laboratory, California, $255,000.

"Project 64–d–17, craft shop addition, Lawrence Radiation Laboratory, California, $200,000.

"Project 64–d–18, development laboratory, Sandia Base, New Mexico, $3,780,000.

"Project 64–d–19, explosive facilities, Sandia Base, New Mexico, $540,000.

"Project 64–d–20, classified technical reports building addition, Sandia Base, New Mexico, $500,000.

"Project 64–d–21, control point additions, Nevada Test Site, $630,000."

Approved November 29, 1963.

Public Law 88-190

AN ACT

December 2, 1963
[H. R. 2837]

To amend further section 11 of the Federal Register Act (44 U.S.C. 311).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Federal Register Act, as amended (44 U.S.C. 311), is further amended as follows:

Federal Register Act, amendment.
67 Stat. 388.

(a) By amending subsections (b), (c), and (d) thereof to read as follows:

"(b) Any codification published pursuant to subsection (a) of this section shall be printed and bound in permanent form and shall be designated as the 'Code of Federal Regulations.' The Committee shall regulate the binding of the printed codifications into separate books with a view to practical usefulness and economical manufacture. Each

"Code of Federal Regulations."

book shall contain an explanation of its coverage and such other aids to users as the Committee may require or authorize. A general index to the entire Code of Federal Regulations shall be separately printed and bound.

"(c) The Committee shall regulate the supplementation and the collation and republication of the printed codifications with a view to keeping the Code of Federal Regulations as current as practicable: *Provided*, That each book shall be either supplemented or collated and republished at least once each calendar year.

"(d) The Office of the Federal Register shall prepare and publish the codifications, supplements, collations, and indexes authorized by this section."

(b) By substituting a new subsection (g) to read as follows:

Presidential documents.

"(g) Nothing in this section shall be construed to require codification of the text of Presidential documents published and periodically compiled in supplements to title 3 of the Code of Federal Regulations."

Applicability.

SEC. 2. Section 11 of the Federal Register Act, as amended by the first section of this Act, shall apply to the Code of Federal Regulations previously authorized and published as well as to future publications made pursuant to that section as so amended.

Approved December 2, 1963.

Public Law 88-191

December 5, 1963
[H. R. 3191]

AN ACT

To exempt life insurance companies from the Act of February 4, 1913, regulating loaning of money on securities in the District of Columbia.

District of Columbia.
Life insurance companies, loans.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 10 of the Act entitled "An Act to regulate the business of loaning money on security of any kind by persons, firms, and corporations other than national banks, licensed bankers, trust companies, savings banks, building and loan associations, and real estate brokers in the District of Columbia", approved February 4, 1913 (D.C. Code, sec. 26–610), is amended (1) by inserting the subsection designation "(a)" immediately before the first word of such section; (2) by inserting before the period at the end thereof the following: "or to life insurance companies. As used in this section the term 'life insurance companies' means and includes any life insurance company authorized to do business in the District of Columbia pursuant to the Life Insurance Act (48 Stat. 1127, et seq.) and any other life insurance company which has a valid, current license to do business as such in any State of the United States"; and (3) by adding thereto the following new subsection:

37 Stat. 660.

D. C. Code 35-301.

Resident agent.

"(b) Any person or any legal entity exempted from the provisions of this Act by such subsection (a) of this section making loans secured on real or personal property in the District of Columbia who or which does not maintain an office for doing business in the District of Columbia or a residence in said District where such person or legal entity may be served with process in any suit arising out of any such transaction or in connection with such property shall appoint and maintain at all times in the District of Columbia a resident agent upon whom process may be served in any such suit, and shall register with the Commissioners of the District of Columbia or with their designee the name and address of such resident agent. Any such person or legal entity which

fails to appoint and maintain at all times in the District of Columbia such resident agent shall not, while such failure continues, be entitled to the exemption provided in this section. Whenever any such person or entity does not have in the District of Columbia an agent for service of process or such agent cannot with reasonable diligence be found at his registered address, then the said Commissioners or their designee shall be the agent for the service of process for such person or entity. Service of process on the Commissioners or their designee shall be made by delivering to, and leaving with them, or with any person having charge of their office, or with their designee, duplicate copies of the process accompanied by a fee in the amount of $2.00 and such service shall be sufficient service upon such person or entity. In the event of such service, the Commissioners, or their designee, shall immediately cause one of such copies to be forwarded by registered or certified mail, addressed to such person or entity at his or its address, as such address appears on the records of the Commissioners or their designee. Any such service shall be returnable in not less than thirty days unless the rules of the court issuing such process prescribe another period, in which case such prescribed period shall govern. Nothing contained in this section shall limit or affect the right to serve any process, notice, or demand required or permitted by law to be served on any such person or entity in any other manner now or hereafter permitted by law."

Approved December 5, 1963.

Public Law 88-192

AN ACT

December 5, 1963
[H. R. 3190]

To amend the Act of March 3, 1901, relating to devises and bequests by will.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, as amended, is amended by adding the following new section after section 1628 thereof:

D. C. "Pour over" trusts.

31 Stat. 1433; 32 Stat. 545.

D. C. Code 19-205.

"SEC. 1628a. (a) BEQUESTS OR DEVISES TO TRUSTEE UNDER, OR IN ACCORDANCE WITH TERMS OF, EXISTING TRUSTS.—A devise or bequest may be made in a will or codicil, otherwise valid, in form or substance to the trustee or trustees under, or in accordance with the terms of, a written inter vivos trust (including an unfunded life insurance trust, although the settlor has reserved any or all rights of ownership in the insurance contracts) which has been executed and is in existence prior to or contemporaneously with the execution of such will or codicil and is identified in such will or codicil, without regard to the size or character of the corpus of such trust, or whether the settlor is the testator or a third person.

"Such devise or bequest shall not be invalid because the trust is subject to amendment or modification or may be terminated or revoked after the will or codicil is executed (whether by the settlor or any other person or persons), nor because the trust instrument or any amendment thereto was not executed in the manner required by law for wills or codicils.

"Unless the will or codicil otherwise provides—

"(1) such devise or bequest shall not be invalid because the trust was amended or modified after the will or codicil was executed, and such devise or bequest shall be given effect in accordance with the terms of the trust as they appear in writing on the date of death of the testator, including any such amendment or modification;

"(2) property passing under such devise or bequest shall be deemed to pass directly to the trustee or trustees of the inter vivos trust and shall become a part of the assets of such trust, and shall not be deemed held under a separate testamentary trust;

"(3) an entire revocation of the trust prior to the death of the testator shall invalidate the devise or bequest even though such revocation was not effected in the manner provided by law for the revocation of wills and codicils;

"(4) a termination of the trust, except by way of revocation, in accordance with the terms of said trust or by its exhaustion or by operation of law or otherwise shall not invalidate the devise or bequest.

"(b) BEQUESTS OR DEVISES TO TRUSTEE UNDER, OR IN ACCORDANCE WITH TERMS OF, TESTAMENTARY TRUSTS.—A devise or bequest may be made in a will or codicil, otherwise valid, in form or substance to the trustee or trustees under, or in accordance with the terms of, a testamentary trust established under another valid will or codicil. Such devise or bequest shall not be invalid because the testamentary trust or the will or codicil establishing such testamentary trust was not in existence when the will or codicil containing such devise or bequest was executed, if the testator of the will or codicil establishing such testamentary trust predeceases the testator of the will or codicil containing such devise or bequest, and such will or codicil establishing such testamentary trust had been or is subsequently admitted to probate.

"Unless the will otherwise provides—

"(1) property passing under such devise or bequest shall be deemed to pass directly to the trustee or trustees of the testamentary trust and shall become a part of the assets of such trust, and shall not be deemed held under a separate testamentary trust;

"(2) a termination of the trust in accordance with the terms of said trust or by its exhaustion or by operation of law or otherwise shall not invalidate the devise or bequest.

"The provisions of this section shall apply to any devise or bequest made by a testator living on the effective date of this Act or born subsequent thereto, without regard to the date of execution of the will or codicil containing such devise or bequest or of the trust instrument, or any amendment thereto: *Provided, however*, That the provisions of this Act shall not be construed as casting any doubt upon the validity as heretofore existing of (a) any devise or bequest made by a testator who shall have died prior to the effective date hereof, or (b) any devise or bequest which does not come within the provisions of this Act."

SEC. 2. Any provision of law inconsistent with the provisions of this Act is hereby repealed.

Effective date.

SEC. 3. This Act shall become effective upon the date of enactment of this Act.

Approved December 5, 1963.

Public Law 88-193

AN ACT

December 5, 1963
[H. R. 7497]

To amend the Life Insurance Act for the District of Columbia relating to annual statements and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8, chapter II of the Life Insurance Act for the District of Columbia approved June 19, 1934 (48 Stat. 1132, ch. 672; sec. 35–407, D.C. Code, 1961 edition) is hereby amended by striking the last sentence and inserting in lieu thereof, the following: "If any such company shall fail to file the annual statement herein required, the Superintendent may thereupon revoke its certificate of authority to transact business in the District of Columbia. The Superintendent shall also have power to require that at least once in the month of March in each year a summary of such annual statement shall be published by the company in a daily newspaper published in the District."

Life Insurance Act, D. C., amendment.
Annual statements.

SEC. 2. Section 11 of chapter II of the Life Insurance Act for the District of Columbia approved June 19, 1934 (48 Stat. 1132, ch. 672; sec. 35–410, D.C. Code, 1961 edition) is hereby amended by inserting at the conclusion of the first paragraph thereof the following sentence: "*Provided, however*, That this section shall not be deemed to prevent an alien company from furnishing to its policyholders in the District of Columbia its annual report to policyholders of its domicile."

Approved December 5, 1963.

Public Law 88-194

AN ACT

December 11, 1963
[H. R. 2905]

To donate to the Devils Lake Sioux Tribe of the Fort Totten Indian Reservation, North Dakota, approximately two hundred seventy-five and seventy-four one-hundredths acres of federally owned land.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all of the right, title, and interest of the United States in the real property described below, and the improvements thereon, located within the Fort Totten Indian Reservation, North Dakota, are hereby declared to be held in trust by the United States for the use and benefit of the members of the Devils Lake Sioux Tribe of the Fort Totten Indian Reservation, North Dakota, subject to existing valid rights-of-way: Lot 1, section 16; lots 6, 7, 8, 9, 10, southwest quarter northeast quarter northeast quarter, southeast quarter northeast quarter, section 17; the west two hundred and twenty feet of the north 1,255.3 feet of lot 2, section 16; the north 38.13 acres of lot 2, section 17, and the north 11.46 acres of lot 3, section 17, these parcels being that portion of the west two hundred and twenty feet of lot 2, section 16 and those portions of lots 2 and 3, section 17, not embraced in Devils Lake Sioux Allotment Numbered 585 of Jesse G. Palmer for which Patent Numbered 412546 was issued to Frank Palmer, heir of Jesse G. Palmer, on June 10, 1914, all of said lands being situated in township 152 north, range 65 west, fifth principal meridian, Benson County, North Dakota, containing 275.74 acres more or less.

Indians.
Devils Lake Sioux Tribe.
Lands.

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

25 USC 70a.

Approved December 11, 1963.

Public Law 88-195

December 11, 1963
[H. R. 9291]

AN ACT

To provide office space, supplies, equipment, and franking privileges for Mrs. Jacqueline Bouvier Kennedy, to authorize appropriations for the payment of expenses incident to the death and burial of former President John Fitzgerald Kennedy, and for other purposes.

Mrs. Jacqueline Bouvier Kennedy. Franking privileges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all mail matter sent by post by Mrs. Jacqueline Bouvier Kennedy, the widow of former President John Fitzgerald Kennedy, under her written autograph signature or facsimile thereof, shall be conveyed within the United States, its possessions, and the Commonwealth of Puerto Rico free of postage during her natural life. The postal revenues shall be reimbursed each fiscal year, out of the general funds of the Treasury, in an amount equivalent to the postage which otherwise would be payable on such mail matter.

Office space, staff, etc.

SEC. 2. For a period of twelve months following the enactment of this Act, the Administrator of General Services shall furnish to Mrs. Kennedy suitable office space appropriately furnished, supplied, and equipped, as determined by the Administrator, at such place within the United States as Mrs. Kennedy shall specify. The supplies to be furnished shall include a sufficient quantity of envelopes marked "Postage and Fees Paid" to be used for international mail. For the same period, the Administrator of General Services shall, without regard to the civil service and classification laws, provide for an office staff for Mrs. Kennedy. Persons employed under this section shall be selected by Mrs. Kennedy and shall be responsible only to her for the performance of their duties. Mrs. Kennedy shall fix basic rates of compensation for persons employed for her under this section. Such compensation, in the aggregate, shall not exceed $50,000 during such period. The rate of compensation payable to any such person shall not exceed the maximum aggregate rate of compensation payable to any individual employed in the office of a Senator. Each person employed under this section in a position on the office staff of Mrs. Kennedy shall be held and considered to be an employee of the Government of the United States for the purposes of the Civil Service Retirement Act, the Federal Employees' Compensation Act, and the Federal Employees' Group Life Insurance Act of 1954, but shall not be held or considered to be an officer or employee of such Government for any other purpose.

70 Stat. 743; 39 Stat. 742; 68 Stat. 736. 5 USC 2251 note; 751 note; 2091 note.

Secret Service protection.

SEC. 3. The Secretary of the Treasury, through the United States Secret Service, is authorized to protect the person of Mrs. Kennedy and her minor children for such period of time, not in excess of two years, immediately following the enactment of this Act as she may request.

Appropriation.

SEC. 4. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of section 2 of this Act and to pay not to exceed $15,000 toward the expenses incident to the death and burial of former President John Fitzgerald Kennedy, including undertakers' charges and the expenses of transportation, the sum of $65,000, to remain available until June 30, 1965. No payment shall be made from this appropriation to any officer or employee of the Government for personal or professional services. Appropriations now or hereafter available to the United States Secret Service shall be available for the purposes of section 3 of this Act.

Approved December 11, 1963.

Public Law 88-196

AN ACT

December 11, 1963
[H. R. 2467]

To authorize the sale and exchange of isolated tracts of tribal land on the Rosebud Sioux Indian Reservation, South Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That, notwithstanding any other provision of law, upon request of the Rosebud Sioux Tribe, South Dakota, acting through its governing body, the Secretary of the Interior is authorized to exchange or to sell, by public or by negotiated sale, the tribal interests in isolated tracts of land located in Tripp, Gregory, and Lyman Counties, South Dakota, and held by the United States in trust for the tribe: *Provided*, (1) That the Secretary of the Interior certifies that the tract is isolated in that it is so located or situated that it would be to the economic advantage of the tribe to sell or exchange the tract; (2) that the amount or exchange value received by the tribe is not less than the fair market value of the tribal trust land and is accepted by the tribe; (3) that any proceeds from the sale of land under this Act are used exclusively for the purchase of land on the reservation within land consolidation areas approved by the Secretary of the Interior; (4) that title to any land acquired for the tribe under this Act by purchase or exchange shall be taken in the name of the United States in trust for the tribe; (5) that if lands in an exchange are not of equal value the difference in value may be paid in money; and (6) that if an enrolled member of the Rosebud Sioux Tribe acquires the tribal trust land, title may be taken in the name of the United States in trust.

Rosebud Sioux Indian Reservation, S. Dak. Lands.

SEC. 2. Upon request of the Rosebud Sioux Tribe, South Dakota, acting through its governing body, the Secretary of the Interior is authorized to mortgage tribal interests in isolated tracts of land, in lieu of selling or exchanging them, and the proceeds of the loan secured by the mortgage must be used exclusively for the acquisition of land on the reservation within land consolidation areas approved by the Secretary of the Interior, title to the land acquired being taken in the name of the United States in trust for the tribe.

Approved December 11, 1963.

Public Law 88-197

AN ACT

December 11, 1963
[S. 1243]

To change the name of the Andrew Johnson National Monument, to add certain historic property thereto, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Andrew Johnson National Monument established by Proclamation Numbered 2554 of April 27, 1942 (56 Stat. 1955), pursuant to the Act of August 29, 1935 (49 Stat. 958), is hereby redesignated the Andrew Johnson National Historic Site.

Andrew Johnson National Historic Site.

16 USC 450o-450q.

SEC. 2. The Secretary of the Interior may procure with donated or appropriated funds, by donation, or by exchange the following described lands, or interests therein, located in Greeneville, Tennessee, and when so acquired such lands shall become a part of the Andrew Johnson National Historic Site:

Beginning at a point which is the intersection of the east right-of-way line of College Street and the north right-of-way line of Depot Street;

thence continuing along the north right-of-way line of Depot Street south 62¼ degrees east 165 feet to its intersection with the west side of Academy Street;

thence leaving the north right-of-way line of Depot Street and continuing along the west right-of-way of Academy Street north 38 degrees east 93.4 feet to a point;

thence leaving the west right-of-way of Academy Street north 64¾ degrees west 184 feet to a point on the east right-of-way line of College Street;

thence with the east right-of-way line of College Street south 25¾ degrees west 83.7 feet to a point of beginning, containing 0.35 acre, more or less.

Appropriation.

SEC. 3. There are authorized to be appropriated such sums, but not more than $66,000 for acquisition, restoration, and development costs, as are necessary to carry out the purposes of this Act.

Approved December 11, 1963.

Public Law 88-198

December 12, 1963
[H. R. 5949]

AN ACT

To consent to the amendment by the States of Colorado and New Mexico of the Costilla Creek Compact.

Colorado-New Mexico.
Costilla Creek Compact, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is given to the amendment of the Costilla Creek Compact as agreed to by the States of Colorado and New Mexico. Such amended compact reads as follows:

AMENDED COSTILLA CREEK COMPACT

The State of Colorado and the State of New Mexico, parties signatory to this compact (hereinafter referred to as "Colorado" and "New Mexico", respectively, or individually as a "State", or collectively as the "States"), having on September 30, 1944, concluded, through their duly authorized Commissioners, to-wit: Clifford H. Stone for Colorado and Thomas M. McClure for New Mexico, a compact with respect to the waters of Costilla Creek, an interstate stream, which compact was ratified by the States in 1945 and was approved by the Congress of the United States in 1946; and

The States, having resolved to conclude an amended compact with respect to the waters of Costilla Creek, have designated, pursuant to the Acts of their respective Legislatures and through their appropriate executive agencies, as their Commissioners:

J. E. Whitten, for Colorado
S. E. Reynolds, for New Mexico

who, after negotiations, have agreed upon these articles:

ARTICLE I

The major purposes of this compact are to provide for the equitable division and apportionment of the use of the waters of Costilla Creek; to promote interstate comity; to remove causes of present and future interstate controversies; to assure the most efficient utilization of the waters of Costilla Creek; to provide for the integrated operation of existing and prospective irrigation facilities on the stream in the two States; to adjust the conflicting jurisdictions of the two States over irrigation works and facilities diverting and storing water in one State for use in both States; to equalize the benefits of water from

Costilla Creek, used for the irrigation of contiguous lands lying on either side of the Boundary, between the citizens and water users of one State and those of the other; and to place the beneficial application of water diverted from Costilla Creek for irrigation by the water users of the two States on a common basis.

The physical and other conditions peculiar to the Costilla Creek and its basin, and the nature and location of the irrigation development and the facilities in connection therewith, constitute the basis for this compact; and neither of the States hereby, nor the Congress of the United States by its consent, concedes that this compact establishes any general principle or precedent with respect to any other interstate stream.

ARTICLE II

As used in this compact, the following names, terms and expressions are described, defined, applied and taken to mean as in this Article set forth:

(a) "Costilla Creek" is a tributary of the Rio Grande which rises on the west slope of the Sangre de Cristo range in the extreme southeastern corner of Costilla County in Colorado and flows in a general westerly direction crossing the Boundary three times above its confluence with the Rio Grande in New Mexico.

(b) The "Canyon Mouth" is that point on Costilla Creek in New Mexico where the stream leaves the mountains and emerges into the San Luis Valley.

(c) The "Amalia Area" is that irrigated area in New Mexico above the Canyon Mouth and below the Costilla Reservoir which is served by decreed direct flow water rights.

(d) The "Costilla-Garcia Area" is that area extending from the Canyon Mouth in New Mexico to a point in Colorado about four miles downstream from the Boundary, being a compact body of irrigated land on either side of Costilla Creek served by decreed direct flow water rights.

(e) The "Eastdale Reservoir No. 1" is that off-channel reservoir located in Colorado in Sections 7, 8 and 18, Township 1 North, Range 73 West, and Sections 12 and 13, Township 1 North, Range 74 West, of the Costilla Estates Survey, with a nominal capacity of three thousand four hundred sixty-eight (3,468) acre-feet and a present usable capacity of two thousand (2,000) acre-feet.

(f) The "Eastdale Reservoir No. 2" is that off-channel reservoir located in Colorado in Sections 3, 4, 9 and 10, Township 1 North, Range 73 West, of the Costilla Estates Survey, with a nominal capacity of three thousand forty-one (3,041) acre-feet.

(g) The "Costilla Reservoir" is that channel reservoir, having a nominal capacity of fifteen thousand seven hundred (15,700) acre-feet, located in New Mexico near the headwaters of Costilla Creek. The present Usable Capacity of the reservoir is eleven thousand (11,000) acre-feet, subject to future adjustment by the State Engineer of New Mexico. The condition of Costilla dam may be such that the State Engineer of New Mexico will not permit storage above a determined stage except for short periods of time.

(h) The "Cerro Canal" is that irrigation canal which diverts water from the left bank of Costilla Creek in New Mexico near the southwest corner of Section 12, Township 1 South, Range 73 West, of the Costilla Estates Survey, and runs in a northwesterly direction to the Boundary near Boundary Monument No. 140.

(i) The "Boundary" is the term used herein to describe the common boundary line between Colorado and New Mexico.

(j) The term "Costilla Reservoir System" means and includes the Costilla Reservoir and the Cerro Canal, the permits for the storage of water in Costilla Reservoir, the twenty-four and fifty-two hundredths (24.52) cubic feet per second of time of direct flow water rights transferred to the Cerro Canal, and the permits for the diversion of direct flow water by the Cerro Canal as adjusted herein to seventy-five and forty-eight hundredths (75.48) cubic feet per second of time.

(k) The term "Costilla Reservoir System Safe Yield" means that quantity of usable water made available each year by the Costilla Reservoir System. The safe yield represents the most beneficial operation of the Costilla Reservoir System through the use, first, of the total usable portion of the yield of the twenty-four and fifty-two hundredths (24.52) cubic feet per second of time of direct flow rights transferred to the Cerro Canal, second, of the total usable portion of the yield of the direct flow Cerro Canal permits, and third, of that portion of the water stored in Costilla Reservoir required to complete such safe yield.

(l) The term "Usable Capacity" is defined and means that capacity of Costilla Reservoir at the stage above which the State Engineer of New Mexico will not permit storage except for short periods of time.

(m) The term "Temporary Storage" is defined and means the water permitted by the State Engineer of New Mexico to be stored in Costilla Reservoir for short periods of time above the Usable Capacity of that reservoir.

(n) The term "Additional Storage Facilities" is defined and means storage capacity which may be provided in either State to impound waters of Costilla Creek and its tributaries in addition to the nominal capacity of Costilla Reservoir and the Costilla Creek complement of the Eastdale Reservoir No. 1 capacity.

(o) The term "Duty of Water" is defined as the rate in cubic feet per second of time at which water may be diverted at the headgate to irrigate a specified acreage of land during the period of maximum requirement.

(p) The term "Surplus Water" is defined and means water which cannot be stored in operating reservoirs during the Storage Season or water during the Irrigation Season which cannot be stored in operating reservoirs and which is in excess of the aggregate direct flow rights and permits recognized by this compact.

(q) The term "Irrigation Season" is defined and means that period of each calendar year from May 16 to September 30, inclusive.

(r) The term "Storage Season" is defined and means that period of time extending from October 1 of one year to May 15 of the succeeding year, inclusive.

(s) The term "Points of Interstate Delivery" means and includes (1) the Acequia Madre where it crosses the Boundary; (2) The Costilla Creek where it crosses the Boundary; (3) the Cerro Canal where it reaches the Boundary; and (4) any other interstate canals which might be constructed with the approval of the Commission at the point or points where they cross the Boundary.

(t) The term "Water Company" means The San Luis Power and Water Company, a Colorado corporation, or its successor.

(u) The word "Commission" means the Costilla Creek Compact Commission created by Article VIII of this compact for the administration thereof.

ARTICLE III

1. To accomplish the purposes of this compact, as set forth in Article I, the following adjustments in the operation of irrigation facilities on Costilla Creek, and in the use of water diverted, stored and regulated thereby, are made:

(a) The quantity of water delivered for use in the two States by direct flow ditches in the Costilla-Garcia Area and by the Cerro Canal is based on a Duty of Water of one cubic foot per second of time for each eighty (80) acres, to be applied in the order of priority; *Provided, however*, That this adjustment in each instance is based on the acreage as determined by the court in decreeing the water rights for the Costilla-Garcia Area, and in the case of the Cerro Canal such basis shall apply to eight thousand (8,000) acres of land. In order to better maintain a usable head for the diversion of water for beneficial consumptive use the adjusted maximum diversion rate under the water right of each of the ditches supplying water for the Costilla-Garcia Area in Colorado is not less than one cubic foot per second of time.

(b) There is transferred from certain ditches in the Costilla-Garcia Area twenty-four and fifty-two hundredths (24.52) cubic feet per second of time of direct flow water rights, which rights of use are held by the Water Company or its successors in title, to the headgate of the Cerro Canal. The twenty-four and fifty-two hundredths (24.52) cubic feet of water per second of time hereby transferred represents an evaluation of these rights after adjustment in the Duty of Water, pursuant to subsection (a) of this Article, and includes a reduction thereof to compensate for increased use of direct flow water which otherwise would have been possible under these rights by this transfer.

(c) Except for the rights to store water from Costilla Creek in Eastdale Reservoir No. 1 as hereinafter provided, all diversion and storage rights from Costilla Creek for Eastdale Reservoirs No. 1 and No. 2 are relinquished and the water decreed thereunder is returned to the creek for use in accordance with the plan of integrated operation effectuated by this compact.

(d) The Cerro Canal direct flow permit shall be seventy-five and forty-eight hundredths (75.48) cubic feet per second of time.

(e) There is transferred to and made available for the irrigation of lands in Colorado a portion of the Costilla Reservoir complement of the Costilla Reservoir System Safe Yield in order that the storage of water in that reservoir may be made for the benefit of water users in both Colorado and New Mexico under the provisions of this compact for the allocations of water and the operation of facilities.

2. Each State grants for the benefit of the other and its water users the rights to change the points of diversion of water from Costilla Creek, to divert water from the stream in one State for use in the other and to store water in one State for the irrigation of lands in the other, insofar as the exercise of such rights may be necessary to effectuate the provisions of this Article and to comply with the terms of this compact.

3. The Water Company has consented to and approved the adjustments contained in this Article; and such consent and approval shall be evidenced in writing and filed with the Commission.

ARTICLE IV

The apportionment and allocation of the use of Costilla Creek water shall be as follows:

93-025 O-64-25

(a) There is allocated for diversion from the natural flow of Costilla Creek and its tributaries sufficient water for beneficial use on meadow and pasture lands above Costilla Reservoir in New Mexico to the extent and in the manner now prevailing in that area.

(b) There is allocated for diversion from the natural flow of Costilla Creek and its tributaries thirteen and forty-two hundredths (13.42) cubic feet of water per second of time for beneficial use on lands in the Amalia Area in New Mexico.

(c) In addition to allocations made in subsections (e), (f) and (g) of this Article, there is allocated for diversion from the natural flow of Costilla Creek fifty and sixty-two hundredths (50.62) cubic feet of water per second of time for Colorado and eighty-nine and eight hundredths (89.08) cubic feet of water per second of time for New Mexico, subject to adjustment as provided in Article V(e), and such water shall be delivered for beneficial use in the two States in accordance with the schedules and under the conditions set forth in Article V.

(d) There is allocated for diversion from the natural flow of Costilla Creek sufficient water to provide each year one thousand (1,000) acre-feet of stored water in Eastdale Reservoir No. 1, such water to be delivered as provided in Article V.

(e) There is allocated for diversion to Colorado thirty-six and five-tenths per cent (36.5%) and to New Mexico sixty-three and five-tenths per cent (63.5%) of the water stored by Costilla Reservoir for release therefrom for irrigation purposes each year, subject to adjustment as provided in Article V(e) and such water shall be delivered for beneficial use in the two States on a parity basis in accordance with the provisions of Article V. By "parity basis" is meant that neither State shall enjoy a priority of right of use.

(f) There is allocated for beneficial use in each of the States of Colorado and New Mexico one-half of the Surplus Water, as defined in Article 11(p), to be delivered as provided in Article V.

(g) There is allocated for beneficial use in each of the States of Colorado and New Mexico one-half of any water made available and usable by Additional Storage Facilities which may be constructed in the future.

ARTICLE V

The operation of the facilities of Costilla Creek and the delivery of water for the irrigation of land in Colorado and New Mexico, in accordance with the allocations made in Article IV, shall be as follows:

(a) Diversions of water for use on lands in the Amalia Area shall be made as set forth in Article IV(b) in the order of decreed priorities in New Mexico and of relative priority dates in the two States, subject to the right of New Mexico to change the points of diversion and places of use of any of such water to other points of diversion and places of use; *Provided, however,* That the rights so transferred shall be limited in each instance to the quantity of water actually consumed on the lands from which the right is transferred.

(b) Deliveries to Colorado of direct flow water below the Canyon Mouth shall be made by New Mexico in accordance with the following schedule:

DELIVERIES OF DIRECT FLOW WATER TO COLORADO DURING IRRIGATION SEASON

Usable Discharge of Creek at Canyon Mouth Gaging Station (C.F.S.)	Incremental Allocations to Colorado (C.F.S.)		Points of Interstate Delivery	Cumulative Allocations to Colorado (C.F.S.)	Remarks
(1)	(2A)	(2B)	(3)	(4)	(5)
25.00	1.05	----------	Acequia Madre	----------	Incremental allocation is 4.2% of the usable discharge when usable discharge is less than 25.00 C.F.S.
	2.53	----------	Cerro Canal	----------	Incremental allocation is 10.13% of the usable discharge when usable discharge is less than 25.00 C.F.S.
	4.70	----------	Cerro Canal	8.28	This 4.70 C.F.S. is not a part of the Colorado allocation of the direct flow water of the Costilla Reservoir System and is not subject to adjustment in the event of a change in the usable capacity of Costilla Reservoir. Incremental allocation is 18.8% of the usable discharge when usable discharge is less than 25.00 C.F.S. This 4.70 C.F.S. allocated to Colorado for delivery through the Cerro Canal is 5.50 C.F.S. of the original 6.55 C.F.S. allocated to Colorado for delivery through the Acequia Madre less 0.8 C.F.S. correcrection for losses.
36.88	.38	----------	Cerro Canal	----------	This 0.38 C.F.S. is not a part of the Colorado allocation of the direct flow water of the Costilla Reservoir System and is not subject to adjustment in the event of a change in the usable capacity of Costilla Reservoir. Incremental allocation is 3.26% of the usable discharge in excess of 25.38 C.F.S. and less than 36.88 C.F.S.
	4.04	----------	Cerro Canal	12.70	Incremental allocation is 35.11% of the usable discharge in excess of 25.38 C.F.S. and less than 36.88 C.F.S.
38.62	----------	1.00	Creek	13.70	Incremental allocation is 100% of the usable discharge in excess of 37.62 C.F.S. and less than 38.62 C.F.S.
44.76	2.24	----------	Cerro Canal	15.94	Incremental allocation is 36.5% of the usable discharge in excess of 38.62 C.F.S. and less than 44.76 C.F.S.
50.91	----------	6.00	Creek	21.94	Incremental allocation is 100% of the usable discharge in excess of 44.91 C.F.S. and less than 50.91 C.F.S.
56.48	.13	----------	Cerro Canal	22.07	Incremental allocation is 11.18% of the usable discharge in excess of 55.35 C.F.S. and less than 56.48 C.F.S.
61.48	----------	1.00	Creek	23.07	Incremental allocation is 100% of the usable discharge in excess of 60.48 C.F.S. and less than 61.48 C.F.S.
64.22	----------	----------	----------	----------	At usable creek discharge of 64.22 C.F.S. the Cerro Canal direct flow permit becomes operative after 1,000 acre-feet has been stored in Eastdale Reservoir No. 1.
139.70	27.55	----------	Cerro Canal	50.62	Incremental allocation is 36.5% of the usable discharge in excess of 64.22 C.F.S. and less than 139.70 C.F.S.

The actual discharges of Costilla Creek at the Canyon Mouth gaging station at which the various blocks of direct flow water become effective shall equal the flows set forth in column (1) increased by the transmission losses necessary to deliver those flows to the headgates of the respective direct flow ditches diverting in New Mexico.

The delivery of ditch water at the Boundary shall equal the allocation set forth in columns (2A) and (2B) reduced by the transmission losses between the headgate of the ditch and the point where the ditch crosses the Boundary. The allocations to be delivered to Colorado through the Cerro Canal represent, except as otherwise indicated in column (5) of the table above, 36.5 per cent of those blocks of direct flow water of the Costilla Reservoir System which are subject to adjustment as provided in subsection (e) of this Article.

The provisions of Article III 1. (a) shall not be applicable to the Colorado allocation of 5.08 C.F.S. which is transferred from the Acequia Madre to the Cerro Canal by this Amendment to the Costilla Creek Compact and shall not be applicable to the 0.8 C.F.S. which is transferred from Colorado to New Mexico by this Amendment to the Costilla Creek Compact.

The above table is compiled on the basis of the delivery to Colorado at the Boundary of thirty-six and five-tenths per cent (36.5%) of all direct flow water of the Costilla Reservoir System diverted by the Cerro Canal and the delivery at the Boundary of all other direct flow water allocated to Colorado, in the order of priority, all such deliveries to be adjusted for transmission losses. In the event of change in the Usable Capacity of the Costilla Reservoir, Colorado's share of all direct flow water of the Costilla Reservoir System diverted by the Cerro Canal, to be delivered at the Boundary and adjusted for transmission losses, shall be determined by the percentages set forth in Column (4) of the table which appears in subsection (e) of this Article.

(c) During the Storage Season, no water shall be diverted under direct flow rights unless there is water in excess of the demand of all operating reservoirs for water from Costilla Creek for storage.

(d) In order to assure the most efficient utilization of the available water supply, the filling of Eastdale Reservoir No. 1 from Costilla Creek shall be commenced as early in the spring as possible and shall be completed as soon thereafter as possible. The Cerro Canal or any other ditch which may be provided for that purpose shall be used, insofar as practicable, to convey the water from the Canyon Mouth to Eastdale Reservoir No. 1. During any season when the Commission determines that there will be no Surplus Water, any diversions, waste or spill from any canal or canals supplying Eastdale Reservoir No. 1 will be charged to the quantity of water diverted for delivery to said reservoir.

(e) The Commission shall estimate each year the Safe Yield of Costilla Reservoir System and its component parts as far in advance of the Irrigation Season as possible, and shall review and revise such estimates from time to time as may be necessary.

In the event the Usable Capacity of the Costilla Reservoir changes, the average safe yield and the equitable division thereof between the States shall be determined in accordance with the following table:

Usable Capacity of Costilla Reservoir	Average Annual Safe Yield (acre-feet)	Division of Safe Yield			
		Colorado		New Mexico	
		(acre-feet)	(per cent)	(acre-feet)	(per cent)
(1)	(2)	(3)	(4)	(5)	(6)
0	1,800	1,510	83.9	290	16.1
1,000	3,400	2,000	58.8	1,400	41.2
2,000	4,900	2,450	50.0	2,450	50.0
3,000	6,400	2,910	45.5	3,490	54.5
4,000	7,900	3,370	42.7	4,530	57.3
5,000	9,300	3,800	40.9	5,500	59.1
6,000	10,700	4,220	39.4	6,480	60.6
7,000	12,000	4,620	38.5	7,380	61.5
8,000	13,200	4,990	37.8	8,210	62.2
9,000	14,300	5,320	37.2	8,980	62.8
10,000	15,200	5,600	36.8	9,600	63.2
11,000	16,000	5,840	36.5	10,160	63.5
12,000	16,600	6,020	36.3	10,580	63.7
13,000	17,000	6,140	36.1	10,860	63.9
14,000	17,400	6,270	36.0	11,130	64.0
15,000	17,700	6,360	35.9	11,340	64.1
15,700	17,900	6,420	35.9	11,480	64.1

Intermediate quantities shall be computed by proportionate parts.

In the event of change in the Usable Capacity of the Costilla Reservoir, the Costilla Reservoir complement of the Costilla Reservoir System Safe Yield shall be divided between Colorado and New Mexico in accordance with the percentages given in Columns 4 and 6, respectively, of the above table.

Each State may draw from the Reservoir in accordance with the allocations made herein, up to its proportion of the Costilla Reservoir complement of the Costilla Reservoir System Safe Yield and its proportion of Temporary Storage and no more. Colorado may call for the delivery of its share thereof at any of the specified Points of Interstate Delivery.

Deliveries of water from Costilla Reservoir to the Canyon Mouth shall be adjusted for transmission losses, if any, between the two points. Deliveries to Colorado at the Boundary shall be further adjusted for transmission losses from the Canyon Mouth to the respective Points of Interstate Delivery.

Water stored in Costilla Reservoir and not released during the current season shall not be held over to the credit of either State but shall be apportioned when the safe yield is subsequently determined.

(f) The Colorado apportionment of Surplus Water, as allocated in Article IV(f), shall be delivered by New Mexico at such points of interstate delivery and in the respective quantities, subject to transmission losses, requested by the Colorado member of the Commission.

(g) In the event that additional water becomes usable by the construction of Additional Storage Facilities, such water shall be made available to each State in accordance with rules and regulations to be prescribed by the Commission.

(h) When it appears to the Commission that any part of the water allocated to one State for use in a particular year will not be used by that State, the Commission may permit its use by the other State during that year, provided that a permanent right to the use of such water shall not thereby be established.

ARTICLE VI

The desirability of consolidating various of the direct flow ditches serving the Costilla-Garcia Area, which are now or which would become interstate in character by consolidation, and diverting the water available to such ditches through a common headgate is recognized. Should the owners of any of such ditches or a combination of them, desire to effectuate a consolidation and provide for a common headgate diversion, application therefor shall be made to the Commission which, after review of the plans submitted, may grant permission to make such consolidation.

ARTICLE VII

The Commission shall cause to be maintained and operated a stream-gaging station, equipped with an automatic water-stage recorder, at each of the following points, to-wit:

(a) On Costilla Creek immediately below Costilla Reservoir.

(b) On Costilla Creek at or near the Canyon Mouth above the headgate of Cerro Canal and below the Amalia Area.

(c) On Costilla Creek at or near the Boundary.

(d) On the Cerro Canal immediately below its headgate.

(e) On the Cerro Canal at or near the Boundary.

(f) On the intake from Costilla Creek to the Eastdale Reservoir No. 1, immediately above the point where the intake discharges into the reservoir.

(g) On the Acequia Madre immediately below its headgate.

(h) On the Acequia Madre at the Boundary.

(i) Similar gaging stations shall be maintained and operated at such other points as may be necessary in the discretion of the Commission for the securing of records required for the carrying out of the provisions of the compact.

Such gaging stations shall be equipped, maintained, and operated by the Commission directly or in cooperation with an appropriate federal or state agency, and the equipment, method, and frequency of measurement at such stations shall be such as to produce reliable records at all times.

ARTICLE VIII

The two States shall administer this compact through the official in each State who is now or may hereafter be charged with the duty of administering the public water supplies, and such officials shall constitute the Costilla Creek Compact Commission. In addition to the powers and duties hereinbefore specifically conferred upon such Commission, the Commission shall collect and correlate factual data and maintain records having a bearing upon the administration of this compact. In connection therewith, the Commission may employ such engineering and other assistance as may be reasonably necessary within the limits of funds provided for that purpose by the States. The Commission may, by unanimous action, adopt rules and regulations consistent with the provisions of this compact to govern its proceedings. The salaries and expenses of the members of the Commission shall be paid by their respective States. Other expenses incident to the administration of the compact, including the employment of engineering or other assistance and the establishment and maintenance of compact gaging stations, not borne by the United States shall be assumed equally by the two States and paid directly to the Commission upon vouchers submitted for that purpose.

The United States Geological Survey, or whatever federal agency may succeed to the functions and duties of that agency, shall collaborate with the Commission in the correlation and publication of water facts necessary for the proper administration of this compact.

ARTICLE IX

This amended compact shall become operative when ratified by the Legislatures of the signatory States and consented to by the Congress of the United States; provided, that, except as changed herein, the provisions, terms, conditions and obligations of the Costilla Creek Compact executed on September 30, 1944, continue in full force and effect.

IN WITNESS WHEREOF, the Commissioners have signed this compact in triplicate original, one copy of which shall be deposited in the archives of the Department of State of the United States of America, and one copy of which shall be forwarded to the Governor of each of the signatory States.

Done in the City of Sante Fe, New Mexico, on the 7th day of February, in the year of our Lord, one thousand nine hundred and sixty-three.

J. E. WHITTEN,
Commissioner for Colorado.
S. E. REYNOLDS,
Commissioner for New Mexico.

SEC. 2. The right to alter, amend, or repeal this Act is hereby reserved.

Approved December 12, 1963.

Public Law 88-199

AN ACT

December 12, 1963
[H. R. 976]

To authorize the Secretary of the Interior to acquire and add certain lands to the Salem Maritime National Historic Site in Massachusetts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve, as a part of the Salem Maritime National Historic Site, one of the few substantially unaltered houses of seventeenth century Massachusetts, the Secretary of the Interior is authorized to procure by purchase, donation, or purchase with donated funds certain lands and interests in lands situated in Salem, Massachusetts, being known as the Narbonne House, and consisting of approximately 0.187 acre, the same being the premises conveyed to Margaret Hale by deed dated November 5, 1958, and recorded with the Essex County deeds, book 4511, page 575. When acquired, said lands shall be administered as a part of the site under the laws and regulations applicable thereto.

Salem Maritime National Historic Site.
Land acquisition.

SEC. 2. There are hereby authorized to be appropriated such sums, but not more than $18,000, as may be necessary to acquire the property described in section 1 of this Act.

Appropriation.

Approved December 12, 1963.

Public Law 88-200

AN ACT

December 13, 1963
[H. R. 9009]

To amend further the Peace Corps Act, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(b) of the Peace Corps Act, as amended, which authorizes appropriations to carry out the purposes of that Act, is amended by striking out "1963" and "$63,750,000" and substituting "1964" and "$102,000,000", respectively.

Peace Corps Act, amendments.
76 Stat. 62.
22 USC 2502.

SEC. 2. Section 5 of the Peace Corps Act, as amended, which relates to Peace Corps volunteers, is amended as follows:

75 Stat. 613.
22 USC 2504.

(a) In subsection (b), insert the following sentence immediately after the first sentence: "Supplies or equipment provided volunteers to insure their capacity to serve effectively may be transferred to the government or to other entities of the country or area with which they have been serving, when no longer necessary for such purpose, and when such transfers would further the purposes of this Act."

(b) Strike out subsection (c) and substitute therefor the following:

"(c) Volunteers shall be entitled to receive a readjustment allowance at a rate not to exceed $75 for each month of satisfactory service as determined by the President. The readjustment allowance of each volunteer shall be payable on his return to the United States: *Provided, however*, That, under such circumstances as the President may determine, the accrued readjustment allowance, or any part thereof, may be paid to the volunteer, members of his family or others, during the period of his service, or prior to his return to the United States. In the event of the volunteer's death during the period of his service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of the Act of August 3, 1950, chapter 518, section 1 (5 U.S.C. 61f)."

64 Stat. 395.

(c) In subsection (f)(2), strike out "termination payments" and substitute therefor "readjustment allowances".

(d) In subsection (g), add immediately after "may determine" the following proviso: ": *Provided*, That not to exceed one hundred volunteers in the aggregate may be assigned to carry out secretarial or clerical duties on the staffs of the Peace Corps representatives abroad".

(e) In subsection (h), strike out "and for the purposes of" immediately after "tort liability statute," and substitute therefor "the
69 Stat. 584. Federal Voting Assistance Act of 1955 (5 U.S.C. 2171 et seq.), the
68 Stat. 176. Act of June 4, 1954, chapter 264, section 4 (5 U.S.C. 73b–5), and".

(f) Add a new subsection at the end of section 5 as follows:

"(k) In order to assure that the skills and experience which former volunteers have derived from their training and their service abroad are best utilized in the national interest, the President may, in cooperation with agencies of the United States, private employers, educational institutions and other entities of the United States, undertake programs under which volunteers would be counseled with respect to opportunities for further education and employment."

22 USC 2505. SEC. 3. Section 6(1) of the Peace Corps Act, as amended, which relates to Peace Corps volunteer leaders, is amended by striking out "termination payments" and substituting therefor "a readjustment allowance".

22 USC 2506. SEC. 4. Section 7(b) of the Peace Corps Act, as amended, which relates to the compensation of persons engaged in the United States in activities authorized by the Act, is amended by striking out "so" in the first sentence thereof.

75 Stat. 617.
22 USC 2509. SEC. 5. Section 10(a) of the Peace Corps Act, as amended, which relates to general powers and authorities, is amended by inserting immediately after "or otherwise" in paragraph (3) ", and transfer such property to the government or other entities of the country or area with which the volunteers are serving, when such transfers would further the general purposes of the Act".

22 USC 2512. SEC. 6. Section 13 of the Peace Corps Act, as amended, which relates to the employment of experts and consultants, is amended as follows:

(a) In subsection (a), strike out "Peace Corps" and substitute therefor "President".

(b) In subsection (b), strike out all that appears between "shall not" in the first clause thereof and "be considered" in the second clause thereof.

22 USC 2518. SEC. 7. Section 19 of the Peace Corps Act, as amended, which relates to the Peace Corps seal, is amended by striking out the short title and substituting therefor "Exclusive Right to Seal and Name", by inserting "(a)" before "The President may", and by adding a new subsection as follows:

"(b)(1) The use of the official seal or emblem and the use of the name 'Peace Corps' shall be restricted exclusively to designate programs authorized under this Act.

"(2) Whoever, whether an individual, partnership, corporation, or association, uses the seal for which provision is made in this section, or any sign, insignia, or symbol in colorable imitation thereof, or the words 'Peace Corps' or any combination of these or other words or characters in colorable imitation thereof, other than to designate programs authorized under this Act, shall be fined not more than $500 or imprisoned not more than six months, or both. A violation of this subsection may be enjoined at the suit of the Attorney General, United States attorneys, or other persons duly authorized to represent the United States."

SEC. 8. The Peace Corps Act, as amended, is amended to add after title II thereof a new title as follows:

"TITLE III—ENCOURAGEMENT OF VOLUNTARY SERVICE PROGRAMS

"SEC. 301. (a) The Congress declares that it is the policy of the United States and a further purpose of this Act to encourage countries and areas to establish programs under which their citizens and nationals would volunteer to serve in order to help meet the needs of less developed countries or areas for trained manpower, and to encourage less developed countries or areas to establish programs under which their citizens and nationals would volunteer to serve in order to meet their needs for trained manpower.

"(b) Not more than $300,000 may be used to carry out the purposes of this title in fiscal year 1964. Activities carried out by the President in furtherance of the purposes of this title shall be limited to the furnishing of knowledge and skills relating to the selection, training, and programing of volunteer manpower. None of the funds available to carry out the purposes of this Act which are used in furtherance of the purposes of this title may be contributed to any international organization or to any foreign government or agency thereof; nor may such funds be used to pay the costs of developing or operating volunteer programs of such organization, government, or agency, or to pay any other costs of such organization, government, or agency.

"(c) Such activities shall not compromise the national character of the Peace Corps."

Approved December 13, 1963.

Public Law 88-201

AN ACT

To provide that seat belts sold or shipped in interstate commerce for use in motor vehicles shall meet certain safety standards.

December 13, 1963
[H. R. 134]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce shall prescribe and publish in the Federal Register minimum standards for seat belts for use in motor vehicles other than those of carriers subject to safety regulations under part II of the Interstate Commerce Act. Such standards shall be designed to provide the public with safe seat belts so that passenger injuries in motor vehicle accidents can be kept to a minimum. Standards first established under this section shall be prescribed and published not later than one year after the date of enactment of this Act.

Seat belts.
Safety standards.
Publication in F. R.
54 Stat. 919.
49 USC 301.

SEC. 2. (a) The manufacture for sale, the sale, or the offering for sale, in interstate commerce, or the importation into the United States, or the introduction, delivery for introduction, transportation or causing to be transported in, interstate commerce, or for the purpose of sale, or delivery after sale, in interstate commerce, of any seat belt manufactured on or after the date this section takes effect shall be unlawful unless such seat belt meets the standards prescribed by the Secretary of Commerce as set forth in the first section of this Act.

Restriction.

(b) Whoever knowingly and willfully violates this section shall be fined not more than $1,000, or imprisoned not more than one year or both.

Penalty.

SEC. 3. As used in this Act—

Definitions.

(1) The term "interstate commerce" includes commerce between one State, Territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico and another State, Territory, possession, the District of Columbia, or the Commonwealth of Puerto Rico.

(2) The term "motor vehicle" means any other vehicle or machine propelled or drawn by mechanical power and used on the highways principally in the transportation of passengers.

(3) The term "seat belt" means any strap, webbing, or similar device designed to secure a passenger in a motor vehicle in order to mitigate the results of any accident, including all neeessary buckles, and other fasteners, and all hardware designed for installing such seat belt in a motor vehicle.

Effective date.

SEC. 4. This Act shall take effect on the date of its enactment except that section 2 shall take effect on such date as the Secretary of Commerce shall determine but such date shall be not less than one hundred and eighty days nor more than one year after the date of publication of standards first established under the first section of this Act. If such standards first established are thereafter changed, such standards as so changed shall take effect on such date as the Secretary of Commerce shall determine but such date shall be not less than one hundred and eighty days nor more than one year after the date of their publication in accordance with the provisions of the first section of this Act.

Approved December 13, 1963.

Public Law 88-202

December 13, 1963
[S. J. Res. 137]

JOINT RESOLUTION

Authorizing the Commission established to report upon the assassination of President John F. Kennedy to compel the attendance and testimony of witnesses and the production of evidence.

Commission investigating assassination of President John F. Kennedy.
Subpena power.
28 F.R. 12789.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purposes of this joint resolution, the term "Commission" means the Commission appointed by the President by Executive Order 11130, dated November 29, 1963.

(b) The Commission, or any member of the Commission when so authorized by the Commission, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. The Commission, or any member of the Commission or any agent or agency designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing.

(c) In case of contumacy or refusal to obey a subpena issued to any person under subsection (b), any court of the United States within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Commission shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Manner of service.

(d) Process and papers of the Commission, its members, agent, or agency, may be served either upon the witness in person or by registered mail or by telegraph or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and

the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Commission, its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

Privilege against self-incrimination.

(e) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture (except demotion or removal from office) for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

Place of service.

(f) All process of any court to which application may be made under this Act may be served in the judicial district wherein the person required to be served resides or may be found.

Approved December 13, 1963.

Public Law 88-203

AN ACT

December 13, 1963
[S. 1703]

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mexican farm labor program. Extension. 75 Stat. 761. 7 USC 1461 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963" and inserting "December 31, 1964".

Approved December 13, 1963.

Public Law 88-204

AN ACT

December 16, 1963
[H. R. 6143]

To authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities in undergraduate and graduate institutions.

Higher Education Facilities Act of 1963.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Higher Education Facilities Act of 1963".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. The Congress hereby finds that the security and welfare of the United States require that this and future generations of American youth be assured ample opportunity for the fullest develop-

ment of their intellectual capacities, and that this opportunity will be jeopardized unless the Nation's colleges and universities are encouraged and assisted in their efforts to accommodate rapidly growing numbers of youth who aspire to a higher education. The Congress further finds and declares that these needs are so great and these steps so urgent that it is incumbent upon the Nation to take positive and immediate action to meet these needs through assistance to institutions of higher education, including graduate and undergraduate institutions, junior and community colleges, and technical institutes, in providing certain academic facilities.

TITLE I—GRANTS FOR CONSTRUCTION OF UNDERGRADUATE ACADEMIC FACILITIES

APPROPRIATIONS AUTHORIZED

SEC. 101. (a) The Commissioner of Education (hereinafter in this Act referred to as the "Commissioner") shall carry out during the fiscal year ending June 30, 1964, and each of the four succeeding fiscal years, a program of grants to institutions of higher education for the construction of academic facilities in accordance with this title.

(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $230,000,000 for the fiscal year ending June 30, 1964, and each of the two succeeding fiscal years; but for the fiscal year ending June 30, 1967, and the succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. In addition to the sums authorized to be appropriated under the preceding sentence, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and the succeeding fiscal year, for making such grants the difference (if any) between the sums authorized to be appropriated under the preceding sentence for preceding fiscal years and the aggregate of the sums which were appropriated for such preceding years under such sentence.

(c) Sums appropriated pursuant to subsection (b) of this section shall remain available for reservation as provided in section 109 until the close of the fiscal year next succeeding the fiscal year for which they were appropriated.

ALLOTMENTS

SEC. 102. Of the funds appropriated pursuant to section 101 for any fiscal year, 22 per centum shall be allotted among the States in the manner prescribed by section 103 for use in providing academic facilities for public community colleges and public technical institutes. The remainder of the funds so appropriated shall be allotted among the States in the manner as prescribed in section 104 for use in providing academic facilities for institutions of higher education other than public community colleges and public technical institutes.

ALLOTMENTS TO STATES FOR PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

SEC. 103. (a) The funds to be allotted for any fiscal year for use in providing academic facilities for public community colleges and public technical institutes shall be allotted among the States on the basis of the income per person and the number of high school graduates of the respective States. Such allotments shall be made as follows: The Commissioner shall allot to each State for each fiscal year an amount which bears the same ratio to the funds being allotted as the product of—

(1) the number of high school graduates of the State, and

(2) the State's allotment ratio (as determined under subsection (d))

bears to the sum of the corresponding products for all the States.

(b) The amount of each allotment to a State under this section shall be available, in accordance with the provisions of this title, for payment of the Federal share (as determined under sections 108(b)(3) and 401(d)) of the development cost of approved projects for the construction of academic facilities within such State for public community colleges and public technical institutes. Sums allotted to a State for the fiscal year ending June 30, 1964, shall remain available for reservation as provided in section 109 until the close of the next fiscal year, in addition to the sums allotted to such State for such next fiscal year.

(c) All amounts allotted under this section for the fiscal year ending June 30, 1965, and the succeeding fiscal year, which are not reserved as provided in section 109 by the close of the fiscal year for which they are allotted, shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for providing academic facilities for public community colleges or public technical institutes. Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

(d) For purposes of this section—

(1) The "allotment ratio" for any State shall be 1.00 less the product of (A) .50 and (B) the quotient obtained by dividing the income per person for the State by the income per person for all the States (not including Puerto Rico, the Virgin Islands, American Samoa, and Guam), except that (i) the allotment ratio shall in no case be less than .33⅓ or more than .66⅔, (ii) the allotment ratio for Puerto Rico, the Virgin Islands, American Samoa, and Guam shall be .66⅔, and (iii) the allotment ratio of any State shall be .50 for any fiscal year if the Commissioner finds that the cost of school construction in such State exceeds twice the median of such costs in all the States as determined by him on the basis of an index of the average per pupil cost of constructing minimum

school facilities in the States as determined for such fiscal year under section 15(6) of the Act of September 23, 1950, as amended (20 U.S.C. 645), or, in the Commissioner's discretion, on the basis of such index and such other statistics and data as the Commissioner shall deem adequate and appropriate; and

72 Stat. 557.

(2) The allotment ratios shall be promulgated by the Commissioner as soon as possible after enactment of this Act, and annually thereafter, on the basis of the average of the incomes per person of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce.

(3) The term "high school graduate" means a person who has received formal recognition (by diploma, certificate, or similar means) from an approved school for successful completion of four years of education beyond the first eight years of schoolwork, or for demonstration of equivalent achievement. For the purposes of this section the number of high school graduates shall be limited to the number who graduated in the most recent school year for which satisfactory data are available from the Department of Health, Education, and Welfare. The interpretation of the definition of "high school graduate" shall fall within the authority of the Commissioner.

ALLOTMENTS TO STATES FOR INSTITUTIONS OF HIGHER EDUCATION OTHER THAN PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES

SEC. 104. (a) Of the funds to be allotted for any fiscal year for use in providing academic facilities for institutions of higher education other than public community colleges and public technical institutes (1) one-half shall be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-half as the number of students enrolled in institutions of higher eduction in such State bears to the total number of students enrolled in such institutions in all the States; and (2) the remaining one-half shall be allotted by him among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such remainder as the number of students enrolled in grades nine to twelve (both inclusive) of schools in such State bears to the total number of students in such grades in schools in all the States. For the purposes of this subsection, (A) the number of students enrolled in institutions of higher education shall be deemed to be equal to the sum of (i) the number of full-time students and (ii) the full-time equivalent of the number of part-time students as determined by the Commissioner in accordance with regulations; and (B) determinations as to enrollment under either clause (1) or clause (2) of this subsection shall be made by the Commissioner on the basis of data for the most recent year for which satisfactory data with respect to such enrollment are available to him.

(b) The amount of each allotment to a State under this section shall be available, in accordance with the provisions of this title, for payment of the Federal share (as determined under sections 108(b)(3) and 401(d)) of the development cost of approved projects for the construction of academic facilities within such State for institutions of higher education other than public community colleges and public technical institutes. Sums allotted to a State for the fiscal year ending June 30, 1964, shall remain available for reservation as provided in section 109 until the close of the next fiscal year, in addition to the sums allotted to such State for such next fiscal year.

(c) All amounts allotted under this section for the fiscal year ending June 30, 1965, and the succeeding fiscal year, which are not reserved as provided in section 109 by the close of the fiscal year for which they are allotted, shall be reallotted by the Commissioner, on the basis of such factors as he determines to be equitable and reasonable, among the States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for providing academic facilities for institutions of higher education other than public community colleges and public technical institutes. Amounts reallotted under this subsection shall be available for reservation until the close of the fiscal year next succeeding the fiscal year for which they were originally allotted.

STATE COMMISSIONS AND PLANS

SEC. 105. (a) Any State desiring to participate in the grant program under this title shall designate for that purpose an existing State agency which is broadly representative of the public and of institutions of higher education (including junior colleges and technical institutes) in the State, or, if no such State agency exists, shall establish such a State agency, and submit to the Commissioner through the agency so designated or established (hereinafter in this title referred to as the "State commission"), a State plan for such participation. The Commissioner shall approve any such plan which—

(1) provides that it shall be administered by the State commission;

(2) sets forth, consistently with basic criteria prescribed by regulation pursuant to section 107, objective standards and methods (A) for determining the relative priorities of eligible projects for the construction of academic facilities submitted by institutions of higher education within the State, and (B) for determining the Federal share of the development cost of each such project other than a project for a public community college or public technical institute (unless such plan provides for a uniform Federal share for all such projects);

(3) provides that the funds allotted (or reallotted) for any year under section 103 will be available only for use for the construction of academic facilities for public community colleges and public technical institutes, and that funds allotted (or reallotted) for any year to the State under section 104 will be available only for use for the construction of academic facilities for institutions of higher education other than public community colleges and public technical institutes;

(4) provides (A) for assigning priorities solely on the basis of such criteria, standards, and methods to eligible projects submitted to the State commission and deemed by it to be otherwise approvable under the provisions of this title; and (B) for approving and recommending to the Commissioner, in the order of such priority, applications covering such eligible projects, and for certifying to the Commissioner the Federal share, determined by the State commission under the State plan, of the development cost of the project involved;

(5) provides for affording to every applicant, which has submitted to the State commission a project, an opportunity for a fair hearing before the State commission as to the priority assigned to such project or as to any other determination of the State commission adversely affecting such applicant; and

(6) provides (A) for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of

and accounting for Federal funds paid to the State commission under this title, and (B) for the making of such reports, in such form and containing such information, as may be reasonably necessary to enable the Commissioner to perform his functions under this title.

(b) The Commissioner is authorized to expend not exceeding $3,000,000 during each of the first two fiscal years of the program under this title in such amounts as he may consider necessary for the proper and efficient administration of the State plans approved under this title, including expenses which he determines were necessary for the preparation of such plans.

ELIGIBILITY FOR GRANTS

SEC. 106. An institution of higher education shall be eligible for a grant for construction of an academic facility under this title (1) in the case of an institution of higher education other than a public community college or public technical institute, only if such construction is limited to structures, or portions thereof, especially designed for instruction or research in the natural or physical sciences, mathematics, modern foreign languages, or engineering, or for use as a library, and (2) only if such construction will, either alone or together with other construction to be undertaken within a reasonable time, (A) result in an urgently needed substantial expansion of the institution's student enrollment capacity, or (B) in the case of a new institution of higher education, result in creating urgently needed enrollment capacity.

BASIC CRITERIA FOR DETERMINING PRIORITIES AND FEDERAL SHARE

SEC. 107. (a) As soon as practicable after the enactment of this Act the Commissioner shall by regulation prescribe basic criteria to which the provisions of State plans setting forth standards and methods for determining relative priorities of eligible construction projects, and the application of such standards and methods to such projects under such plans, shall be subject. Such basic criteria (1) shall be such as will best tend to achieve the objectives of this title while leaving opportunity and flexibility for the development of State plan standards and methods that will best accommodate the varied needs of institutions in the several States, and (2) shall give special consideration to expansion of undergraduate enrollment capacity. Subject to the foregoing requirements, such regulations may establish additional and appropriate basic criteria, including provision for considering the degree to which applicant institutions are effectively utilizing existing facilities, provision for allowing State plans to group or provide for grouping, in a reasonable manner, facilities or institutions according to functional or educational type for priority purposes, and, in view of the national objectives of this Act, provision for considering the degree to which the institution serves students from two or more States or from outside the United States; and in no event shall an institution's readiness to admit such out-of-State students be considered as a priority factor adverse to such institution.

(b) The Commissioner shall further prescribe by regulation the basic criteria for determining the Federal share of the development cost of any eligible project under this title within a State other than a project for a public community college or public technical institute, to which criteria the applicable standards and methods set forth in the State plan for such State shall conform in the absence of a uniform statewide Federal share specified in or pursuant to such plan.

In the case of a project for an institution of higher education other than a public community college or public technical institute, the Federal share shall in no event exceed 33⅓ per centum of its development cost; and in the case of a project for a public community college or public technical institute, the Federal share shall be 40 per centum of its development cost.

(c) Section 4 of the Administrative Procedure Act shall apply to the prescription of regulations under this section, notwithstanding the provisions of clause (2) thereof. 60 Stat. 238. 5 USC 1003.

APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

SEC. 108. (a) Institutions of higher education which desire to obtain grants under this title shall submit applications therefor at such time or times and in such manner as may be prescribed by the Commissioner, and such applications shall contain such information as may be required by or pursuant to regulation for the purpose of enabling the Commissioner to make the determinations required to be made by him under this title.

(b) The Commissioner shall approve an application covering a project for construction of an academic facility and meeting the requirements prescribed pursuant to subsection (a) if—

(1) the project is an eligible project as determined under section 106;

(2) the project has been approved and recommended by the appropriate State commission;

(3) the State commission has certified to the Commissioner, in accordance with the State plan, the Federal share of the development cost of the project, and sufficient funds to pay such Federal share are available from the applicable allotment of the State (including any applicable reallotment to the State);

(4) the project has, pursuant to the State plan, been assigned a priority that is higher than that of all other projects within such State (chargeable to the same allotment) which meet all the requirements of this section (other than this clause) and for which Federal funds have not yet been reserved;

(5) the Commissioner determines that the construction will be undertaken in an economical manner and will not be of elaborate or extravagant design or materials; and

(6) the Commissioner determines that (in addition to the assurance required by section 403 and such assurance as to title to the site as he may deem necessary) the application contains or is supported by satisfactory assurances—

(A) that Federal funds received by the applicant will be used solely for defraying the development cost of the project covered by such application,

(B) that sufficient funds will be available to meet the non-Federal portion of such cost and to provide for the effective use of the academic facility upon completion, and

(C) that the facility will be used as an academic facility during at least the period of the Federal interest therein (as defined in section 404).

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

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AMOUNT OF GRANT—PAYMENT

SEC. 109. Upon his approval of any application for a grant under this title, the Commissioner shall reserve from the applicable allotment (including any applicable reallotment) available therefor, the amount of such grant, which (subject to the limits of such allotment or reallotment) shall be equal to the Federal share (ascertained by him under section 108(b)(3)) of the development cost of the project covered by such application. The Commissioner shall pay such reserved amount, in advance or by way of reimbursement, and in such installments consistent with construction progress, as he may determine. The Commissioner's reservation of any amount under this section may be amended by him, either upon approval of an amendment of the application covering such project or upon revision of the estimated development cost of a project with respect to which such reservation was made, and in the event of an upward revision of such estimated cost approved by him he may reserve the Federal share of the added cost only from the applicable allotment (or reallotment) available at the time of such approval.

ADMINISTRATION OF STATE PLANS

SEC. 110. (a) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State commission submitting the plan reasonable notice and opportunity for a hearing.

(b) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State commission administering a State plan approved under this title, finds—

(1) that the State plan has been so changed that it no longer complies with the provisions of section 105(a), or

(2) that in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State commission that the State will not be regarded as eligible to participate in the program under this title until he is satisfied that there is no longer any such failure to comply.

JUDICIAL REVIEW

SEC. 111. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under section 105(a) or with his final action under section 110(b), such State may appeal to the United States court of appeals for the circuit in which such State is located. The summons and notice of appeal may be served at any place in the United States. The Commissioner shall forthwith certify and file in the court the transcript of the proceedings and the record on which he based his action.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the transcript and record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in title 28, United States Code, section 1254.

62 Stat. 928.

TITLE II—GRANTS FOR CONSTRUCTION OF GRADUATE ACADEMIC FACILITIES

APPROPRIATIONS AUTHORIZED

SEC. 201. In order to increase the supply of highly qualified personnel critically needed by the community, industry, government, research, and teaching, the Commissioner shall, during the fiscal year ending June 30, 1964, and each of the four succeeding fiscal years, make construction grants to assist institutions of higher education to improve existing graduate schools and cooperative graduate centers, and to assist in the establishment of graduate schools and cooperative graduate centers of excellence. For the purpose of making grants under this title, there is hereby authorized to be appropiated the sum of $25,000,000 for the fiscal year ending June 30, 1964, and the sum of $60,000,000 each for the fiscal year ending June 30, 1965, and the succeeding fiscal year; but for the fiscal year ending June 30, 1967, and the succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. Sums so appropriated for the fiscal year ending June 30, 1964, shall remain available for grants under this title until the end of the next succeeding fiscal year.

GRANTS

SEC. 202. (a) Grants under this title may be made to institutions of higher education and to cooperative graduate center boards to assist them to meet the development costs for projects for construction of academic facilities for graduate schools and cooperative graduate centers. Such grants may be made only upon application therefor at such time or times, in such manner, and containing or accompanied by such information as the Commissioner finds necessary to determine eligibility for the grants and the amounts thereof.

(b) Grants under this title for construction of academic facilities may not exceed 33⅓ per centum of the development cost of any such construction project.

(c)(1) The Commissioner shall not approve any application for a grant under this title without the advice of the Advisory Committee established under section 203.

(2) In determining whether to approve applications for grants under this title, the order in which to approve such applications, and the amount of the grants, the Commissioner shall give consideration to the extent to which such projects will contribute to achieving the objectives of this title and also the extent to which they will aid in attaining a wider distribution throughout the United States of graduate schools and cooperative graduate centers.

(d) Notwithstanding the other provisions of this title the total of the payments from the appropriations for any fiscal year under this title made with respect to projects in any State may not exceed an amount equal to 12½ per centum of such appropriation.

ADVISORY COMMITTEE

SEC. 203. (a) There is hereby established in the Office of Education an Advisory Committee on Graduate Education, consisting of the Commissioner, who shall be Chairman; one representative from the Office of Science and Technology in the Executive Office of the President; one from the National Science Foundation; and eight members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary of Health, Education, and Welfare. Such appointed members shall be selected from leading

authorities in the field of education, at least three of whom shall be from the field of the humanities, with at least one of these three from a graduate school of education.

(b) The Advisory Committee shall advise the Commissioner (1) on the action to be taken with regard to each application for a grant under this title, and (2) in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the development of criteria for approval of applications thereunder. The Advisory Committee may appoint such special advisory and technical experts and consultants as may be useful in carrying out its functions.

(c) Members of the Advisory Committee and special advisory and technical experts and consultants appointed pursuant to subsection (b) shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary of Health, Education, and Welfare, but not exceeding $75 per day, including travel time; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

60 Stat. 808; 75 Stat. 340.

TITLE III—LOANS FOR CONSTRUCTION OF ACADEMIC FACILITIES

LENDING AUTHORITY

SEC. 301. The Commissioner may, in accordance with the provisions of this title, make loans to institutions of higher education or to higher education building agencies for construction of academic facilities.

LOAN LIMIT FOR ANY STATE

SEC. 302. Not more than 12½ per centum of the funds provided for in this title in the form of loans shall be used for loans to institutions of higher education or higher education building agencies within any one State.

ELIGIBILITY CONDITIONS, AMOUNTS, AND TERMS OF LOANS

SEC. 303. (a) No loan pursuant to this title shall be made unless the Commissioner finds (1) that not less than one-fourth of the development cost of the facility will be financed from non-Federal sources, (2) that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this title, and (3) that the construction will be undertaken in an economical manner and that it will not be of elaborate or extravagant design or materials.

(b) A loan pursuant to this title shall be secured in such manner, and shall be repaid within such period not exceeding fifty years, as may be determined by the Commissioner; and shall bear interest at a rate determined by the Commissioner which shall not be less than a per annum rate that is one-quarter of 1 percentage point above the average annual interest rate on all interest-bearing obligations of the United States forming a part of the public debt as computed at the end of the preceding fiscal year, adjusted to the nearest one-eighth of 1 per centum.

(c) The Commissioner shall, during the fiscal year ending June 30, 1964, and each of the four succeeding fiscal years, make loans to insti-

tutions of higher education for the construction of academic facilities in accordance with the provisions of this title. For the purpose of making loans under this title, there is hereby authorized to be appropriated the sum of $120,000,000 for the fiscal year ending June 30, 1964, and each of the two succeeding fiscal years; but for the fiscal year ending June 30, 1967, and the succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law. In addition to the sums authorized to be appropriated under the preceding sentence, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1965, and the succeeding fiscal year, for making such loans the difference (if any) between the sums authorized to be appropriated under the preceding sentence for preceding fiscal years and the aggregate of the sums which were appropriated for such preceding years under such sentence.

GENERAL PROVISIONS FOR LOAN PROGRAM

SEC. 304. (a) Such financial transactions of the Commissioner as the making of loans and vouchers approved by the Commissioner in connection with such financial transactions, except with respect to administrative expenses, shall be final and conclusive on all officers of the Government.

(b) The Commissioner is authorized (1) to prescribe a schedule of fees which, in his judgment, would be adequate in the aggregate to cover necessary expenses of making inspections (including audits) and providing representatives at the site of projects in connection with loans under this title, and (2) to condition the making of such loans on agreement by the applicant to pay such fees. For the purpose of providing such services, the Commissioner may, as authorized by section 402(b), utilize any agency, and such agency may accept reimbursement or payment for such services from such applicant or from the Commissioner, and shall, if a Federal agency, credit such amounts to the appropriation or fund against which expenditures by such agency for such services have been charged.

(c) In the performance of, and with respect to, the functions, powers, and duties vested in him by this title, the Commissioner may—

(1) prescribe such rules and regulations as may be necessary to carry out the purposes of this title;

(2) sue and be sued in any court of record of a State having general jurisdiction or in any district court of the United States, and such district courts shall have jurisdiction of civil actions arising under this title without regard to the amount in controversy, and any action instituted under this subsection by or against the Commissioner shall survive notwithstanding any change in the person occupying the office of Commissioner or any vacancy in such office; but no attachment, injunction, garnishment, or other similar process, mesne or final, shall be issued against the Commissioner or property under his control, and nothing herein shall be construed to except litigation arising out of activities under this title from the application of sections 507(b) and 2679 of title 28 of the United States Code and of section 367 of the Revised Statutes (5 U.S.C. 316); 62 Stat. 910, 984; 75 Stat. 539.

(3) foreclose on any property or commence any action to protect or enforce any right conferred upon him by any law, contract, or other agreement, and bid for and purchase at any foreclosure or any other sale any property in connection with which he has made a loan pursuant to this title; and, in the event of any such acquisition (and notwithstanding any other provisions of law relating to the acquisition, handling, or disposal of real property

by the United States), complete, administer, remodel and convert, dispose of, lease, and otherwise deal with, such property: *Provided*, That any such acquisition of real property shall not deprive any State or political subdivision thereof of its civil or criminal jurisdiction in and over such property or impair the civil rights under the State or local laws of the inhabitants on such property;

(4) sell or exchange at public or private sale, or lease, real or personal property, and sell or exchange any securities or obligations, upon such terms as he may fix;

(5) subject to the specific limitations in this title, consent to the modification, with respect to the rate of interest, time of payment of any installment of principal or interest, security, or any other term of any contract or agreement to which he is a party or which has been transferred to him pursuant to this section; and

(6) include in any contract or instrument made pursuant to this title such other covenants, conditions, or provisions (including provisions designed to assure against use of the facility, constructed with the aid of a loan under this title, for purposes described in section 401(a)(2)) as he may deem necessary to assure that the purposes of this title will be achieved.

TITLE IV—GENERAL PROVISIONS

DEFINITIONS

SEC. 401. As used in this Act—

(a)(1) Except as provided in subparagraph (2) of this paragraph, the term "academic facilities" means structures suitable for use as classrooms, laboratories, libraries, and related facilities necessary or appropriate for instruction of students, or for research, or for administation of the educational or research programs, of an institution of higher education, and maintenance, storage, or utility facilities essential to operation of the foregoing facilities.

(2) The term "academic facilities" shall not include (A) any facility intended primarily for events for which admission is to be charged to the general public, or (B) any gymnasium or other facility specially designed for athletic or recreational activities, other than for an academic course in physical education or where the Commissioner finds that the physical integration of such facilities with other academic facilities included under this Act is required to carry out the objectives of this Act, or (C) any facility used or to be used for sectarian instruction or as a place for religious worship, or (D) any facility which (although not a facility described in the preceding clause) is used or to be used primarily in connection with any part of the program of a school or department of divinity, or (E) any facility used or to be used by a "school of medicine", "school of dentistry", "school of osteopathy", "school of pharmacy", "school of optometry", "school of podiatry", "school of nursing", or "school of public health", as defined in section 724 of the Public Health Service Act. For the purposes of this subparagraph, the term "school or department of divinity" means an institution, or a department or branch of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter upon some other religious vocation or to prepare them to teach theological subjects.

Ante, p. 169.

(b)(1) The term "construction" means (A) erection of new or expansion of existing structures, and the acquisition and installation of initial equipment therefor; or (B) acquisition of existing structures not owned by the institution involved; or (C) rehabilitation, altera-

tion, conversion, or improvement (including the acquisition and installation of initial equipment, or modernization or replacement of built-in equipment) of existing structures; or (D) a combination of any two or more of the foregoing.

(2) The term "equipment" includes, in addition to machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, all other items necessary for the functioning of a particular facility as an academic facility, including necessary furniture, except books, curricular and program materials, and items of current operating expense such as fuel, supplies, and the like; the term "initial equipment" means equipment acquired and installed in connection with construction as defined in paragraph (1)(A) or (B) of this subsection or, in cases referred to in paragraph (1)(C), equipment acquired and installed as part of the rehabilitation, alteration, conversion, or improvement of an existing structure which structure would otherwise not be adequate for use as an academic facility; and the terms "equipment", "initial equipment", and "built-in equipment" shall be more particularly defined by the Commissioner by regulation.

(c) The term "development cost", with respect to an academic facility, means the amount found by the Commissioner to be the cost, to the applicant for a grant or loan under this Act, of the construction involved and the cost of necessary acquisition of the land on which the facility is located and of necessary site improvements to permit its use for such facility, but excluding any cost incurred before, or under a contract entered into before, the enactment of this Act. There shall further be excluded from the development cost—

(1) in determining the amount of any grant under title I or II of this Act, an amount equal to the sum of (A) any Federal grant which the institution has obtained, or is assured of obtaining, under any law other than this Act, with respect to the construction that is to be financed with the aid of a grant under title I or II of this Act, and (B) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant; and

(2) in determining the amount of any loan under title III of this Act, an amount equal to the amount of any Federal financial assistance which the institution has obtained, or is assured of obtaining, under any law other than this Act, with respect to the construction that is to be financed with the aid of a loan under title III of this Act.

(d) The term "Federal share" means, in the case of a project for an institution of higher education other than a public community college or public technical institute, a percentage (as determined under the applicable State plan) not in excess of 33⅓ per centum of its development cost; and such term means, in the case of a public community college or public technical institute, 40 per centum of its development cost.

(e) The term "higher education building agency" means (1) an agency, public authority, or other instrumentality of a State authorized to provide, or finance the construction of, academic facilities for institutions of higher education (whether or not also authorized to provide or finance other facilities for such or other educational institutions, or for their students or faculty), or (2) any corporation (no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual) (A) established by an institution of higher education for the sole purpose of providing academic facilities for the use of such institution, and (B) upon dissolution of which all title to any property purchased or built from the

proceeds of any loan made under title III of this Act will pass to such institution.

(f) The term "institution of higher education" means an educational institution in any State which—

(1) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) is legally authorized within such State to provide a program of education beyond high school;

(3) provides an educational program for which it awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(4) is a public or other nonprofit institution; and

(5) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this paragraph or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited: *Provided, however*, That in the case of an institution offering a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, if the Commissioner determines there is no nationally recognized accrediting agency or association qualified to accredit such institutions, he shall, under section 402(c), appoint an advisory committee, composed of persons specially qualified to evaluate training provided by such institutions, which shall prescribe the standards of content, scope, and quality which must be met in order to qualify such institutions for assistance under this Act and shall also determine whether particular institutions meet such standards: *Provided, however*, That the requirements of this clause (5) shall be deemed to be satisfied in the case of an institution applying for assistance under this Act, if the Commissioner determines that there is satisfactory assurance that upon completion of the project for which such assistance is requested, or upon completion of that project and others under construction or planned and to be commenced within a reasonable time, the institution will meet such requirements; and for the purposes of this paragraph the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of education or training offered.

(g) The term "public community college and public technical institute" means an institution of higher education which is under public supervision and control and is organized and administered principally to provide a two-year program which is acceptable for full credit toward a bachelor's degree or a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological

fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge, and, if a branch of an institution of higher education offering four or more years of higher education, is located in a community different from that in which its parent institution is located.

(h) The term "cooperative graduate center" means an institution or program created by two or more institutions of higher education which will offer to the students of the participating institutions of higher education graduate work which could not be offered with the same proficiency and/or economy at the individual institution of higher education. The center may be located or the program carried out on the campus of any of the participating institutions or at a separate location.

(i) The term "cooperative graduate center board" means a duly constituted board established to construct and maintain the cooperative graduate center and coordinate academic programs. The board shall be composed of representatives of each of the higher education institutions participating in the center and of the community involved. At least one-third of the board's members shall be community representatives. The board shall elect by a majority vote a chairman from among its membership.

(j) The term "high school" does not include any grade beyond grade 12.

(k) The term "nonprofit educational institution" means an educational institution owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(l) The term "public educational institution" does not include a school or institution of any agency of the United States.

(m) The term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

FEDERAL ADMINISTRATION

SEC. 402. (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act for which he is responsible, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or nonprofit agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

(c) The Commissioner, with the approval of the Secretary of Health, Education, and Welfare, may appoint one or more advisory committees to advise and consult with the Commissioner with respect to the administration of any of his functions under title I or III of this Act. Members of any such committee, while attending conferences or meetings of the committee, shall be entitled to receive compensation at a rate to be fixed by the Secretary of Health, Education, and Welfare, but not to exceed $75 per diem, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

60 Stat. 808; 75 Stat. 340.

LABOR STANDARDS

SEC. 403. (a) The Commissioner shall not approve any application for a grant or loan under this Act except upon adequate assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on construction assisted by such grant or loan will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5), and will receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (Public Law 87–581); but, in the case of any nonprofit educational institution, the Commissioner may waive the application of this subsection in cases or classes of cases where laborers or mechanics, not otherwise employed at any time in the construction of the project, voluntarily donate their services for the purpose of lowering the costs of construction and the Commissioner determines that any amounts saved thereby are fully credited to the educational institution undertaking the construction.

49 Stat. 1011.

76 Stat. 357.
40 USC 327 note.

(b) The Secretary of Labor shall have, with respect to the labor standards specified in subsection (a) of this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

5 USC 133z-15 note.
63 Stat. 108.

RECOVERY OF PAYMENTS

SEC. 404. (a) The Congress hereby finds and declares that, if a facility constructed with the aid of a grant or grants under title I or II of this Act is used as an academic facility for twenty years following completion of such construction, the public benefit accruing to the United States from such use will equal or exceed in value the amount of such grant or grants. The period of twenty years after completion of such construction shall therefore be deemed to be the period of Federal interest in such facility for the purposes of this Act.

(b) If, within twenty years after completion of construction of an academic facility which has been constructed in part with a grant or grants under title I or II of this Act—

(1) the applicant (or its successor in title or possession) ceases or fails to be a public or nonprofit institution, or

(2) the facility ceases to be used as an academic facility, or the facility is used as a facility excluded from the term "academic facility" by section 401(a)(2),

the United States shall be entitled to recover from such applicant (or successor) an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal grant or grants bore to the development cost of the facility financed with the aid of such grant or grants. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is situated.

METHOD OF PAYMENT

SEC. 405. Payments under this Act to any State or Federal agency, institution of higher education, or any other organization, pursuant to a grant or loan, may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATIVE APPROPRIATIONS AUTHORIZED

SEC. 406. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1964, and for each fiscal year thereafter, such sums as may be necessary for the cost of administering the provisions of this Act.

FEDERAL CONTROL NOT AUTHORIZED

SEC. 407. No department, agency, officer, or employee of the United States shall, under authority of this Act, exercise any direction, supervision, or control over, or impose any requirements or conditions with respect to, the personnel, curriculum, methods of instruction, or administration of any educational institution.

Approved December 16, 1963, 11 a.m.

Public Law 88-205

AN ACT

December 16, 1963
[H. R. 7885]

To amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Assistance Act of 1963".

Foreign Assistance Act of 1963.

PART I

CHAPTER 1—POLICY

SEC. 101. Chapter 1 of part I of the Foreign Assistance Act of 1961, as amended, is amended as follows:

(a) In the chapter heading strike out the words "SHORT TITLE AND".

(b) Section 101, which relates to short title, is repealed.

Repeal.

(c) Section 102, which relates to statement of policy, is amended as follows:

75 Stat. 424.
22 USC 2151 note.
22 USC 2151.

(1) Insert between the fourth and fifth paragraphs the following additional paragraph:

"It is the sense of the Congress that the institution of full investment guaranty programs under title III of chapter 2 of this part with all recipient countries would be regarded as a significant measure of self-help by such countries improving the climate for private investment both domestic and foreign.".

75 Stat. 429; 76 Stat. 256.
22 USC 2181-2184.

(2) In the last sentence of the seventh paragraph, strike out "should emphasize long-range development assistance" and insert in lieu thereof "shall emphasize long-range development assistance".

(3) Immediately after the tenth paragraph insert the following new paragraph:

"It is the sense of the Congress that, in the administration of programs of assistance under chapter 2 of this part, every possible precaution should be taken to assure that such assistance is not diverted to short-term emergency purposes (such as budgetary purposes, balance-of-payments purposes, or military purposes) or any other purpose not essential to the long-range economic development of recipient countries."

75 Stat. 426.
22 USC 2161-2413.

(4) The first sentence of the last paragraph is amended by striking out "Finally, the" and substituting "The", and by inserting "(including private enterprise within such countries)" immediately after "countries".

(5) Immediately after the first sentence of the last paragraph insert the following new sentence: "In particular, the Congress

urges that other industrialized free-world countries increase their contributions and improve the forms and terms of their assistance so that the burden of the common undertaking, which is for the benefit of all, shall be equitably borne by all."

(6) Immediately after the last paragraph, add the following new paragraph:

"It is the sense of the Congress that assistance authorized by this Act should be extended to or withheld from the government of South Vietnam, in the discretion of the President, to further the objectives of victory in the war again communism and the return to their homeland of Americans involved in that struggle."

CHAPTER 2—DEVELOPMENT ASSISTANCE

TITLE I—DEVELOPMENT LOAN FUND

SEC. 102. Title I of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to the development loan fund, is amended as follows:

75 Stat. 426; 76 Stat. 256. 22 USC 2161.

(a) Amend section 201, which relates to general authority, as follows:

(1) In the second sentence of subsection (b), which relates to considerations to be taken into account in making loans from the development loan fund, strike out clauses (1) and (2) and insert in lieu thereof the following: "(1) whether financing could be obtained in whole or in part from other free-world sources on reasonable terms, including private sources within the United States, (2) the economic and technical soundness of the activity to be financed, including the capacity of the recipient country to repay the loan at a reasonable rate of interest,".

(2) Subsection (d), which relates to interest rates on development loans, is amended by inserting immediately after "in no event" the following: "shall such funds (except funds loaned under section 205 and funds which prior to the date of enactment of the Foreign Assistance Act of 1963 were authorized or committed to be loaned upon terms which do not meet the minimum terms set forth herein) be loaned at a rate of interest of less than 2 per centum per annum commencing not later than ten years following the date on which the funds are initially made available under the loan, during which ten-year period the rate of interest shall not be lower than three-fourths of 1 per centum per annum, nor".

22 USC 2165.

(3) Add the following new subsection (f):

"(f) No assistance shall be furnished under this title for a project unless the President determines that such project will promote the economic development of the requesting country, taking into account the current human and material resource requirements of that country and the relationship between the ultimate objectives of the project and the overall economic development of the country, and that such project specifically provides for appropriate participation by private enterprise."

22 USC 2162.

(b) Amend section 202(a), which relates to authorizations for the development loan fund, as follows:

(1) Strike out "and $1,500,000,000 for each of the next four succeeding fiscal years," and insert in lieu thereof ", $1,500,000,000 for the fiscal year 1963, $925,000,000 for the fiscal year 1964, and $1,500,000,000 for each of the next two succeeding fiscal years,".

(2) Immediately before the period at the end thereof insert the following: ": *Provided further*, That, in order to effectuate the purposes and provisions of sections 102, 201, 601, and 602 of this Act, not less than 50 per centum of the funds appropriated pur-

22 USC 2151, 2161, 2351, 2352.

suant to this subsection for the fiscal years ending June 30, 1965, and June 30, 1966, respectively, shall be available for loans made to encourage economic development through private enterprise".

TITLE II—DEVELOPMENT GRANTS AND TECHNICAL COOPERATION

SEC. 103. Title II of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to development grants and technical cooperation, is amended as follows:

(a) In section 212, which relates to authorization, strike out "1963" and "$300,000,000" and substitute "1964" and "$220,000,000", respectively. 75 Stat. 428; 76 Stat. 256. 22 USC 2172.

(b) Amend section 214, which relates to American schools and hospitals abroad, as follows: 22 USC 2174.

(1) In subsection (a) strike out "use, in addition to other funds available for such purposes, funds made available for the purposes of section 211 for" and substitute the word "furnish".

(2) In subsection (b) strike out "to use" and "foreign currencies accruing to the United States Government under any Act, for purposes of subsection (a) of this section and for" and substitute "to furnish" before the word "assistance".

(3) Add the following new subsection:

"(c) There is hereby authorized to be appropriated to the President for the purposes of this section, for the fiscal year 1964, $19,000,000, to remain available until expended. Of the sums authorized to be appropriated under this subsection, not to exceed $2,200,000 shall be available for direct dollar costs in carrying out subsection (b) and $4,700,000 shall be available solely for the purchase of foreign currencies accruing to the United States Government under any Act."

TITLE III—INVESTMENT GUARANTIES

SEC. 104. Title III of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to investment guaranties, is amended as follows:

(a) Amend section 221(b), which relates to general authority, as follows: 75 Stat. 429; 76 Stat. 256. 22 USC 2181.

(1) In the first sentence after "wholly owned" insert "(determined without regard to any shares, in aggregate less than 5 per centum of the total of issued and subscribed share capital, required by law to be held by persons other than the parent corporation)".

(2) In paragraph (1) strike out "$1,300,000,000" in the proviso and substitute "$2,500,000,000".

(3) In paragraph (2) strike out "1964" in the fourth proviso and substitute "1965".

(b) Amend section 222(a), which relates to general provisions, by striking out "section 221(b)" and substituting "sections 221(b) and 224". 22 USC 2182.

(c) Amend section 222(b), which relates to general provisions, by striking out "section 221(b)" in both places it appears and substituting "sections 221(b) and 224". 22 USC 2184.

(d) Amend section 222(d), which relates to general provisions, to read as follows:

"(d) Any payments made to discharge liabilities under guaranties issued under sections 221(b) and 224 of this part, sections 202(b) and 413(b)(4) of the Mutual Security Act of 1954, as amended, and section 111(b)(3) of the Economic Cooperation Act of 1948, as amended (exclusive of informational media guaranties), shall be paid first out of fees referred to in section 222(b) as long as such fees are available, and thereafter shall be paid out of funds, if any, realized from the sale of currencies or other assets acquired in connection with any payments 71 Stat. 357; 68 Stat. 846. 22 USC 1872, 1933. 62 Stat. 143.

made to discharge liabilities under such guaranties as long as such funds are available, and thereafter shall be paid out of funds heretofore appropriated for the purpose of discharging liabilities under the aforementioned guaranties, and thereafter out of funds realized from the sale of notes issued under section 413(b)(4)(F) of the Mutual Security Act of 1954, as amended, and section 111(c)(2) of the Economic Cooperation Act of 1948, as amended, and finally out of funds hereafter made available pursuant to section 222(f)."

68 Stat. 846.
22 USC 1933.
62 Stat. 143.
22 USC 1509.
22 USC 2182.

(e) Amend section 222(e), which relates to general provisions, to read as follows:

"(e) All guaranties issued prior to July 1, 1956, all guaranties issued under sections 202(b) and 413(b)(4) of the Mutual Security Act of 1954, as amended, and all guaranties heretofore or hereafter issued pursuant to this title shall be considered contingent obligations backed by the full faith and credit of the Government of the United States of America. Funds heretofore obligated under the aforementioned guaranties (exclusive of informational media guaranties) together with the other funds made available for the purposes of this title shall constitute a single reserve for the payment of claims in accordance with section 222(d) of this part."

71 Stat. 357.
22 USC 1872.

(f) Amend section 222 by adding at the end thereof the following new subsection:

"(g) In making a determination to issue a guaranty under section 221(b), the President shall consider the possible adverse effect of the dollar investment under such guaranty upon the balance of payments of the United States."

22 USC 2181.

(g) Amend section 224, which relates to housing projects in Latin American countries, as follows:

22 USC 2184.

(1) In subsection (b) strike out "$60,000,000" and substitute "$150,000,000".

(2) Strike out subsection (c).

TITLE V—DEVELOPMENT RESEARCH

SEC. 105. Section 241 of the Foreign Assistance Act of 1961, as amended, which relates to development research, is amended by inserting "(a)" after the section heading and by adding at the end thereof the following new subsection:

75 Stat. 433.
22 USC 2201.

"(b) Funds made available to carry out this section may be used to conduct research into the problems of population growth."

TITLE VI—ALLIANCE FOR PROGRESS

SEC. 106. Title VI of chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, which relates to the Alliance for Progress, is amended as follows:

76 Stat. 257.
22 USC 2211–2213.

(a) Amend section 251, which relates to general authority, as follows:

(1) In subsection (b), amend the next to the last sentence thereof by inserting immediately after "reasonable terms" the following: "(including private sources within the United States), the capacity of the recipient country to repay the loan at a reasonable rate of interest,".

(2) In subsection (e) strike out "economical" and substitute "economically".

(3) In subsection (f) strike out "Agency for International Development" and substitute "agency primarily responsible for administering part I".

(4) Add the following new subsection (g):

"(g) In order to carry out the policies of this Act, the President shall, when appropriate, assist in promoting the organization, implementation, and growth of the cooperative movement in Latin America

as a fundamental measure toward the strengthening of democratic institutions and practices and economic and social development under the Alliance for Progress."

(b) Amend section 252, which relates to authorization, as follows: 76 Stat. 258. 22 USC 2212.

(1) In the first sentence, strike out "fiscal years 1963 through 1966, not to exceed $600,000,000 for each such fiscal year" and insert in lieu thereof "fiscal years 1963, 1965, and 1966, not to exceed $600,000,000 for each such fiscal year, and for use beginning in the fiscal year 1964, not to exceed $525,000,000,".

(2) Immediately after "1963" the second time it appears therein, insert the following: "and not to exceed $100,000,000 of the funds appropriated pursuant to this section for use beginning in fiscal year 1964".

(3) At the end thereof add the following new sentence: "In order to effectuate the purposes and provisions of sections 102, 251, 601, and 602 of this Act, not less than 50 per centum of the loan funds appropriated pursuant to this section for the fiscal years ending June 30, 1965, and June 30, 1966, respectively, shall be available for loans made to encourage economic development through private enterprise." 22 USC 2151, 2211, 2351, 2352.

(c) Amend section 253, which relates to fiscal provisions, by inserting immediately after the first sentence thereof the following new sentence: "All receipts in foreign currencies from loans made under this title or for nonmilitary assistance purposes under the Mutual Security Act of 1954, as amended, or any Act repealed thereby, shall be available, in addition to other funds available for such purposes, for loans on such terms and conditions as the President may specify to carry out the purposes of subsection (g) of section 251 of this title, and the President may, notwithstanding the provisions of this or any other Act, reserve such currencies in such amounts (not to exceed $25,000,000) as he shall determine to be necessary to provide for the programs authorized by said subsection (g)." 22 USC 2213. 68 Stat. 832. 22 USC 1751 note.

TITLE VII—EVALUATION OF PROGRAMS

SEC. 107. Chapter 2 of part I of the Foreign Assistance Act of 1961, as amended, is further amended by adding at the end thereof a new title as follows: 75 Stat. 426. 22 USC 2161-2213.

"TITLE VII—EVALUATION OF PROGRAMS

"SEC. 261. The President may appoint a committee to review and evaluate the economic development program under this Act, and to report to the President and to the Congress its findings."

CHAPTER 3—INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 108. Section 302 of the Foreign Assistance Act of 1961, as amended, which relates to international organizations and programs, is amended by striking out "1963" and "$148,900,000" and substituting "1964" and "$136,050,000", respectively. 75 Stat. 433; 76 Stat. 259. 22 USC 2222.

CHAPTER 4—SUPPORTING ASSISTANCE

SEC. 109. Section 402 of the Foreign Assistance Act of 1961, as amended, which relates to supporting assistance, is amended by striking out "1963" and "$415,000,000" and substituting "1964" and "$380,000,000", respectively. 75 Stat. 434; 76 Stat. 259. 22 USC 2242.

CHAPTER 5—CONTINGENCY FUND

SEC. 110. Section 451 of the Foreign Assistance Act of 1961, as amended, which relates to the contingency fund, is amended by striking out "1963" and "$300,000,000" and substituting "1964" and "$160,000,000", respectively.

75 Stat. 434; 76 Stat. 259. 22 USC 2261.

PART II

CHAPTER 1—POLICY

SEC. 201. Chapter 1 of part II of the Foreign Assistance Act of 1961, as amended, is amended as follows:

(a) In the chapter heading strike out the words "SHORT TITLE AND".

(b) Section 501, which relates to short title, is repealed.

Repeal. 75 Stat. 434. 22 USC 2301 note.

CHAPTER 2—MILITARY ASSISTANCE

SEC. 202. Chapter 2 of part II of the Foreign Assistance Act of 1961, as amended, which relates to military assistance, is amended as follows:

75 Stat. 436. 22 USC 2312. (a) In section 504(a), which relates to authorization, strike out "the fiscal years 1962 and 1963" and "$1,700,000,000 for each such fiscal year, which sums" and substitute "fiscal year 1964" and "$1,000,000,000, which", respectively.

22 USC 2313. (b) In section 505(a), which relates to utilization of assistance, change the period at the end thereof to a colon and add the following proviso: "*Provided*, That, except (1) to the extent necessary to fulfill prior commitments or (2) to the extent that the President finds, with respect to any Latin American country, that the furnishing of military assistance under this Act is necessary to safeguard the security of the United States or to safeguard the security of a country associated with the United States in the Alliance for Progress against overthrow of a duly constituted government, and so informs the Congress, no further military assistance under any provision of this Act shall be furnished to any Latin American country."

22 USC 2318. (c) In section 510(a), which relates to special authority, strike out "1963" in the first and second sentences and substitute "1964".

22 USC 2319. (d) In section 511, which relates to restrictions on military aid to Latin America, strike out "$57,500,000" and substitute "$55,000,000, of which a part may be used during each fiscal year for assistance in implementing a feasible plan for regional defense".

(e) Add the following new section:

"SEC. 512. RESTRICTIONS ON MILITARY AID TO AFRICA.—No military assistance shall be furnished on a grant basis to any country in Africa, except for internal security requirements or for programs described in section 505(b) of this chapter, unless the President determines otherwise and promptly reports such determination to the Committee on Foreign Relations of the Senate and the Speaker of the House of Representatives. The value of grant programs of defense articles for African countries in fiscal year 1964, pursuant to any authority contained in this part other than section 507, shall not exceed $25,000,000."

22 USC 2315.

PART III

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. Chapter 1 of part III of the Foreign Assistance Act of 1961, as amended, which relates to general provisions, is amended as follows:

(a) Section 601(b), which relates to encouragement of private enterprise, is amended as follows: 75 Stat. 438. 22 USC 2351.

(1) At the end of paragraph (3), strike out "and".

(2) In paragraph (4), strike out "wherever appropriate" and insert in lieu thereof "to the maximum extent practicable", and strike out the period at the end thereof and substitute a semicolon.

(3) Add the following new paragraphs at the end thereof:

"(5) take appropriate steps to discourage nationalization, expropriation, confiscation, seizure of ownership or control, of private investment and discriminatory or other actions having the effect thereof, undertaken by countries receiving assistance under this Act, which divert available resources essential to create new wealth, employment, and productivity in those countries and otherwise impair the climate for new private investment essential to the stable economic growth and development of those countries; and

"(6) utilize wherever practicable the services of United States private enterprise (including, but not limited to, the services of experts and consultants in technical fields such as engineering)."

(b) At the end of section 601 add the following new subsection:

"(c)(1) There is hereby established an Advisory Committee on Private Enterprise in Foreign Aid. The Advisory Committee shall carry out studies and make recommendations for achieving the most effective utilization of the private enterprise provisions of this Act to the head of the agency charged with administering the program under part I of this Act, who shall appoint the Committee. Advisory Committee on Private Enterprise in Foreign Aid. Establishment. 22 USC 2151 note.

"(2) Members of the Advisory Committee shall represent the public interest and shall be selected from the business, labor and professional world, from the universities and foundations, and from among persons with extensive experience in government. The Advisory Committee shall consist of not more than nine members, and one of the members shall be designated as chairman.

"(3) Members of the Advisory Committee shall receive no compensation for their services but shall be entitled to reimbursement in accordance with section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for travel and other expenses incurred in attending meetings of the Advisory Committee. 60 Stat. 808.

"(4) The Advisory Committee shall, if possible, meet not less frequently than once each month, shall submit such interim reports as the Committee finds advisable, and shall submit a final report not later than December 31, 1964, whereupon the Committee shall cease to exist. Such reports shall be made available to the public and to the Congress.

"(5) The expenses of the Committee, which shall not exceed $50,000, shall be paid from funds otherwise available under this Act."

(c) Section 611(b), which relates to completion of plans and cost estimates, is amended by striking out "circular A–47 of the Bureau of the Budget" and substituting "the Memorandum of the President dated May 15, 1962,". 22 USC 2361.

(d) Section 612, which relates to use of foreign currencies, is amended as follows: 22 USC 2362.

(1) Insert "(a)" after the section heading.

(2) Add the following new subsection (b):

"(b) In order to provide for the foreign currency needs of United States citizens for travel or other purposes, the Secretary of the Treasury may make available for sale for United States dollars to such citizens, at United States embassies or other convenient locations, foreign currencies acquired by the United States through operations under this Act, the Mutual Security Act of 1954, as amended, or any Act repealed thereby, or the Agricultural Trade Development and Assistance Act of 1954, as amended, which (1) he determines to be in excess of the needs of departments and agencies of the United States for such currencies, and (2) are not prohibited from such use or committed to other uses by agreement heretofore entered into with another country. United States dollars received from the sale of foreign currencies under this subsection shall be deposited in the Treasury as miscellaneous receipts."

68 Stat. 832.
22 USC 1751 note.
68 Stat. 454.
7 USC 1691 note.

(e) Section 620, which relates to prohibitions against furnishing assistance to Cuba and certain other countries, is amended as follows:

75 Stat. 444; 76 Stat. 260.
22 USC 2370.

(1) Subsection (a) is amended as follows:

(A) Insert "(1)" immediately after "(a)".

(B) At the end thereof add the following new paragraphs:

"(2) Except as may be deemed necessary by the President in the interest of the United States, no assistance shall be furnished under this Act to any government of Cuba, nor shall Cuba be entitled to receive any quota authorizing the importation of Cuban sugar into the United States or to receive any other benefit under any law of the United States, until the President determines that such government has taken appropriate steps according to international law standards to return to United States citizens, and to entities not less than 50 per centum beneficially owned by United States citizens, or to provide equitable compensation to such citizens and entities for property taken from such citizens and entities on or after January 1, 1959, by the Government of Cuba.

"(3) No funds authorized to be made available under this Act (except under section 214) shall be used to furnish assistance to any country which has failed to take appropriate steps, not later than 60 days after the date of enactment of the Foreign Assistance Act of 1963—

"(A) to prevent ships or aircraft under its registry from transporting to Cuba (other than to United States installations in Cuba)—

"(i) any items of economic assistance,

"(ii) any items which are, for the purposes of title I of the Mutual Defense Assistance Control Act of 1951, as amended, arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, or items of primary strategic significance used in the production of arms, ammunition, and implements of war, or

65 Stat. 645.
22 USC 1611-1611d.

"(iii) any other equipment, materials, or commodities, so long as Cuba is governed by the Castro regime; and

"(B) to prevent ships or aircraft under its registry from transporting any equipment, materials, or commodities from Cuba (other than from United States installations in Cuba) so long as Cuba is governed by the Castro regime."

(2) Subsection (e) is amended to read as follows:

"(e) The President shall suspend assistance to the government of any country to which assistance is provided under this or any other

Act when the government of such country or any government agency or subdivision within such country on or after January 1, 1962—

"(1) has nationalized or expropriated or seized ownership or control of property owned by any United States citizen or by any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

"(2) has taken steps to repudiate or nullify existing contracts or agreements with any United States citizen or any corporation, partnership, or association not less than 50 per centum beneficially owned by United States citizens, or

"(3) has imposed or enforced discriminatory taxes or other exactions, or restrictive maintenance or operational conditions, or has taken other actions, which have the effect of nationalizing, expropriating, or otherwise seizing ownership or control of property so owned,

and such country, government agency, or government subdivision fails within a reasonable time (not more than six months after such action, or, in the event of a referral to the Foreign Claims Settlement Commission of the United States within such period as provided herein, not more than twenty days after the report of the Commission is received) to take appropriate steps, which may include arbitration, to discharge its obligations under international law toward such citizen or entity, including speedy compensation for such property in convertible foreign exchange, equivalent to the full value thereof, as required by international law, or fails to take steps designed to provide relief from such taxes, exactions, or conditions, as the case may be; and such suspension shall continue until the President is satisfied that appropriate steps are being taken, and no other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection.

"Upon request of the President (within seventy days after such action referred to in paragraphs (1), (2), or (3) of this subsection), the Foreign Claims Settlement Commission of the United States (established pursuant to Reorganization Plan No. 1 of 1954, 68 Stat. 1279) is hereby authorized to evaluate expropriated property, determining the full value of any property nationalized, expropriated, or seized, or subjected to discriminatory or other actions as aforesaid, for purposes of this subsection and to render an advisory report to the President within ninety days after such request. Unless authorized by the President, the Commission shall not publish its advisory report except to the citizen or entity owning such property. There is hereby authorized to be appropriated such amount, to remain available until expended, as may be necessary from time to time to enable the Commission to carry out expeditiously its functions under this subsection." 5 USC 133z-15 note.

(3) Add the following new subsections:

"(i) No assistance shall be provided under this or any other Act, and no sales shall be made under the Agricultural Trade Development and Assistance Act of 1954, to any country which the President determines is engaging in or preparing for aggressive military efforts directed against— 68 Stat. 454. 7 USC 1691 note.

"(1) the United States,

"(2) any country receiving assistance under this or any other Act, or

"(3) any country to which sales are made under the Agricultural Trade Development and Assistance Act of 1954,

until the President determines that such military efforts or preparations have ceased and he reports to the Congress that he has received assurances satisfactory to him that such military efforts or preparations will not be renewed. This restriction may not be waived pursuant to any authority contained in this Act.

"(j) No assistance under this Act shall be furnished to Indonesia unless the President determines that the furnishing of such assistance is essential to the national interest of the United States. The President shall keep the Foreign Relations Committee and the Appropriations Committee of the Senate and the Speaker of the House of Representatives fully and currently informed of any assistance furnished to Indonesia under this Act.

"(k) Until the enactment of the Foreign Assistance Act of 1964 or other general legislation, during the calendar year 1964, authorizing additional appropriations to carry out programs of assistance under this Act, no assistance shall be furnished under this Act to any country for construction of any productive enterprise with respect to which the aggregate value of such assistance to be furnished by the United States will exceed $100,000,000. No other provision of this Act shall be construed to authorize the President to waive the provisions of this subsection.

"(l) No assistance shall be provided under this Act after December 31, 1965, to the government of any less developed country which has failed to enter into an agreement with the President to institute the investment guaranty program under section 221(b)(1) of this Act, providing protection against the specific risks of inconvertibility under subparagraph (A), and expropriation or confiscation under subparagraph (B), of such section 221(b)(1).

75 Stat. 429; 76 Stat. 256. 22 USC 2181.

"(m) No assistance shall be furnished on a grant basis under this Act to any economically developed nation capable of sustaining its own defense burden and economic growth, except (1) to fulfill firm commitments made prior to July 1, 1963, or (2) additional orientation and training expenses under part II hereof during fiscal year 1964 in an amount not to exceed $1,000,000."

CHAPTER 2—ADMINISTRATIVE PROVISIONS

SEC. 302. Chapter 2 of part III of the Foreign Assistance Act of 1961, as amended, which relates to administrative provisions, is amended as follows:

(a) Amend section 621, which relates to exercise of functions, by striking out the last sentence thereof and substituting the following: "In providing technical assistance under this Act, the head of any such agency or such officer shall utilize, to the fullest extent practicable, goods and professional and other services from private enterprise on a contract basis. In such fields as education, health, housing, or agriculture, the facilities and resources of other Federal agencies shall be utilized when such facilities are particularly or uniquely suitable for technical assistance, are not competitive with private enterprise, and can be made available without interfering unduly with domestic programs."

75 Stat. 445; 76 Stat. 262. 22 USC 2381.

(b) Amend section 624, which relates to statutory officers, as follows:

75 Stat. 447; 76 Stat. 262. 22 USC 2384.

(1) In subsection (a)(2) strike out "two shall have the rank of Deputy Under Secretaries" and substitute "one shall have the rank of a Deputy Under Secretary".

(2) In subsection (a)(3) strike out "nine" and substitute "ten".

(3) In subsection (b) strike out "paragraphs (2) and" and substitute "paragraph".

(4) In subsection (d)(1) after the words "Deputy Inspector General, Foreign Assistance," where they first appear insert "who shall be appointed by the President by and with the advice and consent of the Senate,", and strike out "$19,500" and substitute "$20,000".

(c) Amend section 626(b), which relates to experts, consultants, and retired officers, as follows: 75 Stat. 451. 22 USC 2386.

(1) Strike out the entire first sentence.

(2) In the second sentence strike out "Nor shall such service" and substitute "Service of an individual as an expert or consultant under subsection (a) of this section shall not".

(d) Amend section 631, which relates to missions and staffs abroad, by adding the following new subsection (c): 22 USC 2391.

"(c) The President may appoint any United States citizen who is not an employee of the United States Government or may assign any United States citizen who is a United States Government employee to serve as Chairman of the Development Assistance Committee or any successor committee thereto of the Organization for Economic Cooperation and Development upon election thereto by members of said Committee, and, in his discretion, may terminate such appointment or assignment, notwithstanding any other provision of law. Such person may receive such compensation and allowances as are authorized by the Foreign Service Act of 1946, as amended, not to exceed those authorized for a chief of mission, class 2, within the meaning of said Act, as the President may determine. Such person may also, in the President's discretion, receive any other benefits and perquisites available under this Act to chiefs of special missions or staffs outside the United States established under this section." 60 Stat. 999. 22 USC 801 note.

(e) Amend section 635, which relates to general authorities, by adding the following new subsection (k): 22 USC 2395.

"(k) Any cost-type contract or agreement (including grants) entered into with a university, college, or other educational institution for the purpose of carrying out programs authorized by part I may provide for the payment of the reimbursable indirect costs of said university, college, or other educational institution on the basis of predetermined fixed-percentage rates applied to the total, or an element thereof, of the reimbursable direct costs incurred."

(f) Amend section 636, which relates to provisions on uses of funds, by adding the following new subsection (h): 22 USC 2396.

"(h) In carrying out programs under this Act, the President shall take all appropriate steps to assure that, to the maximum extent possible, (1) countries receiving assistance under this Act contribute local currencies to meet the cost of contractual and other services rendered in conjunction with such programs, and (2) foreign currencies owned by the United States are utilized to meet the costs of such contractual and other services."

(g) Amend section 637(a), which relates to administrative expenses, by striking out "1963" and "$53,000,000" and substituting "1964" and "$54,000,000", respectively. 76 Stat. 262. 22 USC 2397.

(h) After section 637 add the following new section:

"SEC. 638. PEACE CORPS ASSISTANCE.—No provision of this Act shall be construed to prohibit assistance to any country pursuant to the Peace Corps Act, as amended; the Mutual Educational and Cultural Exchange Act of 1961, as amended; or the Export-Import Bank Act of 1945, as amended; or famine or disaster relief, including such relief through voluntary agencies, under title II of the Agricultural Trade Development and Assistance Act of 1954, as amended." 75 Stat. 612. 22 USC 2501 note. 75 Stat. 527. 22 USC 2451 note. 59 Stat. 526. 12 USC 635 note. 68 Stat. 457. 7 USC 1721-1724. 75 Stat. 461. 22 USC 2403.

CHAPTER 3—MISCELLANEOUS PROVISIONS

SEC. 303. Section 644(f) of the Foreign Assistance Act of 1961, as amended, which relates to definition of defense services, is amended by inserting "including orientation" after "training" the first time it appears.

75 Stat. 462.
22 USC 2404.

SEC. 304. Section 645 of the Foreign Assistance Act of 1961, as amended, which relates to unexpended balances, is amended to read as follows:

"SEC. 645. UNEXPENDED BALANCES.—Unexpended balances of funds made available pursuant to this Act, the Mutual Security Act of 1954, as amended, or Public Law 86–735 are hereby authorized to be continued available for the general purposes for which appropriated, and may at any time be consolidated, and, in addition, may be consolidated with appropriations made available for the same general purposes under the authority of this Act."

68 Stat. 832.
22 USC 1751 note.

PART IV—AMENDMENTS TO OTHER LAWS

SEC. 401. The Act to provide for assistance in the development of Latin America and in the reconstruction of Chile, and for other purposes (Public Law 86–735, 22 U.S.C. 1942 et seq.), is amended as follows:

74 Stat. 869.

(a) Insert following the enacting clause "That this Act may be cited as the 'Latin American Development Act' ".

(b) In section 2 strike out "$500,000,000" and substitute "$680,000,000".

SEC. 402. Section 231 of the Trade Expansion Act of 1962 (Public Law 87–794, approved October 11, 1962) is amended as follows:

76 Stat. 876.
19 USC 1861.

(a) Insert "(a)" before the words "The President shall".

(b) Add the following new subsection:

"(b) The President may extend the benefits of trade agreement concessions made by the United States to products, whether imported directly or indirectly, of a country or area within the purview of subsection (a) which, at the time of enactment of this subsection, was receiving trade concessions, when he determines that such treatment would be important to the national interest and would promote the independence of such country or area from domination or control by international communism, and reports this determination and the reasons therefor to the Congress."

SEC. 403. The Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691 et seq.), is amended as follows:

75 Stat. 306.
7 USC 1701.

(a) Section 101(f) is amended to read as follows:

"(f) obtain rates of exchange applicable to the sale of commodities under such agreements which are not less favorable than the highest of exchange rates legally obtainable from the Government or agencies thereof in the respective countries."

68 Stat. 457.
7 USC 1705.

(b) Section 105 is amended by adding at the end thereof the following new sentence: "The President shall utilize foreign currencies received pursuant to this title in such manner as will, to the maximum extent possible, reduce any deficit in the balance of payments of the United States."

7 USC 1706.

(c) (1) Section 106 is amended by adding at the end thereof a new sentence as follows: "For the purposes of this title and title IV, the term 'surplus agricultural commodity' shall include any domestically produced fishery product (not including fish flour until approved by the Food and Drug Administration) if the Secretary of the Interior has determined that such product is at the time of exportation in excess of domestic requirements, adequate carryover, and anticipated exports for dollars."

Effective date.

(2) The amendment made by paragraph (1) of this subsection shall not be effective for purposes of title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, until January 1, 1965.

7 USC 1701-1709.

7 USC 1722.

(d) Section 202 is amended by striking out "economic development" and inserting in lieu thereof "economic and community development".

SEC. 404. (a) Section 571(a) of the Foreign Service Act of 1946, as amended, is amended by changing the final period to a colon and adding the following: "*Provided*, That in individual cases when personally approved by the Secretary further extension may be made." 74 Stat. 833. 22 USC 961.

(b) Section 911(2) of the Foreign Service Act of 1946, as amended, is amended by inserting immediately after "on authorized home leave;" the following: "accompanying him for representational purposes on authorized travel within the country of his assignment or, at the discretion of the Secretary, outside the country of his assignment, but in no case to exceed one member of his family;". 60 Stat. 1026. 22 USC 1136.

(c) Title IX of the Foreign Service Act of 1946, as amended, is amended by striking out section 921(d), relating to use of Government vehicles, and by inserting immediately after section 913 the following new section: 22 USC 1131-1158. 70 Stat. 705. 22 USC 1139.

"USE OF GOVERNMENT OWNED OR LEASED VEHICLES

"SEC. 914. Notwithstanding the provisions of section 5 of the Act of July 16, 1914, as amended (5 U.S.C. 78), the Secretary may authorize any principal officer to approve the use of Government owned or leased vehicles located at his post for transportation of United States Government employees and their dependents when public transportation is unsafe or not available." 60 Stat. 810.

(d) Title X of the Foreign Service Act of 1946, as amended, is amended by adding at the end thereof the following: 22 USC 801 notes, 803-810.

"PART I—EDUCATIONAL FACILITIES

"SEC. 1081. Whenever the Secretary determines that educational facilities are not available, or that existing educational facilities are inadequate, to meet the needs of children of American citizens stationed outside the United States engaged in carrying out Government activities, he is authorized, in such manner as he deems appropriate and under such regulations as he may prescribe, to establish, operate, and maintain primary schools, and school dormitories and related educational facilities for primary and secondary schools, outside the United States, or to make grants of funds for such purposes, or otherwise provide for such educational facilities. The provisions of the Foreign Service Buildings Act, 1926, as amended, and of paragraphs (h) and (i) of section 3 of the Act entitled 'An Act to provide certain basic authority for the Department of State', approved August 1, 1956 (5 U.S.C. 170h(h) and 170h(i)), may be utilized by the Secretary in providing assistance for educational facilities. Assistance may include, but shall not be limited to, hiring, transporting, and payment of teachers and other necessary personnel." 44 Stat. 403. 22 USC 299. 70 Stat. 890.

SEC. 405. The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956 (5 U.S.C. 170f–170t), is amended by inserting immediately after section 12 the following new section:

"SEC. 13. There is hereby established a working capital fund for the Department of State, which shall be available without fiscal year limitation, for expenses (including those authorized by the Foreign Service Act of 1946, as amended) and equipment, necessary for maintenance and operation in the city of Washington and elsewhere of (1) central reproduction, editorial, data processing, audiovisual, library and administrative support services; (2) central supply services for supplies and equipment (including repairs), and (3) such other administrative services as the Secretary, with the approval of the Bureau of the Budget, determines may be performed more advantageously and more economically as central services. The capital of 60 Stat. 999. 22 USC 801 note.

the fund shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital. Not to exceed $750,000 in net assets shall be transferred to the fund for purposes of providing capital. The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of State, other Federal agencies, and other sources authorized by law, for supplies and services at rates which will approximate the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, earnings which the Secretary determines to be excess to the needs of the fund. There is hereby authorized to be appropriated such amounts as may be necessary to provide capital for the fund."

SEC. 406. The first sentence of the first section of the Act entitled "An Act to authorize participation by the United States in parliamentary conferences of the North Atlantic Treaty Organization", approved July 11, 1956 (70 Stat. 523), is amended to read as follows: "That not to exceed eighteen Members of Congress shall be appointed to meet jointly and annually with representative parliamentary groups from other NATO (North Atlantic Treaty Organization) members, for discussion of common problems in the interests of the maintenance of peace and security in the North Atlantic area."

22 USC 1928a.

Approved December 16, 1963.

Public Law 88-206

December 17, 1963
[H. R. 6518]

AN ACT

To improve, strengthen, and accelerate programs for the prevention and abatement of air pollution.

Clean Air Act.
69 Stat. 322;
73 Stat. 646.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of July 14, 1955, as amended (42 U.S.C. 1857–1857g), is hereby amended to read as follows:

"FINDINGS AND PURPOSES

"SECTION 1. (a) The Congress finds—

"(1) that the predominant part of the Nation's population is located in its rapidly expanding metropolitan and other urban areas, which generally cross the boundary lines of local jurisdictions and often extend into two or more States;

"(2) that the growth in the amount and complexity of air pollution brought about by urbanization, industrial development,

and the increasing use of motor vehicles, has resulted in mounting dangers to the public health and welfare, including injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to air and ground transportation;

"(3) that the prevention and control of air pollution at its source is the primary responsibility of States and local governments; and

"(4) that Federal financial assistance and leadership is essential for the development of cooperative Federal, State, regional, and local programs to prevent and control air pollution.

"(b) The purposes of this Act are—

"(1) to protect the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;

"(2) to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution;

"(3) to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs; and

"(4) to encourage and assist the development and operation of regional air pollution control programs.

"COOPERATIVE ACTIVITIES AND UNIFORM LAWS

"SEC. 2. (a) The Secretary shall encourage cooperative activities by the States and local governments for the prevention and control of air pollution; encourage the enactment of improved and, so far as practicable in the light of varying conditions and needs, uniform State and local laws relating to the prevention and control of air pollution; and encourage the making of agreements and compacts between States for the prevention and control of air pollution.

"(b) The Secretary shall cooperate with and encourage cooperative activities by all Federal departments and agencies having functions relating to the prevention and control of air pollution, so as to assure the utilization in the Federal air pollution control program of all appropriate and available facilities and resources within the Federal Government.

"(c) The consent of the Congress is hereby given to two or more States to negotiate and enter into agreements or compacts, not in conflict with any law or treaty of the United States, for (1) cooperative effort and mutual assistance for the prevention and control of air pollution and the enforcement of their respective laws relating thereto, and (2) the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective such agreements or compacts. No such agreement or compact shall be binding or obligatory upon any State a party thereto unless and until it has been approved by Congress.

"RESEARCH, INVESTIGATIONS, TRAINING, AND OTHER ACTIVITIES

"SEC. 3. (a) The Secretary shall establish a national research and development program for the prevention and control of air pollution and as part of such program shall—

"(1) conduct, and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of air pollution; and

"(2) encourage, cooperate with, and render technical services and provide financial assistance to air pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals in the conduct of such activities; and

"(3) conduct investigations and research and make surveys concerning any specific problem of air pollution in cooperation with any air pollution control agency with a view to recommending a solution of such problem, if he is requested to do so by such agency or if, in his judgment, such problem may affect any community or communities in a State other than that in which the source of the matter causing or contributing to the pollution is located; and

"(4) initiate and conduct a program of research directed toward the development of improved, low-cost techniques for extracting sulfur from fuels.

"(b) In carrying out the provisions of the preceding subsection the Secretary is authorized to—

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by him in connection therewith, pertaining to such research and other activities;

"(2) cooperate with other Federal departments and agencies, with air pollution control agencies, with other public and private agencies, institutions, and organizations, and with any industries involved, in the preparation and conduct of such research and other activities;

"(3) make grants to air pollution control agencies, to other public or nonprofit private agencies, institutions, and organizations, and to individuals, for purposes stated in subsection (a)(1) of this section;

"(4) contract with public or private agencies, institutions, and organizations, and with individuals, without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5);

"(5) provide training for, and make training grants to, personnel of air pollution control agencies and other persons with suitable qualifications;

"(6) establish and maintain research fellowships, in the Department of Health, Education, and Welfare and at public or nonprofit private educational institutions or research organizations;

"(7) collect and disseminate, in cooperation with other Federal departments and agencies, and with other public or private agencies, institutions, and organizations having related responsibilities,

basic data on chemical, physical, and biological effects of varying air quality and other information pertaining to air pollution and the prevention and control thereof; and

"(8) develop effective and practical processes, methods, and prototype devices for the prevention or control of air pollution.

"(c)(1) In carrying out the provisions of subsection (a) of this section the Secretary shall conduct research on, and survey the results of other scientific studies on, the harmful effects on the health or welfare of persons by the various known air pollution agents (or combinations of agents).

"(2) Whenever he determines that there is a particular air pollution agent (or combination of agents), present in the air in certain quantities, producing effects harmful to the health or welfare of persons, the Secretary shall compile and publish criteria reflecting accurately the latest scientific knowledge useful in indicating the kind and extent of such effects which may be expected from the presence of such air pollution agent (or combination of agents) in the air in varying quantities. Any such criteria shall be published for informational purposes and made available to municipal, State, and interstate air pollution control agencies. He shall revise and add to such criteria whenever necessary to reflect accurately developing scientific knowledge.

"(3) The Secretary may recommend to such air pollution control agencies and to other appropriate organizations such criteria of air quality as in his judgment may be necessary to protect the public health and welfare.

"GRANTS FOR SUPPORT OF AIR POLLUTION CONTROL PROGRAMS

"SEC. 4. (a) From the sums appropriated annually for the purposes of this Act but not to exceed 20 per centum of any such appropriation, the Secretary is authorized to make grants to air pollution control agencies in an amount up to two-thirds of the cost of developing, establishing, or improving programs for the prevention and control of air pollution: *Provided*, That the Secretary is authorized to make grants to intermunicipal or interstate air pollution control agencies (described in section 9(b) (2) and (4)) in an amount up to three-fourths of the cost of developing, establishing, or improving, regional air pollution programs. As used in this subsection, the term 'regional air pollution control program' means a program for the prevention and control of air pollution in an area that includes the areas of two or more municipalities, whether in the same or different States.

"(b) From the sums available under subsection (a) of this section for any fiscal year, the Secretary shall from time to time make grants to air pollution control agencies upon such terms and conditions as the Secretary may find necessary to carry out the purpose of this section. In establishing regulations for the granting of such funds the Secretary shall, so far as practicable, give due consideration to (1) the population, (2) the extent of the actual or potential air pollution problem, and (3) the financial need of the respective agencies. No agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for air pollution programs will be less than its expenditures were for such programs during the preceding fiscal year. No grant shall be made under this section until the Secretary has consulted with the appropriate official as designated by the Governor or Governors of the State or States affected.

"(c) Not more than 12½ per centum of the grant funds available under subsection (a) of this section shall be expended in any one State.

"ABATEMENT OF AIR POLLUTION

"SEC. 5. (a) The pollution of the air in any State or States which endangers the health or welfare of any persons, shall be subject to abatement as provided in this section.

"(b) Consistent with the policy declaration of this Act, municipal, State, and interstate action to abate air pollution shall be encouraged and shall not be displaced by Federal enforcement action except as otherwise provided by or pursuant to a court order under subsection (g).

"(c)(1)(A) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to air pollution which is alleged to endanger the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, give formal notification thereof to the air pollution control agency of the municipality where such discharge or discharges originate, to the air pollution control agency of the State in which such municipality is located, and to the interstate air pollution control agency, if any, in whose jurisdictional area such municipality is located, and shall call promptly a conference of such agency or agencies and of the air pollution control agencies of the municipalities which may be adversely affected by such pollution, and the air pollution control agency, if any, of each State, or for each area, in which any such municipality is located.

"(B) Whenever requested by the Governor of any State, a State air pollution control agency, or (with the concurrence of the Governor and the State air pollution control agency for the State in which the municipality is situated) the governing body of any municipality, the Secretary shall, if such request refers to alleged air pollution which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate and if a municipality affected by such air pollution, or the municipality in which such pollution originates, has either made or concurred in such request, give formal notification thereof to the State air pollution control agency, to the air pollution control agencies of the municipality where such discharge or discharges originate and of the municipality or municipalities alleged to be adversely affected thereby, and to any interstate air pollution control agency, whose jurisdictional area includes any such municipality and shall promptly call a conference of such agency or agencies, unless, in the judgment of the Secretary, the effect of such pollution is not of such significance as to warrant exercise of Federal jurisdiction under this section.

"(C) The Secretary may, after consultation with State officials of all affected States, also call such a conference whenever, on the basis of reports, surveys, or studies, he has reason to believe that any pollution referred to in subsection (a) is occurring and is endangering the health and welfare of persons in a State other than that in which the discharge or discharges originate. The Secretary shall invite the cooperation of any municipal, State, or interstate air pollution control agencies having jurisdiction in the affected area on any surveys or studies forming the basis of conference action.

"(2) The agencies called to attend such conference may bring such persons as they desire to the conference. Not less than three weeks' prior notice of the conference date shall be given to such agencies.

"(3) Following this conference, the Secretary shall prepare and forward to all air pollution control agencies attending the conference a summary of conference discussions including (A) occurrence of air pollution subject to abatement under this Act; (B) adequacy of measures taken toward abatement of the pollution; and (C) nature of delays, if any, being encountered in abating the pollution.

"(d) If the Secretary believes, upon the conclusion of the conference or thereafter, that effective progress toward abatement of such pollution is not being made and that the health or welfare of any persons is being endangered, he shall recommend to the appropriate State, interstate, or municipal air pollution control agency (or to all such agencies) that the necessary remedial action be taken. The Secretary shall allow at least six months from the date he makes such recommendations for the taking of such recommended action.

"(e)(1) If, at the conclusion of the period so allowed, such remedial action or other action which in the judgment of the Secretary is reasonably calculated to secure abatement of such pollution has not been taken, the Secretary shall call a public hearing, to be held in or near one or more of the places where the discharge or discharges causing or contributing to such pollution originated, before a hearing board of five or more persons appointed by the Secretary. Each State in which any discharge causing or contributing to such pollution originates and each State claiming to be adversely affected by such pollution shall be given an opportunity to select one member of such hearing board and each Federal department, agency, or instrumentality having a substantial interest in the subject matter as determined by the Secretary shall be given an opportunity to select one member of such hearing board, and one member shall be a representative of the appropriate interstate air pollution agency if one exists, and not less than a majority of such hearing board shall be persons other than officers or employees of the Department of Health, Education, and Welfare. At least three weeks' prior notice of such hearing shall be given to the State, interstate, and municipal air pollution control agencies called to attend such hearing and to the alleged polluter or polluters.

"(2) On the basis of evidence presented at such hearing, the hearing board shall make findings as to whether pollution referred to in subsection (a) is occurring and whether effective progress toward abatement thereof is being made. If the hearing board finds such pollution is occurring and effective progress toward abatement thereof is not being made it shall make recommendations to the Secretary concerning the measures, if any, which it finds to be reasonable and suitable to secure abatement of such pollution.

"(3) The Secretary shall send such findings and recommendations to the person or persons discharging any matter causing or contributing to such pollution; to air pollution control agencies of the State or States and of the municipality or municipalities where such discharge or discharges originate; and to any interstate air pollution control agency whose jurisdictional area includes any such municipality, together with a notice specifying a reasonable time (not less than six months) to secure abatement of such pollution.

"(f) If action reasonably calculated to secure abatement of the pollution within the time specified in the notice following the public hearing is not taken, the Secretary—

"(1) in the case of pollution of air which is endangering the health or welfare of persons in a State other than that in which the discharge or discharges (causing or contributing to such pollution) originate, may request the Attorney General to bring

a suit on behalf of the United States to secure abatement of pollution, and

"(2) in the case of pollution of air which is endangering the health or welfare of persons only in the State in which the discharge or discharges (causing or contributing to such pollution) originate, at the request of the Governor of such State, shall provide such technical and other assistance as in his judgment is necessary to assist the State in judicial proceedings to secure abatement of the pollution under State or local law or, at the request of the Governor of such State, shall request the Attorney General to bring suit on behalf of the United States to secure abatement of the pollution.

"(g) The court shall receive in evidence in any suit brought in a United States court under subsection (f) of this section a transcript of the proceedings before the board and a copy of the board's recommendations and shall receive such further evidence as the court in its discretion deems proper. The court, giving due consideration to the practicability of complying with such standards as may be applicable and to the physical and economic feasibility of securing abatement of any pollution proved, shall have jurisdiction to enter such judgment, and orders enforcing such judgment, as the public interest and the equities of the case may require.

"(h) Members of any hearing board appointed pursuant to subsection (e) who are not regular full-time officers or employees of the United States shall, while participating in the hearing conducted by such board or otherwise engaged on the work of such board, be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding $50 per diem, including travel time, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

60 Stat. 808.

"(i) (1) In connection with any conference called under this section, the Secretary is authorized to require any person whose activities result in the emission of air pollutants causing or contributing to air pollution to file with him, in such form as he may prescribe, a report, based on existing data, furnishing to the Secretary such information as may reasonably be required as to the character, kind, and quantity of pollutants discharged and the use of devices or other means to prevent or reduce the emission of pollutants by the person filing such a report. After a conference has been held with respect to any such pollution the Secretary shall require such reports from the person whose activities result in such pollution only to the extent recommended by such conference. Such report shall be made under oath or otherwise, as the Secretary may prescribe, and shall be filed with the Secretary within such reasonable period as the Secretary may prescribe, unless additional time be granted by the Secretary. No person shall be required in such report to divulge trade secrets or secret processes and all information reported shall be considered confidential for the purposes of section 1905 of title 18 of the United States Code.

62 Stat. 791.

"(2) If any person required to file any report under this subsection shall fail to do so within the time fixed by the Secretary for filing the same, and such failure shall continue for thirty days after notice of such default, such person shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where such person has his principal office or in any district in which he does business: *Provided*, That the

Secretary may upon application therefor remit or mitigate any forfeiture provided for under this subsection and he shall have authority to determine the facts upon all such applications.

"(3) It shall be the duty of the various United States attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of such forfeitures.

"AUTOMOTIVE VEHICLE AND FUEL POLLUTION

"SEC. 6. (a) The Secretary shall encourage the continued efforts on the part of the automotive and fuel industries to develop devices and fuels to prevent pollutants from being discharged from the exhaust of automotive vehicles, and to this end shall maintain liaison with automotive vehicle, exhaust control device, and fuel manufacturers. For this purpose, he shall appoint a technical committee, whose membership shall consist of an equal number of representatives of the Department and of automotive vehicle, exhaust control device, and fuel manufacturers. The committee shall meet from time to time at the call of the Secretary to evaluate progress in the development of such devices and fuels and to develop and recommend research programs which could lead to the development of such devices and fuels.

"(b) One year after enactment of this section, and semi-annually thereafter, the Secretary shall report to the Congress on measures taken toward the resolution of the vehicle exhaust pollution problem and efforts to improve fuels including (A) occurrence of pollution as a result of discharge of pollutants from automotive exhaust; (B) progress of research into development of devices and fuels to reduce pollution from exhaust of automotive vehicles; (C) criteria on degree of pollutant matter discharged from automotive exhausts; (D) efforts to improve fuels so as to reduce emission of exhaust pollutants; and (E) his recommendations for additional legislation, if necessary, to regulate the discharge of pollutants from automotive exhausts. Report to Congress.

"COOPERATION BY FEDERAL AGENCIES TO CONTROL AIR POLLUTION FROM FEDERAL FACILITIES

"SEC. 7. (a) It is hereby declared to be the intent of Congress that any Federal department or agency having jurisdiction over any building, installation, or other property shall, to the extent practicable and consistent with the interests of the United States and within any available appropriations, cooperate with the Department of Health, Education, and Welfare and with any air pollution control agency in preventing and controlling the pollution of the air in any area insofar as the discharge of any matter from or by such building, installation, or other property may cause or contribute to pollution of the air in such area.

"(b) In order to control air pollution which may endanger the health or welfare of any persons, the Secretary may establish classes of potential pollution sources for which any Federal department or agency having jurisdiction over any building, installation, or other property shall, before discharging any matter into the air of the United States, obtain a permit from the Secretary for such discharge, such permits to be issued for a specified period of time to be determined by the Secretary and subject to revocation if the Secretary finds pollution is endangering the health and welfare of any persons. In connection with the issuance of such permits, there shall be submitted to the Secretary such plans, specifications, and other information as he deems relevant thereto and under such conditions as he may prescribe. The Secretary shall report each January to the Congress the status of such permits and compliance therewith. Report to Congress.

"ADMINISTRATION

"SEC. 8. (a) The Secretary is authorized to prescribe such regulations as are necessary to carry out his functions under this Act. The Secretary may delegate to any officer or employee of the Department of Health, Education, and Welfare such of his powers and duties under this Act, except the making of regulations, as he may deem necessary or expedient.

"(b) Upon the request of an air pollution control agency, personnel of the Public Health Service may be detailed to such agency for the purpose of carrying out the provisions of this Act. The provisions of section 214(d) of the Public Health Service Act shall be applicable with respect to any personnel so detailed to the same extent as if such personnel had been detailed under section 214(b) of that Act.

58 Stat. 690.
42 USC 215.
60 Stat. 423.

"(c) Payments under grants made under this Act may be made in installments, and in advance or by way of reimbursement, as may be determined by the Secretary.

"DEFINITIONS

"SEC. 9. When used in this Act—

"(a) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(b) The term 'air pollution control agency' means any of the following:

"(1) A single State agency designated by the Governor of that State as the official State air pollution control agency for purposes of this Act;

"(2) An agency established by two or more States and having substantial powers or duties pertaining to the prevention and control of air pollution;

"(3) A city, county, or other local government health authority, or, in the case of any city, county, or other local government in which there is an agency other than the health authority charged with responsibility for enforcing ordinances or laws relating to the prevention and control of air pollution, such other agency; or

"(4) An agency of two or more municipalities located in the same State or in different States and having substantial powers or duties pertaining to the prevention and control of air pollution.

"(c) The term 'interstate air pollution control agency' means—

"(1) an air pollution control agency established by two or more States, or

"(2) an air pollution control agency of two or more municipalities located in different States.

"(d) The term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

"(e) The term 'person' includes an individual, corporation, partnership, association, State, municipality, and political subdivision of a State.

"(f) The term 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law.

"(g) All language referring to adverse effects on welfare shall include but not be limited to injury to agricultural crops and livestock, damage to and the deterioration of property, and hazards to transportation.

"OTHER AUTHORITY NOT AFFECTED

"SEC. 10. (a) Except as provided in subsection (b) of this section, this Act shall not be construed as superseding or limiting the authorities and responsibilities, under any other provision of law, of the Secretary or any other Federal officer, department, or agency.

"(b) No appropriation shall be authorized or made under section 301, 311, or 314(c) of the Public Health Service Act for any fiscal year after the fiscal year ending June 30, 1964, for any purpose for which appropriations may be made under authority of this Act. 42 USC 241, 243, 246.

"RECORDS AND AUDIT

"SEC. 11. (a) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this Act.

"SEPARABILITY

"SEC. 12. If any provision of this Act, or the application of any provision of this Act to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this Act, shall not be affected thereby.

"APPROPRIATIONS

"SEC. 13. (a) There is hereby authorized to be appropriated to carry out section 4 of this Act for the fiscal year ending June 30, 1964, not to exceed $5,000,000.

"(b) There is hereby authorized to be appropriated to carry out this Act not to exceed $25,000,000 for the fiscal year ending June 30, 1965, not to exceed $30,000,000 for the fiscal year ending June 30, 1966, and not to exceed $35,000,000 for the fiscal year ending June 30, 1967.

"SHORT TITLE

"SEC. 14. This Act may be cited as the 'Clean Air Act'."

SEC. 2. The title of such Act of July 14, 1955, is amended to read "An Act to provide for air pollution prevention and control activities of the Department of Health, Education, and Welfare, and for other purposes".

Approved December 17, 1963.

93-025 O-64-28

Public Law 88-207

December 17, 1963
[H. R. 5691]

AN ACT

To amend title 38 of the United States Code to allow the Administrator of Veterans' Affairs to delegate to the Chief Medical Director in the Department of Medicine and Surgery, authority to act upon the recommendations of the disciplinary boards provided by section 4110 of title 38, United States Code.

Veterans Administration.
Disciplinary boards.
72 Stat. 1246.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4110 of title 38, United States Code, is amended by adding at the end thereof the following new subsection (e) to read as follows:

"(e) The Administrator, within such limitations as he may prescribe, may delegate to the Chief Medical Director the authority vested in him by subsections (b) and (d) of this section to (1) appoint the chairman and secretary of a disciplinary board, such official to have the power prescribed by this section, and (2) receive and act upon the recommendations of such a board. Any person against whom disciplinary action is taken under authority delegated pursuant to this subsection shall have the right to appeal such action to the Administrator, but in the absence of such an appeal the decision of the Chief Medical Director shall have the same force and effect as a decision of the Administrator."

Approved December 17, 1963.

Public Law 88-208

December 17, 1963
[H. R. 2906]

AN ACT

To amend part II of the Interstate Commerce Act in order to provide an exemption from the provisions of such part for the emergency transportation of any accidentally wrecked or disabled motor vehicle in interstate or foreign commerce by towing.

Wrecked vehicles, emergency towing.
49 Stat. 545.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 203(b) of the Interstate Commerce Act (49 U.S.C. 303(b)) is amended by striking out the period at the end and inserting in lieu thereof a semicolon and the following: "or (10) the emergency transportation of any accidentally wrecked or disabled motor vehicle in interstate or foreign commerce by towing."

Approved December 17, 1963.

Public Law 88-209

December 17, 1963
[H. J. Res. 335]

JOINT RESOLUTION

Designating the 17th day of December of each year as "Wright Brothers Day".

Wright Brothers Day.
Designation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the 17th day of December of each year is hereby designated as "Wright Brothers Day", in commemoration of the first successful flights in a heavier than air, mechanically propelled airplane, which were made by Orville and Wilbur Wright on December 17, 1903, near Kitty Hawk, North Carolina. The President is authorized and requested to issue annually a proclamation inviting the people of the United States to observe such day with appropriate ceremonies and activities.

Approved December 17, 1963.

Public Law 88-210

AN ACT

December 18, 1963
[H. R. 4955]

To strengthen and improve the quality of vocational education and to expand the vocational education opportunities in the Nation, to extend for three years the National Defense Education Act of 1958 and Public Laws 815 and 874, Eighty-first Congress (federally affected areas), and for other purposes.

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

Vocational Education Act of 1963.

PART A—VOCATIONAL EDUCATION

DECLARATION OF PURPOSE

SECTION 1. It is the purpose of this part to authorize Federal grants to States to assist them to maintain, extend, and improve existing programs of vocational education, to develop new programs of vocational education, and to provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis, so that persons of all ages in all communities of the State—those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, and those with special educational handicaps—will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of actual or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. There are hereby authorized to be appropriated for the fiscal year ending June 30, 1964, $60,000,000, for the fiscal year ending June 30, 1965, $118,500,000, for the fiscal year ending June 30, 1966, $177,500,000, and for the fiscal year ending June 30, 1967, and each fiscal year thereafter, $225,000,000, for the purpose of making grants to States as provided in this part.

ALLOTMENTS TO STATES

SEC. 3. (a) Ninety per centum of the sums appropriated pursuant to section 2 shall be allotted among the States on the basis of the number of persons in the various age groups needing vocational education and the per capita income in the respective States as follows: The Commissioner shall allot to each State for each fiscal year—

(1) An amount which bears the same ratio to 50 per centum of the sums so appropriated for such year, as the product of the population aged fifteen to nineteen, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

(2) An amount which bears the same ratio to 20 per centum of the sums so appropriated for such year, as the product of the population aged twenty to twenty-four, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

(3) An amount which bears the same ratio to 15 per centum of the sums so appropriated for such year, as the product of the population aged twenty-five to sixty-five, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

(4) an amount which bears the same ratio to 5 per centum of the sums so appropriated for such year, as the sum of the amounts allotted to the State under paragraphs (1), (2), and (3) for such year bears to the sum of the amounts allotted to all the States under paragraphs (1), (2), and (3) for such year.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which is less than $10,000 shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under such subsection, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State's plan approved under section 5 shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under such subsection for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use under the approved plan of such State for such year and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this subsection during such year shall be deemed part of its allotment under subsection (a) for such year.

(d) (1) The "allotment ratio" for any State shall be 1.00 less the product of (A) .50 and (B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico, Guam, American Samoa, and the Virgin Islands), except that (i) the allotment ratio shall in no case be less than .40 or more than .60, and (ii) the allotment ratio for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be .60.

(2) The allotment ratios shall be promulgated by the Commissioner for each fiscal year, between July 1 and September 30 of the preceding fiscal year, except that for the fiscal year ending June 30, 1964, such allotment ratios shall be promulgated as soon as possible after the enactment of this part. Allotment ratios shall be computed on the basis of the average of the per capita incomes for a State and for all the States (exclusive of Puerto Rico, Guam, American Samoa, and the Virgin Islands) for the three most recent consecutive fiscal years for which satisfactory data is available from the Department of Commerce.

(3) The term "per capita income" for a State or for all the States (exclusive of Puerto Rico, Guam, American Samoa, and the Virgin Islands) for any fiscal year, means the total personal income for such State, and for all such States, respectively, in the calendar year ending in such fiscal year, divided by the population of such State, and of all such States, respectively, in such fiscal year.

(4) The total population and the population of particular age groups of a State or of all the States shall be determined by the Commissioner on the basis of the latest available estimates furnished by the Department of Commerce.

USES OF FEDERAL FUNDS

SEC. 4. (a) Except as otherwise provided in subsection (b), a State's allotment under section 3 may be used, in accordance with its approved State plan, for any or all of the following purposes:

(1) Vocational education for persons attending high school;

(2) Vocational education for persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market;

(3) Vocational education for persons (other than persons who are receiving training allowances under the Manpower Development and Training Act of 1962 (Public Law 87-415), the Area Redevelopment Act (Public Law 87-27), or the Trade Expansion Act of 1962 (Public Law 87-794)) who have already entered the labor market and who need training or retraining to achieve stability or advancement in employment;

76 Stat. 23.
42 USC 2571 note.
75 Stat. 47.
42 USC 2501 note.
76 Stat. 872.
19 USC 1801 note.

(4) Vocational education for persons who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education program;

(5) Construction of area vocational education school facilities;

(6) Ancillary services and activities to assure quality in all vocational education programs, such as teacher training and supervision, program evaluation, special demonstration and experimental programs, development of instructional materials, and State administration and leadership, including periodic evaluation of State and local vocational education programs and services in light of information regarding current and projected manpower needs and job opportunities.

(b) At least 33⅓ per centum of each State's allotment for any fiscal year ending prior to July 1, 1968, and at least 25 per centum of each State's allotment for any subsequent fiscal year shall be used only for the purposes set forth in paragraph (2) or (5), or both, of subsection (a), and at least 3 per centum of each State's allotment shall be used only for the purposes set forth in paragraph (6) of subsection (a), except that the Commissioner may, upon request of a State, permit such State to use a smaller percentage of its allotment for any year for the purposes specified above if he determines that such smaller percentage will adequately meet such purposes in such State.

(c) Ten per centum of the sums appropriated pursuant to section 2 for each fiscal year shall be used by the Commissioner to make grants to colleges and universities, and other public or nonprofit private agencies and institutions, to State boards, and with the approval of the appropriate State board, to local educational agencies, to pay part of the cost of research and training programs and of experimental, developmental, or pilot programs developed by such institutions, boards, or agencies, and designed to meet the special vocational education needs of youths, particularly youths in economically depressed communities who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education programs.

STATE PLANS

SEC. 5. (a) A State which desires to receive its allotments of Federal funds under this part shall submit through its State board to the Commissioner a State plan, in such detail as the Commissioner deems necessary, which—

(1) designates the State board as the sole agency for administration of the State plan, or for supervision of the administration thereof by local educational agencies; and, if such State board

does not include as members persons familiar with the vocational education needs of management and labor in the State, and a person or persons representative of junior colleges, technical institutes, or other institutions of higher education which provide programs of technical or vocational training meeting the definition of vocational education in section 8(1) of this Act, provides for the designation or creation of a State advisory council which shall include such persons, to consult with the State board in carrying out the State plan;

(2) sets forth the policies and procedures to be followed by the State in allocating each such allotment among the various uses set forth in paragraphs (1), (2), (3), (4), (5), and (6) of section 4(a), and in allocating Federal funds to local educational agencies in the State, which policies and procedures insure that due consideration will be given to the results of periodic evaluations of State and local vocational education programs and services in light of information regarding current and projected manpower needs and job opportunities, and to the relative vocational education needs of all groups in all communities in the State, and that Federal funds made available under this part will be so used as to supplement, and, to the extent practical, increase the amounts of State or local funds that would in the absence of such Federal funds be made available for the uses set forth in section 4(a) so that all persons in all communities of the State will as soon as possible have ready access to vocational training suited to their needs, interests, and ability to benefit therefrom, and in no case supplant such State or local funds;

(3) provides minimum qualifications for teachers, teacher-trainers, supervisors, directors, and others having responsibilities under the State plan;

(4) provides for entering into cooperative arrangements with the system of public employment offices in the State, approved by the State board and by the State head of such system, looking toward such offices making available to the State board and local educational agencies occupational information regarding reasonable prospects of employment in the community and elsewhere, and toward consideration of such information by such board and agencies in providing vocational guidance and counseling to students and prospective students and in determining the occupations for which persons are to be trained; and looking toward guidance and counseling personnel of the State board and local educational agencies making available to public employment offices information regarding the occupational qualifications of persons leaving or completing vocational education courses or schools, and toward consideration of such information by such offices in the occupational guidance and placement of such persons;

(5) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this part;

(6) provides assurance that the requirements of section 7 will be complied with on all construction projects in the State assisted under this part; and

(7) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this part, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner shall approve a State plan which fulfills the conditions specified in subsection (a), and shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State board designated pursuant to paragraph (1) of such subsection.

(c) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State board administering a State plan approved under subsection (b), finds that—

(1) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

(2) in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State board that no further payments will be made to the State under this part (or, in his discretion, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this part (or shall limit payments to programs under or portions of the State plan not affected by such failure).

(d) A State board which is dissatisfied with a final action of the Commissioner under subsection (b) or (c) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

72 Stat. 941.

62 Stat. 928.

PAYMENTS TO STATES

SEC. 6. (a) Any amount paid to a State from its allotment under section 3 for the fiscal year ending June 30, 1964, shall be paid on condition that there shall be expended for such year, in accordance with the State plan approved under section 5 or the State plan approved under the Vocational Education Act of 1946 and supplementary vocational education Acts, or both, an amount in State or local funds, or both, which at least equals the amount expended for vocational education during the fiscal year ending June 30, 1963, under the State plan approved under the Vocational Education Act of 1946 and supplementary vocational education Acts.

60 Stat. 775.
20 USC 15i note.
Post, p. 409.

(b) Subject to the limitations in section 4(b), the portion of a State's allotment for the fiscal year ending June 30, 1965, and for each succeeding year, allocated under the approved State plan for each of the purposes set forth in paragraphs (1), (2), (3), (4), and (6) of section 4(a) shall be available for paying one-half of the State's expenditures under such plan for such year for each such purpose.

(c) The portion of a State's allotment for any fiscal year allocated under the approved State plan for the purpose set forth in paragraph (5) of section 4(a) shall be available for paying not to exceed one-half of the cost of construction of each area vocational education school facility project.

(d) Payments of Federal funds allotted to a State under section 3 to States which have State plans approved under section 5 (as adjusted on account of overpayments or underpayments previously made) shall be made by the Commissioner in advance on the basis of such estimates, in such installments, and at such times, as may be reasonably required for expenditures by the States of the funds so allotted.

LABOR STANDARDS

SEC. 7. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this part shall be paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

49 Stat. 1011.

62 Stat. 1267.

63 Stat. 108.

DEFINITIONS

SEC. 8. For the purposes of this part—

(1) The term "vocational education" means vocational or technical training or retraining which is given in schools or classes (including field or laboratory work incidental thereto) under public supervision and control or under contract with a State board or local educational agency, and is conducted as part of a program designed to fit individuals for gainful employment as semiskilled or skilled workers or technicians in recognized occupations (including any program designed to fit individuals for gainful employment in business and office occupations, and any program designed to fit individuals for gainful employment which may be assisted by Federal funds under the Vocational Education Act of 1946 and supplementary vocational education Acts, but excluding any program to fit individuals for employment in occupations which the Commissioner determines, and specifies in regulations, to be generally considered professional or as requiring a baccalaureate or higher degree). Such term includes vocational guidance and counseling in connection with such training, instruction related to the occupation for which the student is being trained or necessary for him to benefit from such training, the training of persons engaged as, or preparing to become vocational education teachers, teacher-trainers, supervisors, and directors for such training, travel of students and vocational education personnel, and the acquisition and maintenance and repair of instructional supplies, teaching aids and equipment, but does not include the construction or initial equipment of buildings or the acquisition or rental of land.

60 Stat. 775.

20 USC 15i note.

(2) The term "area vocational education school" means—

(A) a specialized high school used exclusively or principally for the provision of vocational education to persons who are available for full-time study in preparation for entering the labor market, or

(B) the department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for full-time study in preparation for entering the labor market, or

(C) a technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for full-time study in preparation for entering the labor market, or

(D) the department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, under the supervision of the State Board, leading to immediate employment but not leading to a baccalaureate degree,

if it is available to all residents of the State or an area of the State designated and approved by the State Board, and if, in the case of a school, department, or division described in (C) or (D), it admits as regular students both persons who have completed high school and persons who have left high school.

(3) The term "school facilities" means classrooms and related facilities (including initial equipment) and interests in land on which such facilities are constructed. Such term shall not include any facility intended primarily for events for which admission is to be charged to the general public.

(4) The term "construction" includes construction of new buildings and expansion, remodeling, and alteration of existing buildings, and includes site grading and improvement and architect fees.

(5) The term "Commissioner" means the Commissioner of Education.

(6) The term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(7) The term "State board" means the State board designated or created pursuant to section 5 of the Smith-Hughes Act (that is the Act approved February 23, 1917 (39 Stat. 929, ch. 114; 20 U.S.C. 11–15, 16–28)) to secure to the State the benefits of that Act.

(8) The term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political subdivision in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program.

(9) The term "high school" does not include any grade beyond grade 12.

(10) The term "Vocational Education Act of 1946" means titles I, II, and III of the Act of June 8, 1936, as amended (20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, 15aaa–15ggg). 60 Stat. 775; 70 Stat. 925; 72 Stat. 1597.

(11) The term "supplementary vocational education Acts" means section 1 of the Act of March 3, 1931 (20 U.S.C. 30) (relating to vocational education in Puerto Rico), the Act of March 18, 1950 (20 U.S.C. 31–33) (relating to vocational education in the Virgin Islands), and section 9 of the Act of August 1, 1956 (20 U.S.C. 34) (relating to vocational education in Guam). 46 Stat. 1489; 64 Stat. 27; 70 Stat. 909.

ADVISORY COMMITTEE ON VOCATIONAL EDUCATION

SEC. 9. (a) There is hereby established in the Office of Education an Advisory Committee on Vocational Education (hereinafter referred to as the "Advisory Committee"), consisting of the Commissioner, who shall be chairman, one representative each of the Departments of Commerce, Agriculture, and Labor, and twelve members appointed, for staggered terms and without regard to the civil service laws, by the Commissioner with the approval of the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary"). Such twelve members shall, to the extent possible, include persons familiar with the vocational education needs of management and labor (in equal numbers), persons familiar with the administration of State and local vocational education programs, other persons with special knowledge, experience, or qualification with respect to vocational education, and persons representative of the general public, and not more than six of such members shall be professional educators. The Advisory Committee shall meet at the call of the chairman but not less often than twice a year.

(b) The Advisory Committee shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this part, the Vocational Education Act of 1946, and supplementary vocational education Acts, including policies and procedures governing the approval of State plans under section 5 and the approval of projects under section 4(c) and section 14.

60 Stat. 775.
20 USC 15i note.
Ante, p. 409.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $75 per day, including travel time; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in the Government service employed intermittently.

60 Stat. 808; 75 Stat. 339, 340.

AMENDMENTS TO GEORGE-BARDEN AND SMITH-HUGHES VOCATIONAL EDUCATION ACTS

SEC. 10. Notwithstanding anything to the contrary in title I, II, or III of the Vocational Education Act of 1946 (20 U.S.C. 15i–15m, 15o–15q, 15aa–15jj, 15aaa–15ggg), or in the Smith-Hughes Act (that is, the Act approved February 23, 1917, as amended (39 Stat. 929, ch. 114; 20 U.S.C. 11–15, 16–28)), or in supplementary vocational education Acts—

60 Stat. 775; 70 Stat. 925; 72 Stat. 1597.

(a) any portion of any amount allotted (or apportioned) to any State for any purpose under such titles, Act, or Acts for the fiscal year ending June 30, 1964, or for any fiscal year thereafter, may be transferred to and combined with one or more of the other allotments (or apportionments) of such State for such fiscal year under such titles, Act, or Acts, or under section 3 of this part and used for the purposes for which, and subject to the conditions under which, such other allotment (or apportionment) may be used, if the State board requests, in accordance with regulations of the Commissioner, that such portion be transferred and shows to the satisfaction of the Commissioner that transfer of such portion in the manner requested will promote the purpose of this part;

(b) any amounts allotted (or apportioned) under such titles, Act, or Acts for agriculture may be used for vocational education in any occupation involving knowledge and skills in agricul-

tural subjects, whether or not such occupation involves work of the farm or of the farm home, and such education may be provided without directed or supervised practice on a farm;

(c) (1) any amounts allotted (or apportioned) under such titles, Act, or Acts for home economics may be used for vocational education to fit individuals for gainful employment in any occupation involving knowledge and skills in home economics subjects;

(2) at least 10 per centum of any amount so allotted (or apportioned) to a State for each fiscal year beginning after June 30, 1965, may be used only for vocational education to fit persons for gainful employment in occupations involving knowledge and skills in home economics subjects, or transferred to another allotment under subsection (a), or both.

(d) any amounts allotted (or apportioned) under such titles, Act, or Acts for distributive occupations may be used for vocational education for any person over fourteen years of age who has entered upon or is preparing to enter upon such an occupation, and such education need not be provided in part-time or evening schools;

(e) any amounts allotted (or apportioned) under such titles, Act, or Acts for trade and industrial occupations may be used for preemployment schools and classes organized to fit for gainful employment in such occupations persons over fourteen years of age who are in school, and operated for less than nine months per year and less than thirty hours per week and without the requirement that a minimum of 50 per centum of the time be given to practical work on a useful or productive basis, if such preemployment schools and classes are for single-skilled or semi-skilled occupations which do not require training or work of such duration or nature; and less than one-third of any amounts so allotted (or apportioned) need be applied to part-time schools or classes for workers who have entered upon employment.

EXTENSION OF PRACTICAL NURSE TRAINING AND AREA VOCATIONAL EDUCATION PROGRAMS

SEC. 11. (a) (1) Section 201 of the Vocational Education Act of 1946 (20 U.S.C. 15aa) is amended by striking out "of the next eight fiscal years" and inserting in lieu thereof "succeeding fiscal year". 75 Stat. 44.

(2) Subsection (c) of section 202 of such Act is amended by striking out "of the next seven fiscal years" and inserting in lieu thereof "succeeding fiscal year". 70 Stat. 926; 75 Stat. 44.

(b) Section 301 of such Act (20 U.S.C. 15aaa) is amended by striking out "of the five succeeding fiscal years" and inserting in lieu thereof "succeeding fiscal year". 72 Stat. 1598; 75 Stat. 760.

PERIODIC REVIEW OF VOCATIONAL EDUCATION PROGRAMS AND LAWS

SEC. 12. (a) The Secretary shall, during 1966, appoint an Advisory Council on Vocational Education for the purpose of reviewing the administration of the vocational education programs for which funds are appropriated pursuant to this Act and other vocational education Acts and making recommendations for improvement of such administration, and reviewing the status of and making recommendations with respect to such vocational education programs and the Acts under which funds are so appropriated.

(b) The Council shall be appointed by the Secretary without regard to the civil service laws and shall consist of twelve persons who shall, to the extent possible, include persons familiar with the vocational

education needs of management and labor (in equal numbers), persons familiar with the administration of State and local vocational education programs, other persons with special knowledge, experience, or qualification with respect to vocational education, and persons representative of the general public.

(c) The Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out such functions.

(d) The Council shall make a report of its findings and recommendations (including recommendations for changes in the provisions of this part and other vocational education Acts) to the Secretary, such report to be submitted not later than January 1, 1968, after which date such Council shall cease to exist. The Secretary shall transmit such report to the President and the Congress.

Report to President and Congress.

(e) The Secretary shall also from time to time thereafter (but at intervals of not more than five years) appoint an Advisory Council on Vocational Education, with the same functions and constituted in the same manner as prescribed for the Advisory Council in the preceding subsections of this section. Each Council so appointed shall report its findings and recommendations, as prescribed in subsection (d), not later than July 1 of the second year after the year in which it is appointed, after which date such Council shall cease to exist.

(f) Members of the Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $75 per day, including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 73b–2) for persons in Government service employed intermittently.

60 Stat. 808; 75 Stat. 339, 340.

WORK-STUDY PROGRAMS FOR VOCATIONAL EDUCATION STUDENTS

SEC. 13. (a) (1) From the sums appropriated pursuant to section 15 and determined to be for the purposes of this section for each fiscal year, the Commissioner shall allot to each State an amount which bears the same ratio to the sums so determined for such year as the population aged fifteen to twenty, inclusive, of the State, in the preceding fiscal year bears to the population aged fifteen to twenty, inclusive, of all the States in such preceding year.

(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State's plan approved under subsection (b) shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under paragraph (1) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

(b) To be eligible to participate in this section, a State must have in effect a plan approved under section 5 and must submit through its State board to the Commissioner a supplement to such plan (hereinafter referred to as a "supplementary plan"), in such detail as the Commissioner determines necessary, which—

(1) designates the State board as the sole agency for administration of the supplementary plan, or for supervision of the administration thereof by local educational agencies;

(2) sets forth the policies and procedures to be followed by the State in approving work-study programs, under which policies and procedures funds paid to the State from its allotment under subsection (a) will be expended solely for the payment of compensation of students employed pursuant to work-study programs which meet the requirements of subsection (c), except that not to exceed 1 per centum of any such allotment, or $10,000, whichever is the greater, may be used to pay the cost of developing the State's supplementary plan and the cost of administering such supplementary plan after its approval under this section;

(3) sets forth principles for determining the priority to be accorded applications from local educational agencies for work-study programs, which principles shall give preference to applications submitted by local educational agencies serving communities having substantial numbers of youths who have dropped out of school or who are unemployed, and provides for undertaking such programs, insofar as financial resources available therefor make possible, in the order determined by the application of such principles;

(4) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this section;

(5) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(c) For the purposes of this section, a work-study program shall—

(1) be administered by the local educational agency and made reasonably available (to the extent of available funds) to all youths in the area served by such agency who are able to meet the requirements of paragraph (2);

(2) provide that employment under such work-study program shall be furnished only to a student who (A) has been accepted for enrollment as a full-time student in a vocational education program which meets the standards prescribed by the State board and the local educational agency for vocational education programs assisted under the preceding sections of this part, or in the case of a student already enrolled in such a program, is in good standing and in full-time attendance, (B) is in need of the earnings from such employment to commence or continue his vocational education program, and (C) is at least fifteen years of age and less than twenty-one years of age at the commencement of his employment, and is capable, in the opinion of the appropriate school authorities, of maintaining good standing in his vocational education program while employed under the work-study program;

(3) provide that no student shall be employed under such work-study program for more than fifteen hours in any week in which classes in which he is enrolled are in session, or for compensation which exceeds $45 in any month or $350 in any academic year or its equivalent, unless the student is attending a school which is not within reasonable commuting distance from his home, in which case his compensation may not exceed $60 in any month or $500 in any academic year or its equivalent;

(4) provide that employment under such work-study program shall be for the local educational agency or for some other public agency or institution;

(5) provide that, in each fiscal year during which such program remains in effect, such agency shall expend (from sources other than payments from Federal funds under this section) for the employment of its students (whether or not in employment eligible for assistance under this section) an amount that is not less than its average annual expenditure for work-study programs of a similar character during the three fiscal years preceding the fiscal year in which its work-study program under this section is approved.

(d) Subsections (b), (c), and (d) of section 5 (pertaining to the approval of State plans, the withholding of Federal payments in case of nonconformity after approval, and judicial review of the Commissioner's final actions in disapproving a State plan or withholding payments) shall be applicable to the Commissioner's actions with respect to supplementary plans under this section.

(e) From a State's allotment under this section for the fiscal year ending June 30, 1965, and for the fiscal year ending June 30, 1966, the Commissioner shall pay to such State an amount equal to the amount expended for compensation of students employed pursuant to work-study programs under the State's supplementary plan approved under this section, plus an amount, not to exceed 1 per centum of such allotment, or $10,000, whichever is the greater, expended for the development of the State's supplementary plan and for the administration of such plan after its approval by the Commissioner. From a State's allotment under this section for the fiscal year ending June 30, 1967, and for the next succeeding fiscal year, such payment shall equal 75 per centum of the amount so expended. No State shall receive payments under this section for any fiscal year in excess of its allotment under subsection (a) for such fiscal year.

(f) Such payments (adjusted on account of overpayments or underpayments previously made) shall be made by the Commissioner in advance on the basis of such estimates, in such installments, and at such times, as may be reasonably required for expenditures by the States of the funds allotted under subsection (a).

(g) Students employed in work-study programs under this section shall not by reason of such employment be deemed employees of the United States, or their service Federal service, for any purpose.

RESIDENTIAL VOCATIONAL EDUCATION SCHOOLS

SEC. 14. For the purpose of demonstrating the feasibility and desirability of residential vocational education schools for certain youths of high school age, the Commissioner is authorized to make grants, out of sums appropriated pursuant to section 15 to State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations, or institutions for the construction, equipment, and operation of residential schools to provide vocational education (including room, board, and other necessities) for youths, at least fifteen years of age and less than twenty-one

years of age at the time of enrollment, who need full-time study on a residential basis in order to benefit fully from such education. In making such grants, the Commissioner shall give special consideration to the needs of large urban areas having substantial numbers of youths who have dropped out of school or are unemployed and shall seek to attain, as nearly as practicable in the light of the purposes of this section, an equitable geographical distribution of such schools.

AUTHORIZATION FOR SECTIONS 13 AND 14

SEC. 15. There is authorized to be appropriated for the purpose of carrying out the provisions of sections 13 and 14, $30,000,000 for the fiscal year ending June 30, 1965, $50,000,000 for the fiscal year ending June 30, 1966, and $35,000,000 for the fiscal year ending June 30, 1967, and the succeeding fiscal year. The Commissioner shall determine the portion of such sums for each such year which is to be used for the purposes of each such section.

FEDERAL CONTROL

SEC. 16. Nothing contained in this part shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

SHORT TITLE

SEC. 17. This part may be cited as the "Vocational Education Act of 1963". Citation of part.

PART B—EXTENSION OF NATIONAL DEFENSE EDUCATION ACT OF 1958

AMENDMENTS TO TITLE I—GENERAL PROVISIONS

SEC. 21. (a) Section 103(a) of the National Defense Education Act of 1958 is amended by inserting "American Samoa," after "Guam," each time it appears therein. 72 Stat. 1582. 20 USC 403.

(b) Subsections (g) and (h) of such section 103 are amended by inserting "or, if such school is not in any State, as determined by the Commissioner" after the words "as determined under State law" wherever such words appear in such subsections.

(c) Subsection (i) of such section 103 is amended by striking out "does not include" and inserting in lieu thereof "includes" and by inserting before the period ", except that no such school or institution shall be eligible to receive any grant, loan, or other payment under this Act".

(d) Subsection (k) of such section 103 is amended by inserting before the period at the end thereof ", or any other public institution or agency having administrative control and direction of a public elementary or secondary school".

AMENDMENTS TO TITLE II—LOANS TO STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

SEC. 22. (a) The first sentence of section 201 of the National Defense Education Act of 1958 is amended by striking out "$90,000,000 each for the fiscal year ending June 30, 1962, and for the two succeeding fiscal years, and such sums for the fiscal year ending June 30, 1965, and each of the three succeeding fiscal years as may be necessary to 72 Stat. 1583; 75 Stat. 759. 20 USC 421.

enable students who have received a loan for any school year ending prior to July 1, 1964, to continue or complete their education" and inserting in lieu thereof "$90,000,000 each for the fiscal year ending June 30, 1962, and the next fiscal year, $125,000,000 for the fiscal year ending June 30, 1964, and $135,000,000 for the fiscal year ending June 30, 1965, and such sums for the fiscal year ending June 30, 1966, and each of the next three fiscal years as may be necessary to enable students who have received loans for school years ending prior to July 1, 1965, to continue or complete their education".

72 Stat. 1583; 75 Stat. 759. 20 USC 422.

(b) Section 202 of such Act is amended by striking out "1964" wherever it appears therein and inserting in lieu thereof "1965".

(c) Effective with respect to fiscal years beginning after June 30, 1963, section 203(b) of such Act is amended by striking out "$250,000" and inserting in lieu thereof "$800,000".

(d)(1) Subparagraph (2)(A)(i) of subsection (b) of section 205 of such Act is amended by inserting "or at a comparable institution outside the States approved for this purpose by the Commissioner" after "at an institution of higher education".

(2) Subparagraph (3) of such subsection is amended by inserting "or in an elementary or secondary school overseas of the Armed Forces of the United States" after "State".

(3) The amendment made by paragraph (1) of this subsection shall apply to any loan (under an agreement under title II of the 20 USC 421-429. National Defense Education Act of 1958) outstanding on the date of enactment of this Act only with the consent of the institution which made the loan. The amendment made by paragraph (2) of this subsection shall apply with respect to service as a teacher (described in such section 205(b)(3) of the National Defense Education Act of 1958) performed during academic years beginning after the enactment of this Act, whether the loan was made before or after such enactment.

(e) Section 206 of such Act is amended by striking out "1968" wherever it appears therein and inserting in lieu thereof "1969".

AMENDMENTS TO TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING SCIENCE, MATHEMATICS, AND MODERN FOREIGN LANGUAGE INSTRUCTION

20 USC 441.

SEC. 23. (a) Section 301 of the National Defense Education Act of 1958 is amended by striking out "five succeeding fiscal years" wherever it appears therein and inserting in lieu thereof "six succeeding fiscal years".

(b)(1) The third sentence of subsection (a)(2) of section 302 of such Act is amended by striking out "the four fiscal years in the period beginning July 1, 1960, and ending June 30, 1964" and inserting in lieu thereof: "the five fiscal years in the period beginning July 1, 1960, and ending June 30, 1965".

(2) Effective with respect to allotments under section 302 or section 305 of such Act for fiscal years beginning after June 30, 1963, such section 302 is further amended by striking out subsection (a)(4) and by adding at the end thereof the following new subsection:

"(c) The amount of any State's allotment under subsection (a) or (b) of this section, or section 305(a), for any fiscal year which the Commissioner determines will not be required for such fiscal year shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under subsections (a) and (b) of this section, and section 305(a), respectively, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Commissioner estimates such State

needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year from funds appropriated pursuant to section 301 shall be deemed part of its allotment under subsection (a) or (b) of this section, or section 305(a), as the case may be, for such year."

(c) Section 303(a)(1)(A) of such Act is amended (1) by inserting "and published" after "printed", and (2) by inserting "of test grading equipment for such schools and specialized equipment for audiovisual libraries serving such schools, and" after "or both, and". 72 Stat. 1589. 20 USC 443.

(d) The second sentence of subsection (b) of section 304 of such Act is amended by striking out "four succeeding fiscal years" and inserting in lieu thereof "five succeeding fiscal years". 75 Stat. 760. 20 USC 444.

AMENDMENTS TO TITLE IV—NATIONAL DEFENSE FELLOWSHIPS

SEC. 24. (a) Section 402 of the National Defense Education Act of 1958 is amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years". 72 Stat. 1591; 75 Stat. 760. 20 USC 462.

(b) Such section is further amended by inserting "(a)" after "SEC. 402.", and by adding at the end thereof the following new subsection:

"(b) In addition to the number of fellowships authorized to be awarded by subsection (a) of this section, the Commissioner is authorized to award fellowships equal to the number previously awarded during any fiscal year under this section but vacated prior to the end of the period for which they were awarded; except that each fellowship awarded under this subsection shall be for such period of study, not in excess of the remainder of the period for which the fellowship which it replaces was awarded, as the Commissioner may determine."

(c) Subsection (b) of section 404 of the National Defense Education Act of 1958 is amended to read as follows:

"(b) In addition to the amounts paid to persons pursuant to subsection (a) there shall be paid to the institution of higher education at which each such person is pursuing his course of study $2,500 per academic year, less any amount charged such person for tuition."

AMENDMENTS TO TITLE V—GUIDANCE, COUNSELING, AND TESTING

SEC. 25. (a) Section 501 of the National Defense Education Act of 1958 is amended by striking out "$15,000,000 for the fiscal year ending June 30, 1959, and for each of the five succeeding fiscal years" and inserting in lieu thereof "$15,000,000 for the fiscal year ending June 30, 1963, and $17,500,000 each for the fiscal year ending June 30, 1964, and the succeeding fiscal year". 20 USC 481.

(b)(1) Effective with respect to allotments under section 502 of such Act for fiscal years beginning after June 30, 1963, the third sentence of such section is amended by striking out "$20,000" wherever it appears therein and inserting in lieu thereof "$50,000".

(2) Effective with respect to allotments under such section 502 for fiscal years beginning after June 30, 1963, such section 502 is further amended by inserting "(a)" after "SEC. 502." and by adding at the end thereof the following new subsection:

"(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the State plan (if any) approved under this title shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under

such subsection for such year, but with such proportionate amount for any of such States being reduced to the extent it exceeds the sum the Commissioner estimates such State needs and will be able to use for such year for carrying out the State plan; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year from funds appropriated pursuant to section 501 shall be deemed part of its allotment under subsection (a) for such year."

72 Stat. 1592.
20 USC 483.

(c) (1) Subparagraph (1) of subsection (a) of section 503 of such Act is amended to read as follows:

"(1) a program for testing students who are not below grade 7 in the public elementary or secondary schools of such State, and if authorized by law in corresponding grades in other elementary or secondary schools in such State, to identify students with outstanding aptitudes and ability, and the means of testing which will be utilized in carrying out such program; and".

(2) Subparagraph (2) of subsection (a) of such section 503 is amended by striking out "public secondary schools" and inserting in lieu thereof "public elementary or secondary schools", and by inserting "who are not below grade 7" after "students" in clause (A) thereof.

75 Stat. 760.
20 USC 484.

(d) (1) The second sentence of subsection (a) of section 504 of such Act is amended by striking out "four succeeding fiscal years", and inserting in lieu thereof "five succeeding fiscal years", and by inserting before the semicolon ", including amounts expended under the State plan for State supervisory or related services in public elementary or secondary schools in the fields of guidance, counseling, and testing, and for administration of the State plan".

(2) The first sentence of subsection (b) of such section 504 is amended by striking out "the cost of testing students in any one or more secondary schools", and inserting in lieu thereof "the cost of testing students, who are not below grade 7, in any one or more elementary or secondary schools", and by striking out "five succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years".

(e) (1) Section 511 of such Act is amended to strike out "five succeeding fiscal years" and to insert in lieu thereof "six succeeding fiscal years".

(2) Such section is further amended to insert "who are not below grade 7 in elementary or" after "students", and to insert "elementary or" after "counseling or guidance in a public".

AMENDMENTS TO TITLE VI—LANGUAGE DEVELOPMENT

72 Stat. 1593; 75 Stat. 760.
20 USC 511.

SEC. 26. (a) Section 601 of the National Defense Education Act of 1958 is amended by striking out "1964" wherever it appears therein and inserting in lieu thereof "1965".

20 USC 521.

(b) Section 611 of such Act is amended (1) by striking out "five succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years", and (2) by adding at the end thereof a new sentence as follows: "As used in this section 'modern foreign language' includes English when taught to persons for whom English is a second language.".

AMENDMENTS TO TITLE VII—RESEARCH AND EXPERIMENTATION IN MORE EFFECTIVE UTILIZATION OF TELEVISION, RADIO, MOTION PICTURES, AND RELATED MEDIA FOR EDUCATIONAL PURPOSES

SEC. 27. (a) Section 701 of the National Defense Education Act of 1958 is amended by inserting "printed and published materials," after "motion pictures," and after "auditory aids,". 72 Stat. 1595. 20 USC 541.

(b) Section 731 of the National Defense Education Act of 1958 is amended by inserting "printed and published materials," after "motion pictures," wherever appearing therein. 20 USC 551.

(c) Section 761 of the National Defense Education Act of 1958 is amended by inserting "printed and published materials," after "motion pictures," wherever appearing therein. 20 USC 561.

(d) Section 763 of the National Defense Education Act of 1958 is amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years". 20 USC 563.

AMENDMENTS TO TITLE X—MISCELLANEOUS PROVISIONS

SEC. 28. (a) Section 1008 of the National Defense Education Act of 1958 is amended by inserting "American Samoa," after "Guam,". 20 USC 588.

(b) Section 1009(a) of such Act is amended by striking out "five succeeding fiscal years" and inserting in lieu thereof "six succeeding fiscal years". 75 Stat. 761. 20 USC 589.

PART C—FEDERALLY AFFECTED AREAS

AMENDMENTS TO PUBLIC LAW 815

SEC. 31. (a) The first sentence of section 3 of the Act of September 23, 1950, as amended (20 U.S.C. 631–645), is amended by striking out "1963" and inserting in lieu thereof "1965". 72 Stat. 548; 75 Stat. 759.

(b) Subsection (b) of section 14 of such Act is amended by striking out "1963" each time it appears therein and inserting in lieu thereof "1965".

(c) Paragraph (15) of section 15 of such Act is amended by striking out "1960–1961" and inserting in lieu thereof "1962–1963".

AMENDMENTS TO PUBLIC LAW 874

SEC. 32. Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950, as amended (20 U.S.C. 236–244), are each amended by striking out "1963" each place where it appears and inserting in lieu thereof "1965". 64 Stat. 1100; 75 Stat. 759.

EFFECTIVE DATES

SEC. 33. The amendments made by sections 31 and 32 shall be effective July 1, 1963.

Approved December 18, 1963.

Public Law 88-211

AN ACT

December 18, 1963
[S. 2054]

To eliminate the maintenance by the District of Columbia of perpetual accounts for unclaimed moneys held in trust by the government of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which any money has been held in trust for, or for the account of, any person by the government of the District of Columbia pursuant to

District of Columbia.
Unclaimed moneys.

statute or otherwise, and no communication, in writing or otherwise as indicated by a written memorandum, has been received by the government of the District of Columbia concerning such money from the person entitled thereto, for a period of not less than ten years, the Commissioners shall send notice by registered or certified mail to the last known address of the person for whom such money is being held. Such mailed notice shall contain a statement that money is being held for such person and if no written claim for the return thereof is submitted to the Commissioners within sixty days of the date such notice is mailed, any future claim therefor will, subject to the provisions of section 2 of this Act, be forever barred.

Notice requirements.

SEC. 2. (a) Not less than sixty days after the mailing of any notice pursuant to the first section of this Act the Commissioners shall publish notice once each week for two successive weeks in a newspaper of general circulation in the District of Columbia. Such published notice shall be entitled "Notice of Names of Persons Appearing to be Owners of Unclaimed Money Held by the District of Columbia" and shall contain:

(1) The names and the last known addresses, if any, of the persons for whom moneys are being held (listed in alphabetical order of their surnames).

(2) A statement setting forth the substance of subsection (b) of this section.

Deposit in U.S. Treasury.

(b) If no written claim for the return of any such money is submitted to the Commissioners by the date specified in the published notices, which date shall be not less than ninety days from the date of publication of the second notice, such money shall be deposited in the Treasury of the United States to the credit of the District of Columbia and all claims for such money shall be forever barred.

Exemptions from notice requirements.

SEC. 3. In any case where any money held in trust by the government of the District of Columbia for the period of time and under the same circumstances as specified in the first section of this Act is in an amount less than the cost, as estimated by the Commissioners, of giving notice as required by the first two sections of this Act, such money may be deposited in the Treasury of the United States to the credit of the District of Columbia without the necessity of complying with the notice requirements of sections 1 and 2 hereof, and after such deposit all claims for such money shall be forever barred.

Refunds to depositors.

SEC. 4. Upon the return of any money deposited with the government of the District of Columbia to the person making such deposit after notice has been given such person pursuant to this Act, the Commissioners are authorized to deduct from such returned money the costs of mailing and publishing notices required by this Act, and shall deposit the amount so deducted in the Treasury of the United States to the credit of the District of Columbia.

"Commissioners."

SEC. 5. As used in this Act, the word "Commissioners" means the Board of Commissioners of the District of Columbia or their designated agent.

Approved December 18, 1963.

Public Law 88-212

AN ACT

December 18, 1963
[S. 1533]

To amend the Act of July 24, 1956, granting a franchise to D.C. Transit System, Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 1, title I of the Act entitled "An Act to grant a franchise to D.C. Transit System, Inc., and for other purposes", approved July 24, 1956, is amended by striking therefrom "Public Utilities Commission of the District of Columbia", and inserting in lieu thereof "Washington Metropolitan Area Transit Commission".

D.C. Transit System, Inc. Franchise. 70 Stat. 598.

Approved December 18, 1963.

Public Law 88-213

AN ACT

December 18, 1963
[H. R. 5703]

Granting an extension of patent to the United Daughters of the Confederacy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) a certain design patent issued by the United States Patent Office of date November 8, 1898, being patent numbered 29,611, which is the insignia of the United Daughters of the Confederacy, which was renewed and extended for a period of fourteen years by Public Law Numbered 220, Seventy-seventh Congress, approved August 18, 1941, is hereby renewed and extended for an additional period of fourteen years from and after the date of enactment of this Act, with all the rights and privileges pertaining to the same, being generally known as the insignia of the United Daughters of the Confederacy.

United Daughters of the Confederacy. Patent extension.

55 Stat. 633.

(b) No person who has manufactured the design of such patent between August 18, 1955, and the date of the enactment of this Act shall be held liable for infringement of such patent by reason of the continued manufacture and sale thereof.

Approved December 18, 1963.

Public Law 88-214

December 19, 1963
[H. R. 8720]

AN ACT

To amend the Manpower Development and Training Act of 1962.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101 of the Manpower Development and Training Act of 1962 (hereinafter referred to as "the Act") is amended by inserting after "sought out and trained" the following: "as quickly as is reasonably possible", and by inserting after "afforded to these people" the following: "with the least delay".

Manpower Development and Training Act of 1962, amendment.
76 Stat. 23.
42 USC 2571.

42 USC 2582.

SEC. 2. (a) Subsection (a) of section 202 of the Act is amended by striking out the second sentence thereof.

(b) Section 202 of the Act is amended by redesignating subsections (b) through (g) as subsections (c) through (h), respectively, and by inserting immediately after subsection (a) the following new subsection:

Special youth programs.

"(b) Whenever appropriate the Secretary shall provide a special program for the testing, counseling, selection, and referral of youths, sixteen years of age or older, for occupational training and further schooling, who because of inadequate educational background and work preparation are unable to qualify for and obtain employment without such training and schooling."

(c) Subsection (d) of such section (as so designated prior to the redesignation provided for in subsection (b)) is amended by inserting after "training" in the first sentence thereof the following: "(other than for training under subsection (i))".

(d) Such section is further amended by adding at the end thereof the following new subsection:

Referrals.

"(i) Whenever appropriate, the Secretary of Labor may also refer for the attainment of basic education skills those eligible persons who indicate their intention to, and will thereby be able to, pursue courses of occupational training of a type for which there appears to be reasonable expectation of employment. Such referrals shall be considered a referral for training within the meaning of this Act, and such persons shall be eligible for training allowances for not to exceed an additional twenty weeks."

42 USC 2583.

SEC. 3. (a) Subsection (a) of section 203 of the Act is amended—

(1) by inserting in the second sentence of the first paragraph after "fifty-two weeks" the following: "(except where authorized for individuals referred for training under section 202(i))",

(2) by inserting in such sentence after "not exceed" the following: "$10 more than",

(3) by inserting in the first sentence of the second paragraph after "less than" the following: "$10 more than",

(4) by inserting in the second sentence of the second paragraph after "compensation and" the following: "$10 more than", and

(5) by adding at the end of such subsection the following new paragraph:

Allowances.
42 USC 2601.

"The training allowance of a person engaged in full-time training under section 231 shall not be reduced on account of his part-time employment which does not exceed twenty hours per week, but shall be reduced in an amount equal to his full earnings for hours worked in excess of twenty hours per week."

(b) Subsection (c) of such section is amended to read as follows:

"(c) The Secretary of Labor shall pay training allowances only to unemployed persons who have had not less than two years of experience in gainful employment and who are either heads of families or heads of households as defined in the Internal Revenue

Code of 1954, or who are members of a household in which the head of the household or the head of the family is unemployed: *Provided*, That not more than one person in any one household may be receiving training allowances under this Act at any particular time. Notwithstanding the preceding sentence, the Secretary may pay training allowances at a rate not in excess of $20 a week to youths seventeen years of age or older who require such training allowance in order to undertake training, who are referred for training in accordance with section 202(b), and who are not entitled to allowances under the preceding sentence, except that no such training allowance shall be paid to any such youth who has not graduated from high school, unless the Secretary has satisfied himself that such youth has continuously failed to attend school for a period of not less than one year and that the local authorities after pursuing all appropriate procedures, including guidance and counseling, have concluded, after considering any assistance available under section 13 of the Vocational Education Act of 1963, that further school attendance by such youth in any regular academic or vocational program is no longer practicable under the circumstances. Not more than 25 per centum of the persons who are receiving training allowances (or who would be entitled thereto but for receipt of unemployment compensation) may be youths under the age of twenty-two."

68A Stat. 1 *et seq.* 26 USC 1 *et seq.*

Conditions.

Ante, p. 412.

(c) Subsection (d) of such section is amended to read as follows:

"(d) For the fiscal year ending June 30, 1966, any amount paid to a State for training allowances under this section, or as reimbursement for unemployment compensation under subsection (h), shall be paid on condition that such State shall bear 33⅓ per centum of the amount of such payments, and for each fiscal year thereafter such amounts shall be paid on condition that such State shall bear 50 per centum of the amount of such payments."

Payments by States.

(d) Paragraph (2) of subsection (h) of such section is amended by striking out "July 1, 1964, and for 50 per centum of the amount of such benefits paid on or after that date" and inserting in lieu thereof the following: "July 1, 1965, for 66⅔ per centum of the amount of such benefits paid during the fiscal year ending June 30, 1966, and 50 per centum of the amount of such benefits paid thereafter".

76 Stat. 679.

SEC. 4. (a) The center heading of section 205 of the Act is amended to read as follows: "ADVISORY COMMITTEES".

Advisory committees. 42 USC 2585.

(b) Subsection (b) of such section is amended to read as follows:

"(b) For the purpose of making expert assistance available to persons formulating and carrying on programs under this title, the Secretary shall, where appropriate, require the organization on a community, State, and/or regional basis of labor-management-public advisory committees."

(c) Subsections (d) and (e) of such section are amended by inserting "National Advisory" immediately before "Committee" each place it appears.

SEC. 5. Part A of title II of the Act is amended by adding at the end thereof the following new section:

"LABOR MOBILITY DEMONSTRATION PROJECTS

"SEC. 208. During the period ending June 30, 1965, the Secretary of Labor shall develop and carry out, in a limited number of geographical areas, pilot projects designed to assess or demonstrate the effectiveness in reducing unemployment of programs to increase the mobility of unemployed workers by providing assistance to meet their relocation expenses. In carrying out such projects the Secretary may provide such assistance, in the form of grants or loans, or both, only to involun-

tarily unemployed individuals who cannot reasonably be expected to secure full-time employment in the community in which they reside, have bona fide offers of employment (other than temporary or seasonal employment), and are deemed qualified to perform the work for which they are being employed. Where such assistance is provided in the form of grants, such grants may not exceed 50 per centum of the expenses incurred reasonably necessary to the transportation of the person who is relocating, and his family, and their household effects. Where such assistance is provided in the form of loans, or a combination of loans and grants, the total amount thereof may not exceed 100 per centum of such expenses and shall be made subject to such terms and conditions as the Secretary may prescribe. Of the funds appropriated for a fiscal year to carry out this title, not more than 2 per centum thereof, or $4,000,000, whichever is the lesser, may be used for the purposes of this section."

42 USC 2601. SEC. 6. (a) The first sentence of section 231 of the Act is amended by inserting before the period at the end thereof the following: ", except that with respect to education to be provided pursuant to referrals 42 USC 2582. under subsection (b) or (i) of section 202, the Secretary of Health, Education, and Welfare may make arrangements for the provision of the education to be provided under such subsection through other appropriate education agencies".

Facilities. (b) The second sentence of section 231 of such Act is amended by striking out ", if facilities or services of such agencies or institutions are not adequate for the purpose," and by inserting before the period at the end of such sentence the following: "where such institutions can provide substantially equivalent training with reduced Federal expenditures".

Payments to States. (c) The third sentence of section 231 of such Act is amended to read as follows: "The State agency shall be paid 50 per centum of the cost to the State of carrying out the agreement, except that for the period ending June 30, 1965, the State agency shall be paid 100 per centum of the cost to the State of carrying out the agreement with respect to unemployed persons, and for the fiscal year ending June 30, 1966, the State agency shall be paid 66⅔ per centum of such cost."

42 USC 2614. SEC. 7. (a) Subsection (a) of section 304 of the Act is amended by striking out "and a like amount for the fiscal year ending June 30, 1965" and inserting in lieu thereof the following: "and each of the two succeeding fiscal years".

(b) Subsection (b) of such section is amended by striking out "$161,000,000 for the fiscal year ending June 30, 1964, and a like amount for the fiscal year ending June 30, 1965" and inserting in lieu thereof the following: "$161,000,000 for the fiscal year ending June 30, 1964, $407,000,000 for the fiscal year ending June 30, 1965, and $281,000,000 for the fiscal year ending June 30, 1966".

(c) Subsection (c) of such section is amended by striking out "and a like amount for the fiscal year ending June 30, 1965" and inserting in lieu thereof the following: "and each of the two succeeding fiscal years".

42 USC 2615. SEC. 8. Section 305 of the Act is amended by striking out "vocational".

42 USC 2619. SEC. 9. Subsections (a) and (b) of section 309 of the Act are each amended by striking out "March 1, 1964" and inserting in lieu thereof "April 1, 1964, April 1, 1965, and April 1, 1966".

42 USC 2620. SEC. 10. Section 310 of the Act is amended by striking out "1965" both times it appears and inserting in lieu thereof "1966".

Approved December 19, 1963.

Public Law 88-215

AN ACT

December 19, 1963
[H. R. 8747]

Making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1964, and for other purposes.

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 sundry independent executive bureaus, boards, commissions, corporations, agencies, and offices, for the fiscal year ending June 30, 1964, namely:

Independent Offices Appropriation Act, 1964.

TITLE I

EXECUTIVE OFFICE OF THE PRESIDENT

NATIONAL AERONAUTICS AND SPACE COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Aeronautics and Space Council, established by section 201 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2471), including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $100 per diem, $525,000.

72 Stat. 427; 75 Stat. 46.

60 Stat. 810.

OFFICE OF EMERGENCY PLANNING

SALARIES AND EXPENSES

For expenses necessary for the Office of Emergency Planning, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); reimbursement of the General Services Administration for security guard services; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of the Office; $4,695,000: *Provided*, That not to exceed $650,000 of the foregoing amount shall remain available until expended for studies and research to develop measures and plans for emergency preparedness and telecommunications.

CIVIL DEFENSE AND DEFENSE MOBILIZATION FUNCTIONS OF FEDERAL AGENCIES

For expenses necessary to enable other Federal agencies to perform civil defense and defense mobilization functions, including payments by the Department of Labor to State employment security agencies for the full cost of administration of defense manpower mobilization activities, $4,190,000.

STATE AND LOCAL PREPAREDNESS

For expenses, not otherwise provided for, necessary for studies and research to develop State and local programs for the effective use in time of war of natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $1,500,000, to remain available until expended (50 U.S.C. 404).

61 Stat. 499; 68 Stat. 1244.

OFFICE OF SCIENCE AND TECHNOLOGY

SALARIES AND EXPENSES

For expenses necessary for the Office of Science and Technology, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $75 per diem, $880,000.

60 Stat. 810.

FUNDS APPROPRIATED TO THE PRESIDENT

DISASTER RELIEF

For expenses necessary to carry out the purposes of the Act of September 30, 1950, as amended (42 U.S.C. 1855–1855g), authorizing assistance to States and local governments in major disasters, $20,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

64 Stat. 1109.

DEPARTMENT OF DEFENSE

CIVIL DEFENSE

OPERATION AND MAINTENANCE

For expenses, not otherwise provided for, necessary for carrying out civil defense activities, including the hire of motor vehicles; and financial contributions to the States for civil defense purposes, as authorized by law, $70,319,000, of which not to exceed $15,000,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended, and not to exceed $14,078,000 shall be available for management expenses for civil defense including not to exceed 1,062 positions.

72 Stat. 533.
50 USC app. 2286.

RESEARCH, SHELTER SURVEY AND MARKING

For expenses, not otherwise provided for, necessary for studies and research to develop measures and plans for civil defense, and for continuing shelter surveys, marking and stocking, $41,250,000, to remain available until expended.

GENERAL PROVISIONS

Appropriations contained in this Act for carrying out civil defense activities shall not be available in excess of the limitations on appropriations contained in Section 408 of the Federal Civil Defense Act, as amended (50 U.S.C. App. 2260).

64 Stat. 1257.

No part of any appropriation in this Act shall be available for the construction of warehouses or for the lease of warehouse space in any building which is to be constructed specifically for civil defense activities.

No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used for construction of fallout shelters.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE

EMERGENCY HEALTH ACTIVITIES

For expenses necessary for carrying out emergency planning and preparedness functions of the Public Health Service, and procurement, storage (including underground storage), distribution, and maintenance of emergency civil defense medical supplies and equipment authorized by section 201(h) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C., app. 2281(h)), $27,500,000, to remain available until expended. 64 Stat. 1248.

INDEPENDENT OFFICES

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

For necessary expenses of the Civil Aeronautics Board, including employment of temporary guards on a contract or fee basis; not to exceed $1,000 for official reception and representation expenses; hire, operation, maintenance, and repair of aircraft; hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed $100 per diem; $10,240,000. 60 Stat. 810.

PAYMENTS TO AIR CARRIERS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), as is payable by the Board, $79,000,000, of which not to exceed $4,300,000 shall be available for subsidy for helicopter operations during the current fiscal year, to remain available until expended. 72 Stat. 763.

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); not to exceed $10,000 for medical examinations performed for veterans by private physicians on a fee basis; payment in advance for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; not to exceed $90,000 for performing the duties imposed upon the Commission by the Act of July 19, 1940 (54 Stat. 767); reimbursement of the General Services Administration for security guard services for protection of confidential files; and not to exceed $5,000 for actuarial services by contract, without regard to section 3709, Revised Statutes, as amended; $21,805,000: *Provided*, That no part of this appropriation shall be available for the Career Executive Board established by Executive Order 10758 of March 4, 1958, as amended. 5 USC 1181, 118k-118n. 41 USC 5. 5 USC 631 note.

No part of the appropriations herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit in the Examining and Personnel Utilization Division of the Commission, established pursuant to Executive Order 9358 of July 1, 1943. 3 CFR 1943-1948 Comp., p. 256.

INVESTIGATION OF UNITED STATES CITIZENS FOR EMPLOYMENT BY INTERNATIONAL ORGANIZATIONS

22 USC 287 note.

For expenses necessary to carry out the provisions of Executive Order No. 10422 of January 9, 1953, as amended, prescribing procedures for making available to the Secretary General of the United Nations, and the executive heads of other international organizations, certain information concerning United States citizens employed, or being considered for employment by such organizations, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $600,000: *Provided*, That this appropriation shall be available for advances or reimbursements to the applicable appropriations or funds of the Civil Service Commission and the Federal Bureau of Investigation for expenses incurred by such agencies under said Executive order: *Provided further*, That members of the International Organizations Employees Loyalty Board may be paid actual transportation expenses, and per diem in lieu of subsistence authorized by the Travel Expense Act of 1949, as amended, while traveling on official business away from their homes or regular places of business, including periods while en route to and from and at the place where their services are to be performed.

60 Stat. 810.

63 Stat. 166.
5 USC 835 note.

ANNUITIES UNDER SPECIAL ACTS

For payment of annuities authorized by the Act of May 29, 1944, as amended (48 U.S.C. 1373a), and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), $1,800,000.

58 Stat. 257; 70 Stat. 607.
64 Stat. 465; 72 Stat. 49.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS FUND

For payment to the "Employees health benefits fund" of Government contributions with respect to annuitants, as authorized by section 7 of the Federal Employees Health Benefits Act (73 Stat. 713), $9,500,000, to remain available until expended: *Provided*, That not to exceed $1,125,000 of the funds in the "Employees health benefits fund" shall be available for reimbursement to the Civil Service Commission for administrative expenses incurred by the Commission during the current fiscal year in the administration of the Federal Employees Health Benefits Act of 1959 (73 Stat. 713), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

5 USC 3006.

5 USC 3001 note.

GOVERNMENT CONTRIBUTIONS, RETIRED EMPLOYEES HEALTH BENEFITS FUND

For payment to the "Retired employees health benefits fund" of Government contributions with respect to retired employees, as authorized by section 4 of the Retired Federal Employees Health Benefits Act (74 Stat. 850), $14,800,000, to remain available until expended: *Provided*, That, without regard to the provisions of any other Act, not to exceeed $392,000 of the funds in the "Retired employees health benefits fund" shall be available for reimbursement to the Civil Service Commission for administrative expenses incurred by the Commission during the current fiscal year in the administration of the Retired Federal Employees Health Benefits Act.

5 USC 3053.

5 USC 3051 note.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the estimated cost of new and increased annuity benefits, during fiscal year 1964, as provided by Part III of Public Law 87–793 (76 Stat. 868), $62,000,000, to be credited to the civil service retirement and disability fund. 5 USC 2259 and note, 2260, 2268.

LIMITATION ON ADMINISTRATIVE EXPENSES, EMPLOYEES LIFE INSURANCE FUND

Not to exceed $270,000 of the funds in the "Employees life insurance fund" shall be available for reimbursement to the Civil Service Commission for administrative expenses incurred by the Commission during the current fiscal year in the administration of the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2091–2103), including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided*, That this limitation shall include expenses incurred under section 10 of the Act, notwithstanding the provisions of section 1 of Public Law 85–377 (5 U.S.C. 2094(c)). 68 Stat. 736. 60 Stat. 810. 69 Stat. 678. 72 Stat. 87.

FEDERAL AVIATION AGENCY

OPERATIONS

For necessary expenses of the Federal Aviation Agency, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Federal Airport Act; not to exceed $10,000 for representation allowances and for official entertainment; purchase of ten passenger motor vehicles, including nine for replacement only and one at a cost not to exceed $6,100; and purchase and repair of skis and snowshoes; $528,000,000: *Provided*, That total costs of aviation medicine, including equipment, for the Federal Aviation Agency, whether provided in the foregoing appropriation or elsewhere in this Act, shall not exceed $6,073,600 or include in excess of 406 positions: *Provided further*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities. 60 Stat. 170. 49 USC 1101 note.

FACILITIES AND EQUIPMENT

For an additional amount for the acquisition, establishment, and improvement by contract or purchase and hire of air navigation and experimental facilities, including the initial acquisition of necessary sites by lease or grant; the construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Agency stationed at remote localities where such accommodations are not available (at a total cost of construction of not to exceed $50,000 per housing unit in Alaska); and purchase of four aircraft; $100,250,000, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment of air navigation facilities: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel.

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred under authority granted in the Act of August 3, 1955 (69 Stat. 441), to enter into contracts, $20,000,000, to remain available until expended.

49 USC 1101-1111 *passim.*

RESEARCH AND DEVELOPMENT

For expenses, not otherwise provided for, necessary for research, development, and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301–1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $40,000,000, to remain available until expended.

72 Stat. 731.

OPERATION AND MAINTENANCE, WASHINGTON NATIONAL AIRPORT

For expenses incident to the care, operation, maintenance, improvement and protection of the Washington National Airport, including purchase of two passenger motor vehicles for replacement only; purchase, cleaning and repair of uniforms; and arms and ammunition; $3,581,500.

OPERATION AND MAINTENANCE, DULLES INTERNATIONAL AIRPORT

For expenses incident to the care, operation, maintenance, improvement and protection of the Dulles International Airport, including purchase of three passenger motor vehicles for police type use, which may exceed by $300 the general purchase price limitation for the current fiscal year; purchase, cleaning and repair of uniforms; and arms and ammunition; $3,985,000.

CONSTRUCTION, WASHINGTON NATIONAL AIRPORT

For necessary expenses for construction at Washington National Airport, including acquisition of land, $2,075,000, to remain available until expended.

CONSTRUCTION, DULLES INTERNATIONAL AIRPORT

For necessary expenses for construction at Dulles International Airport, $450,000, to remain available until expended.

CIVIL SUPERSONIC AIRCRAFT DEVELOPMENT

For expenses, not otherwise provided for, necessary for the development of a civil supersonic aircraft, including advances of funds without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), $60,000,000, to remain available until expended.

GENERAL PROVISIONS

During the current fiscal year applicable appropriations to the Federal Aviation Agency shall be available for the Federal Aviation Agency to conduct the activities specified in the Act of October 26, 1949, as amended (5 U.S.C. 596a), under determinations and regulations by the Administrator of the Federal Aviation Agency; maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; and uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131).

63 Stat. 907.

68 Stat. 1114.

Money recovered from the pool and fountain at Dulles International Airport shall not be subject to the Act of June 30, 1949, as amended (40 U.S.C. 484m, 485a), and may be given to a nonprofit organization which, in the determination of the Administrator of the Federal Aviation Agency, promotes and provides for the welfare of travelers in air commerce. 63 Stat. 388; 69 Stat. 430.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses in performing the duties of the Commission as authorized by law, including land and structures (not to exceed $104,800), special counsel fees, improvement and care of grounds and repairs to buildings (not to exceed $14,500), services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $100 per diem, not to exceed $500 for official reception and representation expenses, and purchase of not to exceed two passenger motor vehicles for replacement only, $15,600,000. 60 Stat. 810.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the work of the Commission, as authorized by law, including hire of passenger motor vehicles, and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $100 per diem for individuals, $11,850,000.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131), and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed $100 per diem, $12,214,750: *Provided*, That no part of the foregoing appropriation shall be expended upon any investigation hereafter provided by concurrent resolution of the Congress until funds are appropriated subsequently to the enactment of such resolution to finance the cost of such investigation: *Provided further*, That no part of the foregoing appropriation shall be used for an economic questionnaire or financial study of intercorporate relations. 68 Stat. 1114.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including rental or lease of office space in foreign countries without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $45,700,000.

GENERAL SERVICES ADMINISTRATION

OPERATING EXPENSES, PUBLIC BUILDINGS SERVICE

For necessary expenses, not otherwise provided for, of real property management and related activities as provided by law; rental of buildings in the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation, and transfer of building space; acquisition by purchase or otherwise of real estate and interests therein; and contractual services incident to cleaning or servicing buildings and moving; $210,875,000: *Provided*, That this appropriation shall be available to provide such fencing, lighting, guard booths, and other removable facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its function of protecting the person of the President of the United States and his immediate family, the President-elect, and the Vice President pursuant to Title 18, U.S.C. 3056.

65 Stat. 122; 76 Stat. 956.

REPAIR AND IMPROVEMENT OF PUBLIC BUILDINGS

For expenses, not otherwise provided for, necessary to alter public buildings and to acquire additions to sites pursuant to the Public Buildings Act of 1959 (73 Stat. 479) and to alter other Federally-owned buildings and to acquire additions to sites thereof, including grounds, approaches and appurtenances, wharves and piers, together with the necessary dredging adjacent thereto; and care and safeguarding of sites; preliminary planning of projects by contract or otherwise; maintenance, preservation, demolition, and equipment; $75,000,000, to remain available until expended: *Provided*, That for the purposes of this appropriation, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356) and the Post Office Department Property Act of 1954 (39 U.S.C. 2104 et seq.), and buildings under the control of another department or agency where alteration of such buildings is required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of General Services Administration shall be considered to be public buildings.

40 USC 601 note.

68 Stat. 518, 521.

CONSTRUCTION, PUBLIC BUILDINGS PROJECTS

For an additional amount for expenses, not otherwise provided for, necessary to construct public buildings projects and alter public buildings by extension or conversion where the estimated cost for a project is in excess of $200,000 pursuant to the Public Buildings Act of 1959 (73 Stat. 479), including equipment for such buildings, $157,600,800, and not to exceed $500,000 of this amount shall be available to the Administrator for construction of small public buildings outside the District of Columbia as the Administrator approves and deems necessary, all to remain available until expended: *Provided*, That the foregoing amount shall be available for public buildings projects at locations and at maximum construction improvement costs (excluding funds for sites and expenses) as follows:

Post office and Federal office building, Decatur, Alabama, in addition to the sum heretofore appropriated, $231,400, to provide for completion of facilities for the United States Courts;

Border patrol sector headquarters, Tucson, Arizona, $319,900;

Post office and courthouse, Pine Bluff, Arkansas, $2,144,600;

Courthouse and Federal office building, Fresno, California, $4,902,000;

Post office and courthouse, Newnan, Georgia, $1,023,000;
Courthouse and Federal office building, Boise, Idaho, $6,841,000;
Federal office building, Gary, Indiana, $1,023,000;
Courthouse and Federal office building, New Albany, Indiana, $838,900;
Courthouse and Federal office building (construction and alteration), London, Kentucky, $288,300;
Post office and courthouse, Bangor, Maine, $3,298,700;
Federal office building, Baltimore, Maryland, in addition to the sum heretofore provided, $12,512,200;
Post office and courthouse (construction and alteration), Detroit, Michigan, $3,710,700;
Post office and courthouse, Hannibal, Missouri, $1,634,000;
Post office and Federal office building, Independence, Missouri, $1,468,500;
Post office and Federal office building, Bozeman, Montana, $2,018,100;
Border patrol sector headquarters, Havre, Montana, $319,000;
Post office and courthouse (construction and alteration), Helena, Montana, $1,484,300;
Courthouse and Federal office building, Las Vegas, Nevada, $4,325,400;
Federal office building (construction and alteration), Laconia, New Hampshire, $320,900;
Post office and Federal office building, Portsmouth, New Hampshire, $2,147,400;
Post office and Federal office building (construction and alteration), Carlsbad, New Mexico, $328,300;
Post office and Federal office building, Clovis, New Mexico, $771,900;
Courthouse and Federal office building, Roswell, New Mexico, $1,422,900;
Federal office building, Cleveland, Ohio, $37,860,000;
Post office and Federal office building (construction and alteration), Providence, Rhode Island, $739,400;
Federal office building, Charleston, South Carolina, $2,614,200;
Post office and Federal office building, Alamo, Tennessee, $297,600;
Post office and Federal office building, Alice, Texas, $527,300;
Federal office building, Fort Worth, Texas, $14,362,000;
Post office and Federal office building, Pasadena, Texas, $969,000;
Border patrol sector headquarters, Swanton, Vermont, $279,000;
Border patrol sector headquarters, Blaine, Washington, $302,300;
Border patrol sector headquarters, Spokane, Washington, $293,900;
General Services Administration, Federal records center, metropolitan area, District of Columbia, $11,815,700;
Federal Office Building Numbered 5, District of Columbia, $33,666,000; *Provided further*, That the foregoing limits of costs may be exceeded to the extent that savings are effected in other projects, but by not to exceed 10 per centum.

SITES AND EXPENSES, PUBLIC BUILDINGS PROJECTS

For an additional amount for expenses necessary in connection with the construction of public buildings projects not otherwise provided for, as specified under this head in the Independent Offices Appropriation Acts of 1959 and 1960, including preliminary planning of public buildings projects by contract or otherwise, $40,000,000, to remain available until expended.

72 Stat. 1066; 73 Stat. 505.

PAYMENTS, PUBLIC BUILDINGS PURCHASE CONTRACTS

For payments of principal, interest, taxes, and any other obligations under contracts entered into pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), $5,200,000.

68 Stat. 518.

EXPENSES, UNITED STATES COURT FACILITIES

For necessary expenses, not otherwise provided for, to provide, directly or indirectly, additional space for the United States Courts incident to expansion of facilities (including rental of buildings in the District of Columbia and elsewhere and moving and space adjustments), and furniture and furnishings; $1,030,600.

OPERATING EXPENSES, FEDERAL SUPPLY SERVICE

For expenses, not otherwise provided, necessary for supply distribution, procurement, inspection, operation of the stores depot system (including contractual services incident to receiving, handling, and shipping warehouse items), and other supply management and related activities, as authorized by law, $46,000,000.

GENERAL SUPPLY FUND

To increase the general supply fund established by the Federal Property and Administrative Services Act of 1949, as amended (5 U.S.C. 630g), $30,000,000.

63 Stat. 382.

OPERATING EXPENSES, UTILIZATION AND DISPOSAL SERVICE

For necessary expenses, not otherwise provided for, incident to the utilization and disposal of excess and surplus property, and rehabilitation of personal property, as authorized by law, $9,387,500, to be derived from proceeds from the transfer of excess property and the disposal of surplus property.

OPERATING EXPENSES, NATIONAL ARCHIVES AND RECORDS SERVICE

For necessary expenses in connection with Federal records management and related activities as provided by law, including reimbursement for security guard services, and contractual services incident to movement or disposal of records, $14,730,000.

OPERATING EXPENSES, TRANSPORTATION AND COMMUNICATIONS SERVICE

For necessary expenses of transportation, communications, and other public utilities management and related activities, as provided by law, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $75 per diem for individuals, $4,850,000.

60 Stat. 810.

STRATEGIC AND CRITICAL MATERIALS

For necessary expenses in carrying out the provisions of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h), during the current fiscal year, for transportation and handling, within the United States (including charges at United States ports), storage, security, and maintenance of strategic and other materials acquired for or transferred to the supplemental stockpile established pursuant to section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)), not to exceed $1,500,000 for

60 Stat. 596.

73 Stat. 607.

carrying out the provisions of the National Industrial Reserve Act of 1948 (50 U.S.C. 451–462), relating to machine tools and industrial manufacturing equipment for which the General Services Administration is responsible, including reimbursement for security guard services, services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and not to exceed $2,812,000 for operating expenses, $23,925,000, to be derived from sales of strategic and critical materials: *Provided*, That no part of funds available shall be used for construction of warehouses or tank storage facilities: *Provided further*, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials and equipment held pursuant to the aforesaid Acts provided said leasehold interests are at nominal cost to the Government: *Provided further*, That during the current fiscal year, there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)), may be transferred without reimbursement to stockpiles established in accordance with said Act: *Provided further*, That any receipts from sales during the current fiscal year shall be promptly deposited into the Treasury except as otherwise provided herein: *Provided further*, That during the current fiscal year materials in the inventory maintained under the Defense Production Act of 1950, as amended, and, after compliance with the disposal requirements of section 3(e) of the Strategic and Critical Materials Stock Piling Act, excess materials in the national stockpile established pursuant to that Act, shall be available, without reimbursement, for transfer at fair market value to contractors as payment for expenses of refining, processing, or otherwise beneficiating materials, pursuant to section 3(c) of the Strategic and Critical Materials Stock Piling Act, into a form best suitable for stockpiling.

62 Stat. 1225.
60 Stat. 810.
60 Stat. 598.
64 Stat. 798.
50 USC app. 2061.
50 USC 98b.

SALARIES AND EXPENSES, OFFICE OF ADMINISTRATOR

For expenses of executive direction for activities under the control of the General Services Administration, $1,438,000: *Provided*, That not to exceed $500 shall be available for reception and representation expenses.

ALLOWANCES AND OFFICE FACILITIES FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958 (72 Stat. 838), $300,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of sections (a) and (e) of such Act.

3 USC 102 note.

ADMINISTRATIVE OPERATIONS FUND

Funds available to General Services Administration for administrative operations, in support of program activities, shall be expended and accounted for, as a whole, through a single fund: *Provided*, That costs and obligations for such administrative operations for the respective program activities shall be accounted for in accordance with systems approved by the General Accounting Office: *Provided further*, That the total amount deposited into said account for the fiscal year 1964 from funds made available to General Services Administration in this Act shall not exceed $18,150,000: *Provided further*, That amounts deposited into said account for administrative operations for each program shall not exceed the amounts included in the respective program appropriations for such purposes.

GENERAL PROVISIONS

The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129); (2) reimbursements for services performed in respect to bonds and other obligations under the jurisdiction of the General Services Administration, issued by public authorities, States, or other public bodies, and such services in respect to such bonds or obligations as the Administrator deems necessary and in the public interest may, upon the request and at the expense of the issuing agencies, be provided from the appropriate foregoing appropriation; and (3) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff), and such appropriations or funds may be so transferred, with the approval of the Bureau of the Budget.

61 Stat. 584.

62 Stat. 1225.

Appropriations to the General Services Administration under the heading "Construction, Public Buildings Projects" made in this Act shall be available, subject to the provisions of the Public Buildings Act of 1959 for (1) acquisition of buildings and sites thereof by purchase, condemnation, or otherwise, including prepayment of purchase contracts, (2) extension or conversion of Government-owned buildings, and (3) construction of new buildings, in addition to those set forth under that appropriation: *Provided*, That nothing herein shall authorize an expenditure of funds for acquisition, extension or conversion, or construction without the approval of the Committees on Appropriations of the Senate and House of Representatives.

73 Stat. 479.
40 USC 601 note.

Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

No part of any money appropriated by this or any other Act for any agency of the executive branch of the Government shall be used during the current fiscal year for the purchase within the continental limits of the United States of any typewriting machines except in accordance with regulations issued pursuant to the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

63 Stat. 377.
40 USC 471 note.

Not to exceed 2 per centum of any appropriation made available to the General Services Administration for the current fiscal year by this Act may be transferred to any other such appropriation, but no such appropriation shall be increased thereby more than 2 per centum: *Provided*, That such transfers shall apply only to operating expenses, and shall not exceed in the aggregate the amount of $2,000,000.

Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for (a) reimbursement to the General Services Administration for those expenses of renovation and alteration of buildings and facilities which constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 479) or other applicable law, and (b) transfer or reimbursement to applicable appropriations to said Administration for rents and related expenses, not otherwise provided for, of providing subject to Executive Order 11035, dated July 9, 1962, directly or indirectly, suitable general purpose space for any such department or agency, in the District of Columbia or elsewhere.

40 USC 490 note.

No part of any appropriation contained in this Act shall be used for the payment of rental on lease agreements for the accommodation

of Federal agencies in buildings and improvements which are to be erected by the lessor for such agencies at an estimated cost of construction in excess of $200,000 or for the payment of the salary of any person who executes such a lease agreement: *Provided*, That the foregoing proviso shall not be applicable to projects for which a prospectus for the lease construction of space has been submitted to and approved by the appropriate Committees of the Congress in the same manner as for public buildings construction projects pursuant to the Public Buildings Act of 1959.

73 Stat. 479.
40 USC 601 note.

HOUSING AND HOME FINANCE AGENCY

OFFICE OF THE ADMINISTRATOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Administrator, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $75 per diem for individuals; and purchase of two passenger motor vehicles for replacement only; $15,525,000: *Provided*, That hereafter necessary expenses of inspections and of providing representatives at the site of projects being planned or undertaken by local public agencies pursuant to title I of the Housing Act of 1949, as amended, projects financed through loans to educational institutions authorized by title IV of the Housing Act of 1950, as amended, projects and facilities financed by loans to public agencies pursuant to title II of the Housing Amendments of 1955, as amended, urban planning financed through grants to State and local government agencies pursuant to title VII of the Housing Act of 1954, as amended, and reserves of planned public works financed through advances to municipalities and other public agencies pursuant to title VII of the Housing Act of 1954, as amended, shall be compensated by such agencies or institutions by the payment of fixed fees which in the aggregate will cover the costs of rendering such services, and expenses for such purpose shall be considered nonadministrative; and for the purpose of providing such inspections, the Administrator may utilize any agency and such agency may accept reimbursement or payment for such services from such institutions, or the Administrator, and shall credit such amounts to the appropriations or funds against which such charges have been made; but such nonadministrative expenses during the current fiscal year shall not exceed $3,250,000.

60 Stat. 810.
63 Stat. 413.
42 USC 1450-1464.
64 Stat. 77.
12 USC 1749-1749c.
69 Stat. 642.
42 USC 1491-1497.
68 Stat. 640.
40 USC 460-462.

URBAN PLANNING GRANTS

For grants in accordance with the provisions of section 701 of the Housing Act of 1954, as amended, $21,150,000.

73 Stat. 678.
40 USC 461.

URBAN STUDIES AND HOUSING RESEARCH

For urban studies and housing research as authorized by the Housing Acts of 1948 and 1956, as amended, including administrative expenses in connection therewith, $387,400.

62 Stat. 1268; 70 Stat. 1091.
12 USC 1747 note, 1703 note.

MASS TRANSPORTATION DEMONSTRATION GRANTS

For necessary expenses in connection with grants in connection with mass transportation demonstration projects, as authorized by section 103(b) of the Housing Act of 1949, as amended, including not to exceed $195,000 for administrative expenses, $5,000,000: *Provided*, That no part of this appropriation shall be used for administrative expenses in connection with grants to be made requiring payments in excess of the amount herein appropriated therefor.

63 Stat. 416.
42 USC 1453.

OPEN SPACE LAND GRANTS

For expenses in connection with grants to aid in the acquisition of open-space land or interests therein, and with the provision of technical assistance to State and local public bodies (including the undertaking of studies and publication of information), $15,000,000: *Provided*, That not to exceed $262,000 may be used for administrative expenses and technical assistance, and no part of this appropriation shall be used for administrative expenses in connection with grants requiring payments in excess of the amount herein appropriated therefor.

LOW INCOME HOUSING DEMONSTRATION PROGRAMS

For low income housing demonstration programs pursuant to section 207 of the Housing Act of 1961, $1,200,000: *Provided*, That not to exceed $43,000 of this appropriation may be used for administrative expenses, and no part shall be used for administrative expenses in connection with contracts to make grants in excess of the amount herein appropriated therefor.

75 Stat. 165.
42 USC 1436.

PUBLIC WORKS PLANNING FUND

For the revolving fund established pursuant to section 702 of the Housing Act of 1954, as amended (40 U.S.C. 462), $2,000,000.

69 Stat. 641.

URBAN RENEWAL FUND (LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional amount for payment of grants as authorized by title I of the Housing Act of 1949, as amended (42 U.S.C. 1453, 1456), $100,000,000.

63 Stat. 413.

HOUSING FOR THE ELDERLY

HOUSING FOR THE ELDERLY FUND

For the revolving fund established pursuant to section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), $100,000,000.

73 Stat. 667.

PUBLIC HOUSING ADMINISTRATION

ANNUAL CONTRIBUTIONS

For the payment of annual contributions to public housing agencies in accordance with section 10 of the United States Housing Act of 1937, as amended (42 U.S.C. 1410), $197,000,000.

ADMINISTRATIVE EXPENSES

For administrative expenses of the Public Housing Administration, $15,484,000, to be expended under the authorization for such expenses contained in title II of this Act.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including not to exceed $5,000 for the employment of special counsel; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed $100 per diem; and purchase of not to exceed thirty-one passenger motor vehicles for replacement only; $24,670,000, of which not less than $1,918,000 shall be available for expenses necessary to carry out railroad safety activi-

60 Stat. 810.

ties and not less than $1,276,000 shall be available for expenses necessary to carry out locomotive inspection activities: *Provided*, That Joint Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, technical services, supplies, materials, and equipment (including the purchase of aircraft for experimental purposes) necessary for the conduct and support of aeronautical and space research and development activities, of the National Aeronautics and Space Administration; $3,926,000,000, to remain available until expended.

CONSTRUCTION OF FACILITIES

For advance planning, design and construction of facilities for the National Aeronautics and Space Administration and for the acquisition or condemnation of real property, as authorized by law, $680,000,000, to remain available until expended.

ADMINISTRATIVE OPERATIONS

For necessary expenses, not otherwise provided for, of the operation of the National Aeronautics and Space Administration, including uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); minor construction; supplies, materials, and equipment; awards; hire, maintenance, and operation of aircraft; purchase and hire of motor vehicles (including purchase of not to exceed twenty-four passenger motor vehicles, of which eleven shall be for replacement only); and maintenance, repair, and alteration of real and personal property; $494,000,000. 68 Stat. 1114.

GENERAL PROVISIONS

No part of any appropriation made available to the National Aeronautics and Space Administration by this Act for "Research and Development" may be used for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless (1) a period of thirty days has passed after the receipt by the Committee on Science and Astronautics of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of notice of the nature, location, and estimated cost of such facility, or (2) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the construction of such facility.

Not to exceed 5 per centum of any appropriation made available to the National Aeronautics and Space Administration by this Act may be transferred to any other such appropriation.

Not to exceed $35,000 of the appropriation "Administrative Operations" in this Act for the National Aeronautics and Space Administration shall be available for scientific consultations and emergency or extraordinary expense, to be expended upon the approval or authority

of the Administrator and his determination shall be final and conclusive.

No part of any appropriation made available to the National Aeronautics and Space Administration by this Act shall be used for expenses of participating in a manned lunar landing to be carried out jointly by the United States and any other country without consent of the Congress.

NATIONAL CAPITAL HOUSING AUTHORITY

OPERATION AND MAINTENANCE OF PROPERTIES

For the operation and maintenance of properties under title I of the District of Columbia Alley Dwelling Act, $43,000: *Provided*, That all receipts derived from sales, leases, or other sources shall be covered into the Treasury of the United States monthly: *Provided further*, That so long as funds are available from appropriations for the foregoing purposes, the provisions of section 507 of the Housing Act of 1950 (Public Law 475, Eighty-first Congress), shall not be effective.

48 Stat. 930. D.C. Code 5-111.

64 Stat. 81.

NATIONAL SCIENCE FOUNDATION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including award of graduate fellowships; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); purchase of one passenger motor vehicle; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services; $353,200,000, to remain available until expended: *Provided*, That of the foregoing amount not less than $37,600,000 shall be available for tuition, grants, and allowances in connection with a program of supplementary training for secondary school science and mathematics teachers: *Provided further*, That not to exceed $1,000,000 of the foregoing appropriation may be used to purchase foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for the purposes authorized by section 104(k) of that Act: *Provided further*, That no part of the foregoing appropriation may be transferred to any other agency of the government for research without the approval of the Bureau of the Budget.

64 Stat. 149.

60 Stat. 810.

72 Stat. 275.

RENEGOTIATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Renegotiation Board, including hire of passenger motor vehicles and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $2,550,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 2131), purchase of one passenger motor vehicle, and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed $100 per diem, $13,937,500.

68 Stat. 1114.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the operation and maintenance of the Selective Service System, as authorized by title I of the Universal Military Training and Service Act (62 Stat. 604), as amended, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); purchase of seventeen passenger motor vehicles for replacement only, including one medium sedan at not to exceed $3,000; not to exceed $62,000 for the National Selective Service Appeal Board; and $38,000 for the National Advisory Committee on the Selection of Physicians, Dentists, and Allied Specialists; $37,940,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense.

50 USC app. 451 note.

60 Stat. 810.

31 USC 665.

VETERANS ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including expenses incidental to securing employment for war veterans; uniforms or allowances therefor, as authorized by law; not to exceed $1,000 for official reception and representation expenses; reimbursement of the Department of the Army for the services of the officer assigned to the Veterans Administration to serve as Assistant Deputy Administrator; and reimbursement of the General Services Administration for security guard service; $159,750,000: *Provided*, That no part of this appropriation shall be used to pay in excess of twenty-two persons engaged in public relations work: *Provided further*, That no part of this appropriation shall be used to pay educational institutions for reports and certifications of attendance at such institutions an allowance at a rate in excess of $1 per month for each eligible veteran enrolled in and attending such institution.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For expenses necessary for administration of the medical, hospital, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, $14,800,000.

MEDICAL AND PROSTHETIC RESEARCH

For expenses necessary for carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until expended, $33,742,000, of which $1,170,000 shall be for prosthetic research and development activities.

MEDICAL CARE

For expenses necessary for the maintenance and operation of hospitals and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational articles and facilities; maintenance, operation and acquisition of farms and burial grounds; repairing, altering, improving or providing facilities in the several hospitals and homes under the juris-

diction of the Veterans Administration, not otherwise provided for, either by contract, or by the hire of temporary employees and purchase of materials; purchase of eighty-eight passenger motor vehicles for replacement only; uniforms or allowances therefor as authorized by law (5 U.S.C. 2131); and aid to State homes as authorized by section 641 of title 38, United States Code; $1,081,186,000, plus reimbursements: *Provided*, That allotments and transfers may be made from this appropriation to the Department of Health, Education, and Welfare (Public Health Service), the Army, Navy, and Air Force Departments, for disbursements by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans Administration.

68 Stat. 1114.
72 Stat. 1146.

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances (including burial awards authorized by section 902 of title 38, United States Code, and subsistence allowances for vocational rehabilitation), authorized under any Act of Congress, or regulation of the President based thereon, including emergency officers' retirement pay and annuities, the administration of which is now or may hereafter be placed in the Veterans Administration, and for the payment of adjusted-service credits as provided in sections 401 and 601 of the Act of May 19, 1924, as amended, $3,921,000,000, to remain available until expended.

72 Stat. 1169.
43 Stat. 125, 128.

READJUSTMENT BENEFITS

For the payment of benefits to or on behalf of veterans as authorized by part VIII, Veterans Regulation No. 1(a), as saved from repeal by section 12(a) of the Act of September 2, 1958 (72 Stat. 1264), and chapters 21, 33, 35, 37, and 39 of title 38, United States Code, and for supplies, equipment, and tuition authorized by chapter 31 of title 38, United States Code, $67,000,000, to remain available until expended.

38 USC note prec. pt. 1.
72 Stat. 1167 *et seq.*

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, for national service life insurance, for servicemen's indemnities, and for service-disabled veterans insurance, $30,200,000, to remain available until expended.

CONSTRUCTION OF HOSPITAL AND DOMICILIARY FACILITIES

For hospital and domiciliary facilities, for planning and for major alterations, improvements, and repairs and extending any of the facilities under the jurisdiction of the Veterans Administration or for any of the purposes set forth in sections 5001, 5002, and 5004, title 38, United States Code, $76,796,000, to remain available until expended: *Provided*, That the limitation under the head "HOSPITAL AND DOMICILIARY FACILITIES" in the Independent Offices Appropriation Act, 1956, on the amount available for technical services for rehabilitation of the neuropsychiatric hospital at Downey, Illinois, is reduced from $2,063,225 to $1,575,000.

72 Stat. 1251.
69 Stat. 211.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants in accordance with sections 631 to 634 of title 38, United States Code, for expenses incident to medical care and treatment of veterans, $310,000.

72 Stat. 1145.

LOAN GUARANTY REVOLVING FUND

During the current fiscal year, the Loan guaranty revolving fund shall be available for expenses, but not to exceed $300,000,000, for property acquisitions and other loan guaranty and insurance operations under Chapter 37, title 38, United States Code, except administrative expenses, as authorized by section 1824 of such title: *Provided*, That the retained earnings of the Direct loans to veterans and reserves revolving fund shall be available, during the current fiscal year, for transfer to said Loan guaranty revolving fund in such amounts as may be necessary to provide for the foregoing expenses.

72 Stat. 1203; 74 Stat. 532. 38 USC 1801-1825.

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented.

Appropriations available to the Veterans Administration for the current fiscal year for salaries and expenses shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

60 Stat. 810.

The appropriation available to the Veterans Administration for the current fiscal year for "Medical care" shall be available for funeral, burial, and other expenses incidental thereto (except burial awards authorized by section 902 of title 38, United States Code), for beneficiaries of the Veterans Administration receiving care under such appropriations.

72 Stat. 1169.

No part of the appropriations in this Act for the Veterans Administration (except the appropriation for "Construction of hospital and domiciliary facilities") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

INDEPENDENT OFFICES—GENERAL PROVISIONS

SEC. 102. Where appropriations in this title are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System, to travel performed in connection with the investigation of aircraft accidents by the Civil Aeronautics Board, to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration, or to payments to interagency motor pools where separately set forth in the budget schedules.

Travel expenses.

SEC. 103. No part of any appropriation contained in this title shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than

Positions of employees entering Armed Forces.

one year made application for restoration to his former position and has been certified by the Civil Service Commission as still qualified to perform the duties of his former position and has not been restored thereto.

Real estate purchase or sale, restriction.

SEC. 104. No part of any appropriation made available by the provisions of this title shall be used for the purchase or sale of real estate or for the purpose of establishing new offices outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

TITLE II—CORPORATIONS

The following corporations and agencies, respectively, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency 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 amended, as may be necessary in carrying out the programs set forth in the Budget for the current fiscal year for each such corporation or agency, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of $2,430,000 shall be available for administrative expenses of the Federal Home Loan Bank Board, which may procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $100 per diem for individuals, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with the Act of September 1, 1954, as amended (5 U.S.C. 2131–2133), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Federal Savings and Loan Insurance Corporation, and other agencies of the Government (including payment for office space): *Provided*, That all necessary expenses in connection with the conservatorship of institutions insured by the Federal Savings and Loan Insurance Corporation or preparation for or conduct of proceedings under section 6(i) of the Federal Home Loan Bank Act or under section 5(d) of the Home Owners' Loan Act of 1933 or section 407 or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home-loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid not to exceed $25 per diem in lieu of subsistence: *Provided further*, That expenses of any functions of supervision

60 Stat. 810.
68 Stat. 1114.
47 Stat. 729.
12 USC 1426.
68 Stat. 634.
12 USC 1464.
64 Stat. 259;
73 Stat. 691.
12 USC 1730, 1730a.
47 Stat. 725.
12 USC 1421.

(except of Federal home-loan banks) vested in or exercisable by the Board shall be considered as nonadministrative expenses: *Provided further*, That not to exceed $1,000 shall be available for official reception and representation expenses: *Provided further*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421–1449): *Provided further*, That the nonadministrative expenses (except those included in the first proviso hereof) for the supervision and examination of Federal and State chartered institutions (other than special examinations determined by the Board to be necessary) shall not exceed $12,800,000 for not to exceed 1,000 positions. 47 Stat. 725.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed $1,315,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or preparation for or conduct of proceedings under section 407 or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses, and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payment for services and facilities of the Federal home-loan banks, the Federal Reserve banks, the Federal Home Loan Bank Board, and other agencies of the Government: *Provided*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724–1730a). 64 Stat. 259; 73 Stat. 691. 12 USC 1730, 1730a. 48 Stat. 1255.

HOUSING AND HOME FINANCE AGENCY

LIMITATION ON ADMINISTRATIVE EXPENSES, OFFICE OF THE ADMINISTRATOR, COLLEGE HOUSING LOANS

Not to exceed $1,903,000 shall be available for all administrative expenses of carrying out the functions of the Administrator under the program of housing loans to educational institutions (title IV of the Housing Act of 1950, as amended, 12 U.S.C. 1749–1749d), but this amount shall be exclusive of payment for services and facilities of the Federal Reserve banks or any member thereof, the Federal home-loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831). 64 Stat. 77. 64 Stat. 873.

LIMITATION ON ADMINISTRATIVE EXPENSES, OFFICE OF THE ADMINISTRATOR, PUBLIC FACILITY LOANS

Not to exceed $1,220,000 of funds in the revolving fund established pursuant to title II of the Housing Amendments of 1955, as amended, shall be available for administrative expenses, but this amount shall be exclusive of payment for services and facilities of the Federal 69 Stat. 642. 42 USC 1491–1497.

Reserve banks or any member thereof, the Federal home-loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

64 Stat. 873.

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, OFFICE OF THE ADMINISTRATOR, HOUSING FOR THE ELDERLY

Not to exceed $885,000 of funds in the revolving fund established pursuant to section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q et seq.), shall be available for administrative and nonadministrative expenses, but this amount shall be exclusive of payment for services and facilities of the Federal National Mortgage Association, the Federal Reserve banks or any member thereof, the Federal home-loan banks and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

73 Stat. 667.

LIMITATION ON ADMINISTRATIVE EXPENSES, OFFICE OF THE ADMINISTRATOR, REVOLVING FUND (LIQUIDATING PROGRAMS)

During the current fiscal year not to exceed $135,000 shall be available for administrative expenses, but this amount shall be exclusive of expenses necessary in the case of defaulted obligations to protect the interests of the Government and legal services on a contract or fee basis and of payment for services and facilities of the Federal Reserve banks or any member thereof, any servicer approved by the Federal National Mortgage Association, the Federal home-loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL NATIONAL MORTGAGE ASSOCIATION

Not to exceed $8,750,000 shall be available for administrative expenses, which shall be on an accrual basis, and shall be exclusive of interest paid, expenses (including expenses for fiscal agency services performed on a contract or fee basis) in connection with the issuance and servicing of securities, depreciation, properly capitalized expenditures, fees for servicing mortgages, expenses (including services performed on a force account, contract, or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to said Association or in which it has an interest, cost of salaries, wages, travel, and other expenses of persons employed outside of the continental United States, expenses of services performed on a contract or fee basis in connection with the performance of legal services, and all administrative expenses reimbursable from other Government agencies, and said Association may utilize and may make payment for services and facilities of the Federal Reserve banks and other agencies of the Government: *Provided*, That the distribution of administrative expenses to the accounts of the Association shall be made in accordance with generally recognized accounting principles and practices.

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOUSING ADMINISTRATION

For administrative expenses in carrying out duties imposed by or pursuant to law, not to exceed $9,500,000 of the various funds of the Federal Housing Administration shall be available, in accordance with

the National Housing Act, as amended (12 U.S.C. 1701), including uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131): *Provided*, That funds shall be available for contract actuarial services (not to exceed $1,500): *Provided further*, That nonadministrative expenses of all kinds regardless of source classified by section 2 of Public Law 387, approved October 25, 1949, including all appraisal fees regardless of source or method of financing shall not exceed $76,565,000: *Provided further*, That the foregoing limitation shall not apply to fees and other expenses paid by and between private parties in connection with cases processed under the Certified Agency Program.

48 Stat. 1246.
68 Stat. 1114.
63 Stat. 905.
12 USC 1702.

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, PUBLIC HOUSING ADMINISTRATION

Not to exceed the amount appropriated for such expenses by title I of this Act shall be available for the administrative expenses of the Public Housing Administration in carrying out the provisions of the United States Housing Act of 1937, as amended (42 U.S.C. 1401–1433), including purchase of uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131): *Provided*, That necessary expenses of providing representatives of the Administration at the sites of non-Federal projects in connection with the construction of such non-Federal projects by public housing agencies with the aid of the Administration, shall be compensated by such agencies by the payment of fixed fees which in the aggregate in relation to the development costs of such projects will cover the costs of rendering such services, and expenditures by the Administration for such purpose shall be considered nonadministrative expenses, and funds received from such payments may be used only for the payment of necessary expenses of providing representatives of the Administration at the sites of non-Federal projects: *Provided further*, That all expenses of the Public Housing Administration not specifically limited in this Act, in carrying out its duties imposed by law, shall not exceed $1,420,000.

50 Stat. 888.
68 Stat. 1114.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress.

Publicity or propaganda.

SEC. 302. No part of any appropriation contained in this Act, or of the funds available for expenditure by any corporation or agency included in this Act, shall be used to pay the compensation of any employee engaged in personnel work in excess of the number that would be provided by a ratio of one such employee to one hundred and thirty-five, or a part thereof, full-time, part-time, and intermittent employees of the corporation or agency concerned: *Provided*, That for purposes of this section employees shall be considered as engaged in personnel work if they spend half time or more in personnel administration consisting of direction and administration of the personnel program; employment, placement, and separation; job evaluation and classification; employee relations and services; wage administration; and processing, recording, and reporting.

Personnel work.

SEC. 303. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount for indirect expenses in connection with such project in excess of 20 per centum of the direct costs.

Research projects.

SEC. 304. None of the funds appropriated in this Act shall be used to conduct or assist in conducting any program (including but not limited to the payment of salaries, administrative expenses, and the conduct of research activities) related directly or indirectly to the establishment of a national service corps or similar domestic peace corps type of program.

Short title.

This Act may be cited as the "Independent Offices Appropriation Act, 1964".

Approved December 19, 1963.

Public Law 88-216

December 19, 1963
[H. R. 4479]

AN ACT

To provide for the conveyance to the State of California of certain mineral rights reserved to the United States in certain real property in California.

California.
Mineral rights, conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, upon application therefor by the State of California within one year from the effective date of this Act, the Secretary of the Interior is authorized to convey to the State of California, upon payment of the sum of (1) the fair market value as of the effective date of this Act as determined by the Secretary of the Interior, and (2) the administrative costs of the conveyance as determined by the Secretary of the Interior, all right, title, and interest in and to the coal and other minerals heretofore reserved to the United States in the real property described in section 2 of this Act, subject to any valid existing rights.

SEC. 2. The real property referred to in the first section of this Act, located in the State of California, is more particularly described as follows: Northeast quarter and east half northwest quarter, section 29, township 20 south, range 3 east, Mount Diablo base and meridian, State of California.

Approved December 19, 1963.

Public Law 88-217

December 21, 1963
[H. R. 5495]

AN ACT

For the relief of the city of Binghamton, New York.

Binghamton, New York.
Claims settlement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the city of Binghamton, New York, the sum of $10,130. The payment of such sum shall be in full settlement of all the claims of the city of Binghamton and Our Lady of Lourdes Memorial Hospital against the United States for payment of civil defense matching funds for an emergency generator for an addition to such hospital which payment was not made in the fiscal year ending June 30, 1961, because funds were not available for such purpose, and cannot now be made because of regulations which prohibit the retroactive payment of such funds: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agency or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 21, 1963.

Public Law 88-218

AN ACT

December 21, 1963
[H. R. 4276]

To provide for the creation of horizontal property regimes in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, including the following table of contents, may be cited as the "Horizontal Property Act of the District of Columbia".

Horizontal Property Act of the District of Columbia.

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SEC. 2. DEFINITIONS.—Unless it is plainly evident from the context that a different meaning is intended, as used herein—

(a) "Unit" or "condominium unit" means an enclosed space, consisting of one or more rooms, occupying all or part of a floor in buildings of one or more floors or stories regardless of whether it be designed for residence, for office, for the operation of any industry or business, or for any other type of independent use, and shall include such accessory units as may be appended thereto, such as garage space, storage space, balcony, terrace or patio: *Provided*, That said unit has a direct exit to a thoroughfare or to a given common space leading to a thoroughfare.

(b) "Condominium" means the ownership of single units in a multiunit structure with common elements.

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(c) "Condominium project" means a real estate condominium project; a plan or project whereby five or more apartments, rooms, office spaces, or other units in existing or proposed buildings or structures are offered or proposed to be offered for sale.

(d) "Co-owner" means a person, persons, corporation, trust, or other legal entity, or any combination thereof, that owns a condominium unit within the building.

(e) "Council of co-owners" means the co-owners as defined in subsection (d) of this section, acting as a group in accordance with the provisions of this Act and the bylaws and declaration established thereunder; and a majority, as defined in subsection (k) of this section, shall, except as otherwise provided in this Act, constitute a quorum for the adoption of decisions.

(f) "General common elements" except as otherwise provided in the plat of condominium subdivision, means and includes—

(1) the land on which the building stands in fee simple or leased provided that the leasehold interest of each unit is separable from the leasehold interests of the other units;

(2) the foundations, main walls, roofs, halls, columns, girders, beams, supports, corridors, fire escapes, lobbies, stairways, and entrance and exit or communication ways;

(3) the basements, flat roofs, yards, and gardens except as otherwise provided or stipulated;

(4) the premises for lodging of janitors or persons in charge of the building, except as otherwise provided or stipulated;

(5) the compartments or installations of central services such as power, light, gas, cold and hot water, heating, central air conditioning or central refrigeration, swimming pools, reservoirs, water tanks and pumps, and the like;

(6) the elevators, garbage and trash incinerators and, in general, all devices or installations existing for common use; and

(7) all other elements of the building rationally of common use or necessary to its existence, upkeep, and safety.

(g) "Limited common elements" means and includes those common elements which are agreed upon by all the co-owners to be reserved for the use of a certain number of condominium units, such as special corridors, stairways, and elevators, sanitary services common to the apartments of a particular floor, and the like.

(h) "Majority of co-owners", "two-thirds of the co-owners", and "three-fourths of the co-owners" mean, respectively, 51, 66⅔, and 75 per centum or more of the votes of the co-owners computed in accordance with their percentage interests as established under section 6 of this Act.

(i) "Plat of condominium subdivision" means the plat of the surveyor of the District of Columbia establishing the condominium units, accessory units, general common elements, and limited common elements.

(j) "Person" means a natural individual, corporation, trustee, or other legal entity or any combination thereof.

(k) "Developer" means a person that undertakes to develop a real estate condominium project.

(l) "Property" means and includes the lands whether leasehold, if separable as defined in (f)(1) of this section, or in fee simple, the building, all improvements and structures thereon, and all easements, rights, and appurtenances thereunto belonging.

(m) "To record" means to record in accordance with the provisions of section 499 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1189, 1268).

D.C. Code 45-501.

(n) "Common expenses" means and includes—

(1) all sums lawfully assessed against the unit owners by the council of co-owners;

(2) expenses of administration, maintenance, repair, or replacement of the common areas and facilities, including repair and replacement funds as may be established;

(3) expenses agreed upon as common expenses by the council of co-owners;

(4) expenses declared common expenses by the provisions of this Act or by the bylaws.

(o) "Common profits" means the balance of all income, rents, profits, and revenues from the common areas and facilities remaining after deduction of the common expenses.

(p) All words used herein include the masculine, feminine, and neuter genders and include the singular or plural numbers, as the case may be.

SEC. 3. HORIZONTAL PROPERTY REGIMES.—Whenever the owners or the co-owners of any square or lot shall subdivide the same into a condominium project in conformity with section 9 of this Act with a plat of condominium subdivision there shall be established a horizontal property regime.

SEC. 4. STATUS OF CONDOMINIUM UNITS WITHIN A HORIZONTAL PROPERTY REGIME.—Once the property is subdivided into the horizontal property regime, a condominium unit in the building may be individually conveyed, leased, and encumbered and may be inherited or devised by will, as if it were sole and entirely independent of the other condominium units in the building of which it forms a part; the said separate units shall have the same incidents as real property and the corresponding individual titles and interests therein shall be recordable.

SEC. 5. JOINT TENANCIES, TENANCIES IN COMMON, TENANCIES BY THE ENTIRETY.—Any condominium unit may be held and owned by more than one person as joint tenants, as tenants in common, as tenants by the entirety (in the case of husband and wife), or in any other real property tenancy relationship recognized under the laws of the District of Columbia.

SEC. 6. OWNERSHIP OF CONDOMINIUM UNITS, OF COMMON ELEMENTS; DECLARATION; VOTING; INDIVIDUAL UNIT DEEDS.—(a) A condominium unit owner shall have the exclusive fee simple ownership of his unit and shall have a common right to a share, with the other co-owners, of an undivided fee simple interest in the common elements of the property, equivalent to the percentage representing the value of the unit to the value of the whole property.

(b) Said percentage interest shall not be separated from the unit to which it appertains.

(c) The individual percentages shall be established at the time the horizontal property regime is constituted by the recording among the land records of the District of Columbia, of a declaration setting forth said percentages, shall have a permanent character, and shall not be changed without the acquiescence of the co-owners representing all the condominium units in the building, which said change shall be evidenced by an appropriate amendatory declaration to such effect recorded among the land records of the District of Columbia. Said share interest shall be set forth of record, in the initial individual condominium unit deeds. Said share interests in the common elements shall, nevertheless, be subject to mutual rights of ingress, egress, and regress of use and enjoyment of the other co-owners and a right of entry to officers, agents, and employees of the Government of the United States and the government of the District of Columbia acting in the performance of their official duties.

(d) The said basic value of said undivided common interest shall be fixed for the purposes of this Act and shall not fix the market value of the individual condominium units and undivided share interests and shall not prevent each co-owner from fixing a different circumstantial value to his condominium unit and undivided share interest in the common elements, in all types of acts and contracts.

(e) In addition to the foregoing provisions, the declaration may contain other provisions and attachments relating to the condominium and to the units which are not inconsistent with this Act.

(f) Voting at all meetings of the co-owners shall be on a percentage basis, and the percentage of the vote to which each co-owner is entitled shall be the individual percentage assigned to his unit in the declaration.

(g) Individual condominium unit deeds may make reference to this Act, the condominium subdivision and land subdivision plats referred to in section 10 hereof, the declaration provided for in this section, the bylaws of the council of co-owners, and the deeds may include any further details which the grantor and grantee may deem desirable to set forth consistent with the declaration and this Act.

SEC. 7. INDIVISIBILITY OF COMMON ELEMENTS; LIMITATION UPON PARTITION.—(a) The common elements, both general and limited, shall remain undivided. No unit owner, or any other person, shall bring any action for partition or division of the co-ownership permitted under section 93 and related provisions of the Act of March 3, 1901 (31 Stat. 1203), as amended by the Act of June 30, 1902 (32 Stat. 523, ch. 1329), against any other owner or owners of any interest or interests in the same horizontal property regime so as to terminate the regime.

Post, p. 618.

D.C. Code 16-1301; 21-213.

(b) Nothing contained in this section shall be construed as a limitation on partition by the owners of one or more units in a regime as to the individual ownership of such unit or units without terminating the regime or as to the ownership of property outside the regime: *Provided*, That upon partition of any such individual unit the same shall be sold as an entity and shall not be partitioned in kind.

SEC. 8. USE OF ELEMENTS HELD IN COMMON, RIGHT TO REPAIR COMMON ELEMENTS.—(a) Each co-owner may use the elements held in common in accordance with the purposes for which they are intended, without hindering or encroaching upon the lawful rights of the other co-owners.

(b) The manager, board of directors or of administration, as the case may be, shall have an irrevocable right and an easement to enter units to make repairs to common elements or when repairs reasonably appear to be necessary for public safety or to prevent damage to property other than the unit.

SEC. 9. CONDOMINIUM SUBDIVISION.—(a) Whenever the owner or the co-owners of any square or lot duly subdivided in conformity with section 1581 of the Act of March 3, 1901 (31 Stat. 1425), or other applicable laws of the District of Columbia, shall deem it necessary to subdivide the same into a condominium project of convenient condominium units for sale and occupancy and means of access for their accommodation, he may cause a plat or plats to be made by the surveyor of the District of Columbia, on which said plats, together, shall be expressed—

D.C. Code 1-620.

(1) the ground dimensions as set forth under such section 1581 and the exterior lengths of all lines of the building;

(2) for each floor of the condominium subdivision, the number or letter, dimensions, and lengths of finished interior surfaces of unit dividing walls of the individual condominium units; the

elevations (or average elevation, in case of slight variance) from a fixed known point, of finished floors and of finished ceilings of such condominium units situate upon the same floor, and further expressing the area, the relationship of each unit to the other upon the same floor and their relationship to the common elements upon said floor;

(3) the dimensions and lengths of the interior finished surface of walls, elevations, from said same fixed known point, of the finished floors and of the finished ceilings of the general common elements of the building, and, in proper case, of the limited common elements restricted to a given number of condominium units, expressing which are those units;

(4) any other data necessary for the identification of the individual condominium units and the general and limited common elements.

(b) And said owners or co-owners may certify such condominium subdivisions under their hands and seals in the presence of two credible witnesses, upon the same plat or on a paper or a parchment attached thereto. And the same shall thereupon be put up, labeled, indexed, and preserved for record and deposit with the office of the surveyor for the District of Columbia in like manner as land subdivisions have been heretofore recorded or in such other books as the said surveyor may prescribe.

SEC. 10. REFERENCE TO PLAT.—When a plat of a condominium project and subdivision shall be so certified, examined, and recorded, the purchaser of any condominium unit thereof or any person interested therein, may refer to the plat and record for description in the same manner as to squares and lots divided between the Commissioners and the original proprietors and in the same manner as has been heretofore the practice for land subdivisions: *Provided*, That said purchaser or other person interested therein shall also make reference to the plat of land subdivision appearing prior to the establishment of the condominium subdivision thereupon. Any such conveyance of an individual condominium unit shall be deemed to also convey the undivided interest of the owner in the common elements, both general and limited, and of any accessory units, if any, appertaining to said condominium unit without specifically or particularly referring to the same.

SEC. 11. TERMINATION AND WAIVER OF REGIME.—(a) All the co-owners or the sole owner of a building constituted into a horizontal property regime may terminate and waive this regime and regroup or merge the individual and several condominium units with the principal property; such termination and waiver shall be by certification to such effect upon the plat of condominium subdivision establishing the particular horizontal property regime under the hands and seals of the said sole owner or co-owners, in the presence of two credible witnesses, upon the same plat or upon a paper or parchment attached thereto: *Provided*, That the said individual condominium units are unencumbered, or if encumbered, that the creditors in whose behalf the encumbrances are recorded agree to accept as security the undivided interest in the property of the debtor co-owner and said creditors or trustees under duly recorded deeds of trust, shall signify their assent to such termination and waiver upon the aforesaid plat, paper, or parchment: *Provided further*, That should the buildings or other improvements in a condominium project be more than two-thirds destroyed by fire or other disaster, the co-owners of three-fourths of the condominium project may waive and terminate the horizontal property regime and may certify to such termination and waiver: *Provided further*, That if within ninety days of the date of such damage or destruction:

(1) the council of co-owners does not determine to repair, reconstruct or rebuild as provided in sections 21 and 22 of this Act, or,

(2) the insurance indemnity is delivered pro rata to the co-owners in conformity with the provisions of section 21 of this Act and if the co-owners do not terminate and waive the regime in conformity with this section of this Act, then any unit owner or any other person aggrieved thereby may file a petition in the United States District Court for the District of Columbia, setting forth under oath such facts as may be necessary to entitle the petitioner to the relief prayed and praying judicial termination of the horizontal property regime. Said petition may be served as provided in section 14(g) of this Act. The court may thereupon lay a rule upon the council of co-owners, unless they shall voluntarily appear and admit the allegations of the petition, to show cause, under oath, on or before the tenth day, exclusive of Sundays and legal holidays, after service of such rule, why the prayers of said petition should not be granted. If no cause be shown against the prayer of the petition by the council of co-owners, or by any one of the co-owners, the court may determine in a summary way whether the facts warrant termination and thereupon the court may decree the particular horizontal property regime terminated.

(b) In the event a horizontal property regime is terminated or waived, the property shall be deemed to be owned in common by the co-owners, and the undivided interest in the property owned in common which shall appertain to each co-owner shall be the percentage of undivided interest previously owned by such co-owner in the common elements in the property as set forth in the declaration under section 6 hereof.

(c) Upon such termination and waiver the provisions of section 10 of this Act shall no longer be applicable and reference to the principal property thereupon, shall be to the plat and record of the prior land subdivision and thereupon the restraint against partition or division of the co-ownership imposed by section 7 of this Act shall no longer apply. In the event of such partition suit the net proceeds shall be divided among all the unit owners, in proportion to their respective undivided ownership of the common elements, after first paying off, out of the respective shares of the unit owners, all liens on the unit of each unit owner. To be valid such termination shall be recorded among the land records of the District of Columbia.

SEC. 12. MERGER NO BAR TO RECONSTITUTION.—The merger provided for in the preceding section shall in no way bar the subsequent constitution of the property into another horizontal property regime whenever so desired and upon observance of the provisions of this Act.

SEC. 13. BYLAWS, AVAILABILITY FOR EXAMINATION.—(a) The administration of every building constituted into a horizontal property regime shall be governed by the bylaws as the council of co-owners may from time to time adopt, which said bylaws together with the declaration, including recorded attachments thereto, referred to in section 6 of this Act shall be available for examination by all the co-owners, their duly authorized attorneys or agents, at convenient hours on working days that shall be set and announced for general knowledge.

(b) A true copy of said bylaws shall be annexed to the declaration referred to in section 6 of this Act and made a part thereof. No modification of or amendment to the bylaws shall be valid unless set forth in an amendment to the declaration and such amendment is duly recorded.

(c) Each unit owner shall comply strictly with the bylaws and with the administrative rules and regulations adopted pursuant thereto, as either of the same may be lawfully amended from time to time. Failure to comply with any of the same shall be ground for an action to recover sums due, for damages or injunctive relief, or both, maintainable by the manager, the administrator, board of directors or of administration, or as specified in the bylaws or in proper case, by an aggrieved unit owner.

SEC. 14. NECESSARY CONTENTS OF BYLAWS; MODIFICATION OF SYSTEM.—(a) The bylaws must necessarily provide for at least the following:

(1) Form of administration, indicating whether this shall be in charge of an administrator, manager, or of a board of directors, or of administration, or otherwise, and specifying the powers, manner of removal, and, where proper, the compensation thereof.

(2) Method of calling or summoning the co-owners to assemble; that a majority of co-owners is required to adopt decisions, except as otherwise provided in this Act; who is to preside over the meeting and who will keep the minute book wherein the resolutions shall be recorded.

(3) Care, upkeep, and surveillance of the building and its general or limited common elements and services.

(4) Manner of collecting from the co-owners for the payment of common expenses.

(5) Designation, hiring, and dismissal of the personnel necessary for the good working order of the building and for the proper care of the general or limited common elements and to provide services for the building.

(6) Such restrictions on or requirements respecting the use and maintenance of the units and the use of the common elements as are designed to prevent unreasonable interference with the use of the respective units and of the common elements by the several unit owners.

(7) Designation of person authorized to accept service of process in any action relating to two or more units or to the common elements as authorized under section 24 of this Act. Such person must be a resident of and maintain an office in the District of Columbia.

(8) Notice as to the existence or nonexistence of a declaration in trust for the enforcement of the lien for common expenses permitted under section 19 of this Act.

(b) The sole owner of the building, or if there be more than one, the co-owners representing two-thirds of the votes provided for in section 6 of this Act may at any time modify the system of administration, but each one of the particulars set forth in this section shall always be embodied in the bylaws.

SEC. 15. BOOKS OF RECEIPTS AND EXPENDITURES; AVAILABILITY FOR EXAMINATION.—The manager, administrator, or the board of directors, or of administration, or other form of administration specified in the bylaws, shall keep books with detailed accounts in chronological order, of the receipts and of the expenditures affecting the building and its administration and specifying the maintenance and repair expenses of the common elements and any other expenses incurred. Both said books and the vouchers accrediting the entries made thereupon shall be available for examination by the co-owners, their duly authorized agents or attorneys, at convenient hours on working days that shall be set and announced for general knowledge. All books and records shall be kept in accordance with good account-

ing practice and shall be audited at least once a year by an auditor outside the organization.

SEC. 16. COMMON PROFITS, CONTRIBUTIONS FOR PAYMENT OF COMMON EXPENSES OF ADMINISTRATION AND MAINTENANCE.—(a) The common profits of the property shall be distributed among and the common expenses shall be charged to the unit owners according to the percentages established by section 6 of this Act: *Provided*, That for purposes of the application of the District of Columbia Income and Franchise Tax Act of 1947 (61 Stat. 331), as amended, the council of co-owners shall, in accordance with the provisions of said Act, be regarded as constituting an unincorporated business and shall file returns and pay taxes upon the taxable income derived from the common areas without regard to the "common profits" as defined in this Act.

D.C. Code 47-1551 note.

(b) All co-owners are bound to contribute in accordance with the said percentages toward the expenses of administration and of maintenance and repairs of the general common elements, and, in proper case, of the limited common elements of the building and toward any other expenses lawfully agreed upon by the council of co-owners.

(c) No owner shall be exempt from contributing toward such common expenses by waiver of the use or enjoyment of the common elements both general and limited, or by the abandonment of the condominium unit belonging to him.

(d) Said contribution may be determined, levied, and assessed as a lien on the first day of each calendar or fiscal year, and may become and be due and payable in such installments as the bylaws may provide, and said bylaws may further provide that upon default in the payment of any one or more of such installments, the balance of said lien may be accelerated at the option of the manager, board of directors, or of management and be declared due and payable in full.

SEC. 17. PRIORITY OF LIENS.—The lien determined, levied and assessed in accordance with section 16 of this Act shall have preference over any other assessments, liens, judgments, or charges of whatever nature, except the following:

(a) Real estate taxes, other taxes arising out of or resulting from the ownership, use, or operation of the common areas, special assessments, including, but not limited to, special assessments for sewer mains, water mains, curbs, gutters, sidewalks, alleys, paving of streets, roads and avenues, removal or abatement of nuisances, and special assessments levied in connection with condemnation proceedings instituted by the District of Columbia, and water charges and sanitary sewer service charges levied on the condominium unit, and judgments, liens, preferences, and priorities for any tax assessed against a co-owner by the United States or the District of Columbia or due from or payable by a co-owner to the United States or the District of Columbia, and judgments, liens, preferences, and priorities in favor of the District of Columbia for assessments or charges referred to in this subparagraph.

(b) The liens of any deeds of trust, mortgage instruments, or encumbrances duly recorded on the condominium unit prior to the assessment of the lien thereon or duly recorded on said unit after receipt of a written statement from the manager, board of directors, or of management reflecting that payments on said lien were current as of the date of recordation of said deed of trust, mortgage instrument, or encumbrance.

Upon a voluntary sale or conveyance of a condominium unit all unpaid assessments against a grantor co-owner for his pro rata share of the expenses to which section 16 of this Act refers shall first be

paid out of the sales price or by the grantee in the order of preference set forth above. Upon an involuntary sale through foreclosure of a deed of trust, mortgage, or encumbrance having preference as set forth in subparagraph (b) of this section a purchaser thereunder shall not be liable for any installments of such lien as became due prior to his acquisition of title. Such arrears shall be deemed common expenses, collectible from all co-owners, including such purchaser.

SEC. 18. JOINT AND SEVERAL LIABILITY OF PURCHASER AND SELLER FOR AMOUNTS OWING UNDER SECTION 16; PURCHASER'S RECOVERY, PURCHASER'S OR LENDER'S RIGHT TO A STATEMENT SETTING FORTH AMOUNT DUE.—The purchaser of a condominium unit in a voluntary sale shall be jointly and severally liable with the seller for the amounts owing by the latter under section 16 of this Act upon his interest in the condominium unit up to the time of conveyance; without prejudice to the purchaser's right to recover from the other party the amounts paid by him as such joint debtor: *Provided*, That any such purchaser, or a lender under a deed of trust, mortgage, or encumbrance, or parties designated by them, shall be entitled to a statement from the manager, board of directors, or of administration, as the case may be, setting forth the amount of unpaid assessments against the seller or borrower, and the unit conveyed or encumbered shall not be subject to a lien for any unpaid assessment in excess of the amount set forth.

SEC. 19. SUPPLEMENTARY METHOD OF ENFORCEMENT OF LIEN.—(a) In addition to proceedings available at law or equity for the enforcement of the lien established by section 16 of this Act, all the owners of property constituted into a horizontal property regime may execute bonds conditioned upon the faithful performance and payment of the installments of the lien permitted by section 16 of this Act and may secure the payment of such obligations by a declaration in trust recorded among the land records of the District of Columbia, granting unto a trustee or trustees appropriate powers to the end that upon default in the performance of such bond, said declaration in trust may be foreclosed by said trustee or trustees, acting at the direction of the manager, board of directors, or of management, as is proper practice in the District of Columbia in foreclosing a deed of trust.

(b) And the bylaws may require in the event such bonds have been executed and such declaration in trust is recorded that any subsequent purchaser of a condominium unit in said horizontal property regime shall take title subject thereto and shall assume such obligations: *Provided*, That the said lien, bond, and declaration in trust shall be subordinate to and a junior lien to liens for real estate taxes and other taxes arising out of or resulting from the ownership, use, or operation of the common areas, liens for special assessments, including, but not limited to, special assessments for sewer mains, water mains, curbs, gutters, sidewalks, alleys, paving of streets, roads, and avenues, removal or abatement of nuisances, and special assessments levied in connection with condemnation proceedings instituted by the District of Columbia, and liens for water charges and sanitary sewer service charges levied on the condominium unit, and to judgments, liens, preferences, and priorities for any tax assessed against a co-owner by the United States or the District of Columbia or due from or payable by a co-owner to the United States or the District of Columbia, and to judgments, liens, preferences, and priorities in favor of the District of Columbia for assessments or charges referred to in this section then or thereafter accruing against the unit and to the lien of any duly recorded deeds of trust, mortgages, or encumbrances previously placed upon the unit and said lien, bond, and declaration in trust shall be and become subordinate to any subse-

quently recorded deeds of trust, mortgages, or encumbrances: *Provided*, That the lender thereunder shall first obtain from the manager, board of directors, or of administration a written statement as provided in section 18 of this Act reflecting that payments due under this lien are current as of the date of recordation of such subsequent deed of trust, mortgage, or encumbrance.

SEC. 20. INSURING BUILDING AGAINST RISKS; INDIVIDUAL RIGHTS OF CO-OWNERS.—The manager or the board of directors, if required by the bylaws or by a majority of the co-owners, or at the request of a mortgagee having a first mortgage of record covering a unit, shall have the authority to, and shall, obtain insurance for the property against loss or damage by fire and such other hazards under such terms and for such amounts as shall be required or requested. Such insurance coverage shall be written on the property in the name of such manager or of the board of directors of the council of co-owners, as trustee for each of the unit owners in the percentages established in the declaration. Premiums shall be common expenses. Provision for such insurance shall be without prejudice to the right of each unit owner to insure his own unit for his benefit.

SEC. 21. APPLICATION OF INSURANCE PROCEEDS TO RECONSTRUCTION; PRO RATA DISTRIBUTION IN CERTAIN CASES; RULES GOVERNING.—(a) In case of fire or other disaster the insurance indemnity shall, except as provided in the next succeeding paragraph of this section, be applied to reconstruct the building.

(b) Reconstruction shall not be compulsory where destruction comprises the whole or more than two-thirds of the buildings and other improvements in a condominium project. In such cases, and unless otherwise unanimously agreed upon by the co-owners, the indemnity shall be delivered pro rata to the co-owners entitled to it in accordance with provisions made by the bylaws or in accordance with a decision of three-fourths of the co-owners, if there be no bylaw provision, after first paying off, out of the respective shares of the unit owners, to the extent sufficient for the purpose, all liens on the unit of each co-owner. Should it be proper to proceed with the reconstruction, the provision for such eventuality made in the bylaws shall be observed, or in lieu thereof, the decision of the council of co-owners shall prevail, subject to all provisions of law and regulations of the District of Columbia then in effect.

SEC. 22. SHARING OF RECONSTRUCTION COST WHERE BUILDING IS NOT INSURED OR INSURANCE INDEMNITY IS INSUFFICIENT.—Where the building is not insured or where the insurance indemnity is insufficient to cover the cost of reconstruction the new building costs shall be paid by all the co-owners in the same proportion as their proportionate ownership of the common elements of the condominium project, and if any one or more of those composing the minority shall refuse to make such payments, the majority may proceed with the reconstruction at the expense of all the co-owners and the share of the resulting common expense may be assessed against all the co-owners and such assessment for this expense shall have the same priority as provided under section 17 of this Act.

SEC. 23. SEPARATE TAXATION.—(a) For the purposes of assessment and taxation of property constituted into a horizontal property regime and to conform to the system of numbering squares, lots, blocks, and parcels for taxation purposes in effect in the District of Columbia, each condominium unit duly situate upon a subdivided lot and square shall bear a number or letter that will distinguish it from every other condominium unit situate in said lot and square.

(b) Each of said condominium units shall be carried on the records of the District of Columbia as a separate and distinct entity and all

real estate taxes, other taxes arising out of or resulting from the ownership, use, or operation of the common areas, special assessments, including, but not limited to, special assessments for sewer mains, water mains, curbs, gutters, sidewalks, alleys, paving of streets, roads, and avenues, removal or abatement of nuisances, and special assessments levied in connection with condemnation proceedings instituted by the District of Columbia, shall be assessed, levied, and collected against each of said several separate and distinct units in conformity with the percentages of co-ownership established by section 6 of this Act, and in accordance with the provisions of law in effect in the District of Columbia relating to assessment, levying, and collection of real property taxes.

(c) The council of co-owners shall be liable for the filing of returns and payment of the tax on personal property located in the common areas and held for use or used in a trade or business or held for sale or rent.

(d) The title to an individual condominium unit shall not be divested or in anywise affected by the forfeiture or sale of any or all of the other condominium units for delinquent real estate taxes, other taxes arising out of or resulting from the ownership, use, or operation of the common areas, special assessments, including, but not limited to, special assessments for sewer mains, water mains, curbs, gutters, sidewalks, alleys, paving of streets, roads and avenues, removal or abatement of nuisances, special assessments levied in connection with condemnation proceedings instituted by the District of Columbia, or water charges and sanitary sewer service charges: *Provided*, That the real estate taxes, the duly levied share of such other taxes and of such special assessments, and the water and sanitary sewer service charges on or against said individual condominium unit are currently paid.

SEC. 24. ACTIONS; RIGHT TO SEPARATE RELEASE OF JUDGMENT.—(a) Without limiting the right of any co-owner, actions may be brought on behalf of two or more of the unit owners, as their respective interests may appear, by the manager, or board of directors, or of administration with respect to any cause of action relating to the common elements or more than one unit.

(b) Service of process on two or more unit owners in any action relating to the common elements may be made on the person designated in the bylaws in conformity with section 14(g) of this Act.

(c) In the event of entry of a final judgment as a lien against two or more unit owners, the unit owners of the separate units may remove their unit and their percentage interest in the common elements from the lien thereof by payment of the fractional proportional amounts attributable to each of the units affected. Said individual payment shall be computed by reference to the percentage established pursuant to section 6 of this Act. After such partial payment, partial discharge, or release or other satisfaction, the unit and its percentage interest in the common elements shall thereafter be free and clear of the lien of such judgment.

(d) Such partial payment, satisfaction, or discharge shall not prevent such a judgment creditor from proceeding to enforce his rights against any unit and its percentage interest in the common elements not so paid, satisfied, or discharged.

SEC. 25. MECHANICS' AND MATERIALMEN'S LIENS, ENFORCEMENT THEREOF; REMOVAL FROM LIEN; EFFECT OF PART PAYMENT.—(a) Subsequent to establishment of a horizontal property regime as provided in this Act, and while the property remains subject to this Act, no lien shall thereafter arise or be effective against the property.

During such period liens or encumbrances shall arise or be created and enforced only against each unit and the percentage of undivided interest in the common areas and facilities appurtenant to such unit in the same manner and under the same conditions in every respect as liens or encumbrances may arise or be created upon or against any other separate parcel or real property subject to individual ownership: *Provided*, That no labor performed or materials furnished with the consent or at the request of a unit owner or his agent or his contractor or subcontractor, shall be the basis for the filing of a lien pursuant to the provisions of section 1237 of the Act of March 3, 1901 (31 Stat. 1384), against the unit or any other property of any other unit owner not expressly consenting to or requesting the same, except that such express consent shall be deemed to be given by the owner of any unit in the case of emergency repairs thereto. Labor performed or materials furnished for the common areas and facilities, if duly authorized by the council of co-owners, the manager, or board of directors in accordance with this Act, the declaration or bylaws, shall be deemed to be performed or furnished with the express consent of each unit owner and shall be the basis for the filing of a lien pursuant to the provisions of section 1237 of the Act of March 3, 1901 (31 Stat. 1384), against each of the units and shall be subject to the provisions of subparagraph (b) hereunder. Notice of said lien may be served on the person designated in conformity with section 14(g) of this Act.

D.C. Code 38-101.

(b) In the event of filing of a lien against two or more units and their respective percentage interest in the common elements, the unit owners of the separate units may remove their unit and their percentage interest in the common elements appurtenant thereto from the said lien by payment, or may file a written undertaking with surety approved by the court as provided in section 1254 of the Act of March 3, 1901 (31 Stat. 1387), of the fractional or proportional amounts attributable to each of the units affected. Said individual payment, or amount of bond, shall be computed by reference to the percentage established pursuant to section 6 of this Act. After such partial payment, filing of bond, partial discharge, or release, or other satisfaction, the unit and its percentage interest in the common elements shall thereafter be free and clear of such lien. Such partial payment, indemnity, satisfaction, or discharge shall not prevent the lienor from proceeding to enforce his rights against any unit and its percentage interest in the common elements not so paid, indemnified, satisfied, or discharged.

D. C. Code 38-118.

SEC. 26. NONAPPLICATION OF RULE AGAINST PERPETUITIES AND OF RULE AGAINST UNREASONABLE RESTRAINTS ON ALIENATION TO HORIZONTAL PROPERTY REGIMES.—The rule of property known as the rule against perpetuities, and the rule of property known as the rule restricting unreasonable restraints on alienation, sections 1023 and 1025 of the Act entitled "An Act to establish a code of laws for the District of Columbia", approved March 3, 1901 (31 Stat. 1351, ch. 854), shall not be applied to defeat any of the provisions of this Act, or of any declaration, bylaws, or other document executed in accordance with this Act as to the condominium project. This exemption shall not apply to estates in the individual condominium units.

D. C. Code 45-102; 45-104.

SEC. 27. SUPPLEMENT OF EXISTING CODE PROVISIONS.—The provisions of this Act shall be in addition to and supplemental to all other provisions of law of the District of Columbia and wheresoever there appears in the provisions the words "square", "lot", "land", "ground", "parcel", "property", "block", or other designation denoting a unit of land, where appropriate to implement this Act, after such descriptive terms, there shall be deemed inserted reference to a

condominium unit, condominium subdivision, or horizontal property regime, whichever shall be appropriate to effect the ends and purposes of this Act: *Provided*, That wherever the application of the provisions of this Act conflict with the application of such other provisions, the provisions of law generally applicable to buildings in like use in the District of Columbia shall prevail.

SEC. 28. REGULATIONS OF THE BOARD OF COMMISSIONERS AND THE ZONING COMMISSION.—In order to bring horizontal property regimes into compliance with the laws and regulations in effect in the District of Columbia, the Board of Commissioners of the District of Columbia and the Zoning Commission of the District of Columbia are each hereby authorized to adopt and enforce such regulations as either deems proper, within its respective general authority.

SEC. 29. INTERPRETATION.—(a) This Act shall be interpreted in such a manner as to require each condominium unit and each horizontal property regime to be in compliance with all District of Columbia laws and regulations relating to property of like type, whether it be designed for residence, for office, for the operation of any industry or business, or for any other use. The owner of each condominium unit shall be responsible for the compliance of his unit with such laws and regulations, and the council of co-owners and any person designated by them to manage the regime shall be jointly and severally liable for compliance with all such laws and regulations in all matters relating to the common elements of the regime.

(b) Notwithstanding any provision of this Act, the owner of each condominium unit shall have the same responsibility for the payment of all taxes, assessments, and other charges due to the District of Columbia as does any other person or property owner similarly situated.

(c) Notwithstanding any provision of this Act, the method of enforcement available to the District of Columbia to collect any tax or assessment or any charge from any individual property owner or any building owner shall be available to collect taxes, assessments, and charges from individual condominium unit owners and from the council of co-owners.

(d) Nothing contained in this Act shall in any way be construed as affecting the right to institute and maintain eminent domain proceedings.

SEC. 30. SUPPLEMENTAL PROVISIONS RELATING TO SEWER AND WATER SERVICES.—(a) Notwithstanding any provision of this Act, the developer or co-owners of any horizontal property regime shall have the right to have installed for each and every individual unit a separately metered water service. Such installations shall be subject to all laws and regulations then or thereafter in effect in the District of Columbia. Upon the establishment of such separate water services each unit owner and his successor in title and persons occupying such units shall be responsible for the payment to the District of Columbia of all water and sewer charges rendered and the Commissioners of the District of Columbia are authorized to enforce any and all of the remedies for collection of such charges as are authorized by law.

(b) A common water service is hereby expressly authorized for any horizontal property regime and in the event that a horizontal property regime is provided with a common water service to the charges for sewer and water service shall be billed to the person designated by the co-owners, pursuant to the bylaws, to manage the regime. In the event that the entire sewer and water charges are not paid within the time specified by law for the payment of sewer and water charges, the Commissioners shall be authorized to enforce payment

in any manner authorized by law, including, but not limited to, the assessment of an additional charge for late payment, the shutting off of water to the regime and the enforcement of the liens for nonpayment of such charges against the individual units in conformity with the percentage of co-ownership established by section 6 of this Act.

SEC. 31. AUTHORITY OF BOARD OF COMMISSIONERS UNDER REORGANIZATION PLAN NUMBERED 5 OF 1952.—Nothing in this Act or in any amendments made by this Act shall be construed so as to affect the authority vested in the Board of Commissioners of the District of Columbia by Reorganization Plan Numbered 5 of 1952 (66 Stat. 824). The performance of any function vested by this Act in the Board of Commissioners or in any office or agency under the jurisdiction and control of said Board of Commissioners may be delegated by said Board of Commissioners in accordance with section 3 of such plan.

D.C. Code title 1 app.

SEC. 32. SEVERABILITY.—If any provision of this Act, or any section, sentence, clause, phrase, or word or the application thereof, in any circumstances is held invalid, the validity of the remainder of this Act, and of the application of any such provision, section, sentence, clause, phrase, or word in any other circumstances shall not be affected thereby and to this end, the provisions of this Act are declared severable.

SEC. 33. EFFECTIVE DATE.—This Act shall take effect one hundred and twenty days after its enactment.

Approved December 21, 1963.

Public Law 88-219

December 21, 1963
[H. R. 5778]

AN ACT

To amend title 39, United States Code, to increase from 10 to 20 miles the area within which the Postmaster General may establish stations, substations, or branches of post offices, and for other purposes.

Branch post offices and stations. Area increase. 74 Stat. 583.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (c) and (d) of section 705 of title 39, United States Code, are amended to read as follows:

"(c) The Postmaster General may establish stations, substations, or branches of a post office within twenty miles of the outer boundary or limits of a village, town, or city having 1,500 or more inhabitants and in which the principal office is located. This authority may not be used by the Postmaster General as a basis for discontinuing an established post office.

"(d) The Postmaster General may establish stations, substations, or branches of a post office at camps, posts, or stations of the Armed Forces, at defense or other strategic installations, and at airports."

Approved December 21, 1963.

Public Law 88-220

AN ACT

December 21, 1963
[H. R. 9139]

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1964, and for other purposes.

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, 1964, for military construction functions administered by the Department of Defense, and for other purposes, namely:

Military Construction Appropriation Act, 1964.

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, in sections 2673 and 2675 of title 10, United States Code, to remain available until expended, $200,646,000.

72 Stat. 1459, 1460.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, in sections 2673 and 2675 of title 10, United States Code, including personnel in the Bureau of Yards and Docks and other personal services necessary for the purposes of this appropriation, to remain available until expended, $198,853,000.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as currently authorized in military public works or military construction Acts, in sections 2673 and 2675 of title 10, United States Code, the Act of April 1, 1954 (Public Law 325), without regard to section 9774(d) of title 10, United States Code, to remain available until expended, $468,275,000.

68 Stat. 47.
70A Stat. 590.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

For acquisition, construction, installation and equipment of temporary or permanent public works, installations and facilities for activities and agencies of the Department of Defense (other than the military departments and the Office of Civil Defense), as currently authorized in military public works or military construction acts, in sections 2673 and 2675 of title 10, United States Code, to remain available until expended, $24,000,000; and, in addition, not to exceed $20,000,000 to be derived by transfer from the appropriation "Research, development, test, and evaluation, Defense Agencies" as determined by the Secretary of Defense: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, to remain available until expended, $4,500,000.

10 USC 2231-2238.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, to remain available until expended, $6,000,000.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, to remain available until expended, $4,000,000.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, to remain available until expended, $5,700,000.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, to remain available until expended, $16,000,000.

LORAN STATIONS, DEFENSE

For construction of additional loran stations by the Coast Guard, to remain available until expended, $20,500,000, which shall be transferred on approval of the Secretary of Defense to the appropriation, "Acquisition, construction, and improvements", Coast Guard.

CONSTRUCTION, ALASKA COMMUNICATION SYSTEM, ARMY

The appropriation available to the Department of the Army for "Construction, Alaska Communication System, Department of the Army" shall not be available for obligation after June 30, 1963.

FAMILY HOUSING, DEFENSE

For expenses of family housing for the Army, Navy, Marine Corps, Air Force, and Defense Agencies, for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation, maintenance, and debt payment, including leasing, minor construction, principal and interest charges and insurance premiums, as authorized by law, $637,406,000, to be obligated and

expended in the Family Housing Management Account established pursuant to section 501(a) of Public Law 87-554, in not to exceed the following amounts: 76 Stat. 237. 42 USC 1594a.

For the Army:
Construction, $34,681,000;
Operation, maintenance, $134,154,000;
Debt payment, $49,242,000.
For the Navy and Marine Corps:
Construction, $68,248,000;
Operation, maintenance, $63,621,000;
Debt payment, $30,323,000.
For the Air Force:
Construction, $61,027,000;
Operation, maintenance, $105,682,000;
Debt payment, $87,832,000.
For Defense Agencies:
Construction, $50,000;
Operation, maintenance, $2,546,000:

Provided, That the unobligated balances in the Family Housing Management Account as of June 30, 1963, shall remain available herein.

GENERAL PROVISIONS

SEC. 101. Funds appropriated to the military departments for construction in prior years are hereby made available for construction authorized for each such department by the authorizations enacted into law during the first session of the Eighty-eighth Congress.

SEC. 102. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor. Cost-plus-a-fixed-fee contract.

SEC. 103. None of the funds appropriated in this Act shall be expended for additional costs involved in expediting construction unless the Secretary of Defense certifies such costs to be necessary to protect the national interest and establishes a reasonable completion date for each project, taking into consideration the urgency of the requirement, the type and location of the project, the climatic and seasonal conditions affecting the construction and the application of economical construction practices. Expediting construction.

SEC. 104. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its Territories or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates. Bakeries, laundries, etc.

SEC. 105. Funds appropriated to the military departments for construction are hereby made available for hire of passenger motor vehicles. Motor vehicles.

SEC. 106. Funds appropriated to the military departments for construction may be used for advances to the Bureau of Public Roads, Department of Commerce, for the purposes of section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense. 72 Stat. 908; 75 Stat. 123.

SEC. 107. None of the funds appropriated in this Act may be used to begin construction of new bases for which specific appropriations have not been made. New bases.

SEC. 108. During the current fiscal year, appropriations available for construction of family quarters for personnel shall not be obligated Family quarters.

for such construction at a cost per family unit in excess of $22,000 on housing units for generals or equivalent; $19,800 on housing units for colonels or equivalent; $17,600 on housing units for majors and lieutenant colonels, or equivalent; $15,400 on housing units for second lieutenants, lieutenants, captains, and warrant officers, or equivalent; or $13,200 on housing units for enlisted personnel, except that when such units are constructed outside the continental United States or in Alaska, the average cost per unit of all such units shall not exceed $32,000 and in no event shall the individual cost exceed $40,000.

Air Force Academy.

SEC. 109. No part of the funds contained in this Act shall be used to incur obligations for the planning, design, or construction of facilities for an Air Force Academy the total cost of which will be in excess of $141,523,000, except for construction pursuant to section 2674 of title 10, United States Code, as amended.

72 Stat. 1459.

Land purchase.

SEC. 110. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Bureau of Yards and Docks, except: (a) where there is a determination of value by a Federal court, (b) purchases negotiated by the Attorney General or his designee, and (c) where the estimated value is less than $25,000.

Foreign projects.

SEC. 111. None of the funds appropriated in this Act may be used to make payments under contracts for any project in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Short title.

SEC. 112. This Act may be cited as the Military Construction Appropriation Act, 1964.

Approved December 21, 1963.

Public Law 88-221

December 21, 1963
[H. R. 7601]

AN ACT

For the relief of the city of Winslow, Arizona.

Winslow, Arizona.
Claims settlement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized and directed to pay $15,868.07 to the city of Winslow, Arizona, in full settlement of all claims against the United States for the Government's fair share of the costs for paving the streets adjacent to the United States property known as the Winslow Dormitory which is a facility for reservation Indian children operated by the Department of the Interior, Bureau of Indian Affairs. The payment shall be made out of funds available to the Bureau of Indian Affairs for the construction of roads.

No part of the payment provided for in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any amount not exceeding $1,000.

Approved December 21, 1963.

Public Law 88-222

AN ACT

December 21, 1963
[H. R. 4839]

For the relief of certain persons involved in the negotiation of forged or fraudulent Government checks issued at Parks Air Force Base, California.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is determined by the Secretary of the Treasury—

Parks Air Force Base, Calif.
Relief of certain persons.

(1) to be liable to the United States by reason of the negotiation, or presentment for payment, of any forged or fraudulent check which, during the period beginning July 1, 1955, and ending March 31, 1958, both dates inclusive, was drawn on the Treasury of the United States and issued or procured as a result of fraud at Parks Air Force Base, California; and

(2) to have negotiated such check or presented it for payment, without actual knowledge of any fact which would constitute notice of an infirmity in such check or defect in the title of the person negotiating it;

is hereby relieved of liability to the United States arising out of his negotiation of such check, or his presentment of such check for payment.

SEC. 2. (a) In the case of any person who has paid to the United States, on account of any check referred to in the first section of this Act, any amount for which the liability of such person would have been relieved by such first section if this Act had been in effect when such amount was paid to the United States, the Secretary of the Treasury is authorized and directed to pay to such person, out of any money in the Treasury not otherwise appropriated, an amount equal to all such amounts so paid to the United States by such person, reduced by any amounts recovered by such person from any prior endorser of such check.

(b) In the case of any person who has paid to a subsequent endorser of a check referred to in the first section of this Act any amount for which the liability of such person to the United States would have been relieved by such first section if such liability had required payment to the United States and this Act had been in effect when such amount was paid, the Secretary of the Treasury is authorized and directed to pay to such person, out of any money in the Treasury not otherwise appropriated, an amount equal to all such amounts so paid to any subsequent endorser, reduced by any amounts recovered by such person from any prior endorser of such check.

SEC. 3. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for all amounts for which liability is relieved by the first section of this Act, but nothing in this section shall preclude the recovery from any such certifying or disbursing officer of the amount of any loss incurred by the United States because of fraud or criminality on the part of such officer.

SEC. 4. Nothing in this Act shall be construed to relieve any person of liability to refund to the United States any amount received by him by reason of fraud or bad faith on the part of such person in connection with the negotiation of the checks referred to in paragraph (1) of the first section of this Act.

SEC. 5. No part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 21, 1963.

Public Law 88-223

December 21, 1963
[H. R. 6001]

AN ACT

To authorize the conveyance to the Waukegan Port District, Illinois, of certain real property of the United States.

Waukegan Port District, Ill.
Land conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to convey to the Waukegan Port District, Illinois, without monetary consideration, all of the right, title, and interest of the United States in and to the real property described in section 2 of this Act, subject to the condition that such port district will maintain the existing steel sheet pile bulkhead in good condition for the protection of passing navigation and prevention of the escape of material into the harbor and that such property will be used for public harbor purposes. If such real property shall ever cease to be used for such purposes, all the right, title, and interest to such property shall revert to the United States, which shall have the immediate right to entry thereon.

SEC. 2. The real property referred to in the first section of this Act is more particularly described as follows:

That part of fractional section 22, township 45 north, range 12 east of the third principal meridian, described as follows: Beginning at a point 181.5 feet north of the one-half section line of said section 22, and 1,131.5 feet, more or less, east of the west line of said section 22, which point is on the westerly line of the pier or dock forming the east side of Waukegan Harbor, thence due east 100 feet, thence due south 375 feet, more or less, to the southwest face of pier or dock, thence north approximately 42 degrees west 146 feet, more or less, along the face of said dock to its junction with north and south dock, thence north 262 feet, more or less, along face of said dock, to the point of beginning, situated in the county of Lake and State of Illinois, excepting therefrom that part thereof, now submerged, lying west of the existing steel sheet pile bulkhead now forming the east side of Waukegan Harbor, which part was heretofore cut away by the United States for the purpose of widening and improving Waukegan Harbor for the benefit of navigation passing to and from docks in slip numbered 1 and along the inner basin to the north.

Approved December 21, 1963.

Public Law 88-224

AN ACT

December 21, 1963
[H. R. 8751]

To amend the Act of March 2, 1931, to provide that certain proceedings of the AMVETS (American Veterans of World War II), shall be printed as a House document, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act of March 2, 1931, as amended (44 U.S.C. 275b), is amended to read as follows:

AMVETS.
Proceedings printed as House document.
46 Stat. 1481.

"That hereafter the proceedings of the national encampments of the Grand Army of the Republic, the United Spanish War Veterans, the Veterans of Foreign Wars of the United States, the American Legion, the Military Order of the Purple Heart, the Veterans of World War I of the United States of America, Incorporated, the Disabled American Veterans, and the AMVETS (American Veterans of World War II), respectively, shall be printed annually, with accompanying illustrations, as separate House documents of the session of the Congress to which they may be submitted."

Approved December 21, 1963.

Public Law 88-225

AN ACT

December 23, 1963
[S. 1172]

To amend Public Law 86-518 and section 506 of the Merchant Marine Act, 1936, to authorize the amendment of contracts between shipowners and the United States dealing with vessels whose life has been extended by Public Law 86-518.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(c) of Public Law 86-518 is amended by adding the following to the end thereof: "Provisions in such contracts affecting vessels covered by this Act providing for refund of construction-differential subsidy for domestic operations under section 506 of the Merchant Marine Act, 1936, and costs of national defense features for commercial use shall be amended so that for such refund payments made for the period after December 31, 1959, the base upon which such refund payments are computed annually thereafter shall be the undepreciated amount of subsidy or the national defense feature, as the case may be, as at December 31, 1959, divided by the years of life of the vessels as provided under this Act, remaining after December 31, 1959."

Vessels.
Contracts.
74 Stat. 216.
46 USC 1125 note.

52 Stat. 958.
46 USC 1156.

Approved December 23, 1963.

Public Law 88-226

AN ACT

December 23, 1963
[S. 2364]

To provide that the Commission on the Disposition of Alcatraz Island shall have six months after its formation in which to make its report to Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 4 of the Act entitled "An Act to establish a Federal commission on the disposition of Alcatraz Island", approved October 16, 1963 (77 Stat. 247), is amended by striking out "December 31, 1963" and inserting "six months after the date on which all the members of the Commission have been appointed".

Commission on the Disposition of Alcatraz Island.
Reporting period.

Approved December 23, 1963.

Public Law 88-227

December 23, 1963
[S. 1698]

AN ACT

To amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds.

Merchant Marine Act, amendment.
Construction reserve funds.
76 Stat. 796.
46 USC 1161.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 511(h) of the Merchant Marine Act, 1936, as amended, is amended to read as follows: "*Provided*, That until January 1, 1964, in addition to the extensions hereinbefore permitted, further extensions may be granted ending not later than December 31, 1964."

Effective date.

SEC. 2. The amendment made by the first section of this Act shall take effect December 31, 1963, or on the date of enactment of this Act, whichever date first occurs.

Approved December 23, 1963.

Public Law 88-228

December 23, 1963
[S. 1767]

AN ACT

To authorize the Secretary of the Army to convey a certain parcel of land to the State of Delaware, and for other purposes.

Delaware.
Land conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army is authorized and directed to sell and convey to the State of Delaware, by quitclaim deed, all right, title, and interest of the United States in and to such federally owned lands of the Fort Miles Military Reservation, Delaware, which are now declared to be excess to the needs of the United States, excluding, however, approximately ten acres located within the town of Lewes, Delaware, known as the off-post housing area.

SEC. 2. The conveyance authorized herein shall be upon the following terms and conditions:

(a) That portion of the presently excess lands comprising approximately one hundred and fifty-five acres, more or less, which was ceded to the Federal Government by the State of Delaware without cost, shall be conveyed with the improvements thereon to the State of Delaware without monetary payment.

(b) Such lands, other than described in (a) above, as are presently excess shall be conveyed with the improvements thereon to the State of Delaware upon payment to the United States by the State of Delaware of the amount of money determined by the Secretary of the Army to have been paid by the United States for the acquisition of subject lands.

(c) The lands conveyed shall be used solely for educational and/or public park and recreational purposes, and if such use shall ever cease, title to these lands shall revert to, and become the property of the United States which shall have the right of immediate entry thereon.

(d) The State of Delaware shall pay the cost of such surveys as may be necessary to determine the exact legal description of the real property to be conveyed.

SEC. 3. The Secretary of the Army shall include in the deed of conveyance authorized to be made by this Act a provision authorizing the Secretary of Defense, in any national emergency declared by the President or the Congress, to enter upon and use without cost to the

United States the lands conveyed by such deed if such lands are considered necessary for national defense purposes by the Secretary of Defense. The Secretary of the Army may also include in the deed of conveyance such additional reservations and conditions he considers to be in the public interest.

Approved December 23, 1963.

Public Law 88-229

AN ACT

December 23, 1963
[S. 1756]

To amend the Alaska Public Works Act to authorize the Secretary of the Interior to collect, compromise, or release certain claims held by him under that Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5 of the Alaska Public Works Act (63 Stat. 627, 628; 48 U.S.C. 486c) is amended by striking out the period at the end of the second sentence and inserting in lieu thereof: "*Provided*, That notwithstanding the requirements of this sentence, or any other provision of law, the Secretary of the Interior is authorized to collect, or as he may determine to be justified by the special financial condition of the applicant or other unusual circumstances, to compromise or release any claim or obligation assigned to or held by him in connection with any such agreement until such time as such claim or obligation may be referred to the Attorney General for suit or collection: *Provided further*, That the Secretary may delegate to the head of any other department or agency of the United States any of his functions, powers and duties with respect to such collection, compromise, or release of claims or obligations as he may deem appropriate, and may authorize the redelegation of such functions, duties, and powers by the head of such department or agency."

Alaska Public Works Act, amendment.
Claims.

Approved December 23, 1963.

Public Law 88-230

AN ACT

December 23, 1963
[S. 1868]

To amend the Act of August 3, 1956 (70 Stat. 986), as amended, relating to adult Indian vocational training.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first section of the Act entitled "An Act relating to employment for certain adult Indians on or near Indian reservations", approved August 3, 1956 (70 Stat. 986; 25 U.S.C. 309), is amended (1) by inserting in the first sentence thereof immediately after "twenty-four months," the following: "and, for nurses' training, for periods that do not exceed thirty-six months," and (2) by striking out the period at the end of the last sentence in such section and inserting in lieu thereof a comma and the following: "or with any school of nursing offering a three-year course of study leading to a diploma in nursing which is accredited by a recognized body or bodies approved for such purpose by the Secretary.".

Indians.
Vocational training.

(b) Section 2 of said Act of August 3, 1956, as amended, is further amended to read as follows:

75 Stat. 571.
25 USC 309a.

"SEC. 2. There is authorized to be appropriated for the purposes of this Act the sum of $12,000,000 for each fiscal year, and not to exceed $1,500,000 of such sum shall be available for administrative purposes."

Approved December 23, 1963.

Public Law 88-231

December 23, 1963
[S. 2139]

AN ACT

To provide for the disposition of the judgment funds on deposit to the credit of the Kootenai Tribe or Band of Indians, Idaho.

Indians.
Kootenai Tribe.
Judgment funds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the unexpended balance of funds on deposit in the Treasury of the United States to the credit of the Kootenai Tribe or Band of Indians of the State of Idaho that were appropriated by the Act of September 8, 1960 (74 Stat. 830), to pay a judgment by the Indian Claims Commission in docket 154, and the interest thereon, may be advanced or expended for any purpose that is authorized by the tribal governing body and by the Secretary of the Interior. Any part of such funds that may be distributed per capita to the members of the tribe shall not be subject to the Federal or State income tax.

Approved December 23, 1963.

Public Law 88-232

December 23, 1963
[S. 2228]

AN ACT

To change the requirements for the annual meeting date for national banks.

National banks.
Annual meeting date.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5145 of the Revised Statutes (12 U.S.C. 71) is amended by striking out all after the semicolon and inserting in lieu thereof "and afterward at meetings to be held on such day of each year as is specified therefor in the bylaws."

SEC. 2. The first sentence of section 5149 of the Revised Statutes (12 U.S.C. 75) is amended by striking out "articles of association" and inserting in lieu thereof "bylaws".

Approved December 23, 1963

Public Law 88-233

December 23, 1963
[S. 2275]

AN ACT

To revise the procedures established by the Hawaii Statehood Act, Public Law 86-3, for the conveyance of certain lands to the State of Hawaii, and for other purposes.

Hawaii.
Land conveyance.
48 USC ch. 3 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (i) whenever after August 21, 1964, any of the public lands and other public property as defined in section 5(g) of Public Law 86-3 (73 Stat. 4, 6), or any lands acquired by the Territory of Hawaii and its subdivisions, which are the property of the United States pursuant to section 5(c) or become the property of the United States pursuant to section 5(d) of Public Law 86-3, except the lands administered pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended, and (ii) whenever any of the lands of the United States on Sand Island, including the reef lands in connection therewith, in the city and county of Honolulu, are determined to be surplus property by the Administrator of General Services (hereinafter referred to as the "Administrator") with the

16 USC 1-4.

concurrence of the head of the department or agency exercising administration or control over such lands and property, they shall be conveyed to the State of Hawaii by the Administrator subject to the provisions of this Act.

(b) Such lands and property shall be conveyed without monetary consideration, but subject to such other terms and conditions as the Administrator may prescribe: *Provided*, That, as a condition precedent to the conveyance of such lands, the Administrator shall require payment by the State of Hawaii of the estimated fair market value, as determined by the Administrator, of any buildings, structures, and other improvements erected and made on such lands after they were set aside. In the event that the State of Hawaii does not agree to any payment prescribed by the Administrator, he may remove, relocate, and otherwise dispose of any such buildings, structures, and other improvements under other applicable laws, or if the Administrator determines that they cannot be removed without substantial damage to them or the lands containing them, he may dispose of them and the lands involved under other applicable laws, but, in such cases he shall pay to the State of Hawaii that portion of any proceeds from such disposal which he estimates to be equal to the value of the lands involved. Nothing in this section shall prevent the disposal by the Administrator under other applicable laws of the lands subject to conveyance to the State of Hawaii under this section if the State of Hawaii so chooses.

Conditions.

SEC. 2. Any lands, property, improvements, and proceeds conveyed or paid to the State of Hawaii under section 1 of this Act shall be considered a part of public trust established by section 5(f) of Public Law 86–3, and shall be subject to the terms and conditions of that trust.

Approved December 23, 1963.

Public Law 88-234

AN ACT

December 23, 1963
[H. R. 2985]

To amend section 1391 of title 28 of the United States Code, relating to venue generally.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1391 of title 28 of the United States Code is amended by adding at the end thereof one new subsection as follows:

District courts, venue.
62 Stat. 935; 76 Stat. 744.

"(f) A civil action on a tort claim arising out of the manufacture, assembly, repair, ownership, maintenance, use, or operation of an automobile may be brought in the judicial district wherein the act or omission complained of occurred."

Approved December 23, 1963.

Public Law 88-235

AN ACT

December 23, 1963
[H. R. 6756]

To revise the boundaries of Mesa Verde National Park, Colorado, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the boundaries of Mesa Verde National Park are hereby revised to include the following described lands which, subject to valid existing rights, shall be administered as a part of the park in accordance with the Act entitled

Mesa Verde National Park, Colo.

"An Act to establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.):

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

Township 36 North, Range 14 West

Section 29: All portions of the south half and the southeast quarter northwest quarter lying south and west of the right-of-way of United States Highway 160.

Section 32: Those portions of the section lying south and west of the right-of-way of United States Highway 160, except the north entrance road to the park, the southeast quarter southwest quarter, and the southeast quarter northeast quarter southwest quarter.

Section 33: That portion of the northwest quarter northwest quarter, more particularly described as follows: Beginning at a point on the west line of section 33 which is 456.5 feet south of the northwest corner of section 33, thence running south along the west line of section 33 for a distance of 373.0 feet, thence running east for a distance of 516.8 feet, thence running north for a distance of 132.7 feet, thence running north 65 degrees 06 minutes west for a distance of 570.0 feet along the southwesterly right-of-way of Highway 160 to the point of beginning.

SEC. 2. The Secretary of the Interior may acquire by purchase, with donated or appropriated funds, lands and interests in lands within the boundaries of Mesa Verde National Park as revised by section 1 of this Act.

SEC. 3. There are hereby authorized to be appropriated such sums, but not more than $125,000, as may be necessary to carry out the provisions of this Act.

Approved December 23, 1963.

Public Law 88-236

December 23, 1963
[H. R. 3005]

AN ACT

To amend sections 510 and 591 of title 10, United States Code, to remove the requirement that an alien must make a declaration of intention to become a citizen of the United States before he may be enlisted or appointed in a reserve component.

Armed Forces.
Alien requirements.
70A Stat. 17, 24.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 510(b)(1) and 591(b)(1) of title 10, United States Code, are each amended to read as follows:

"(1) he is a citizen of the United States or has been lawfully admitted to the United States for permanent residence under chapter 12 of title 8; or".

66 Stat. 166.

Approved December 23, 1963.

Public Law 88-237

AN ACT

December 23, 1963
[H. R. 4062]

To amend the Act authorizing the transmission and disposition by the Secretary of the Interior of electric energy generated at Falcon Dam on the Rio Grande to authorize the Secretary of the Interior to also market power generated at Amistad Dam on the Rio Grande.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act of June 18, 1954 (68 Stat. 255), be amended as follows:

Falcon and Amistad Dams.
Power marketing.

(a) In the first sentence of section 1 change the phrase "Falcon Dam, an international storage reservoir project" to read "Falcon Dam and Amistad Dam, international storage reservoir projects", and change the word "project", the second place it appears, to read "projects".

(b) In the second sentence of section 1 change the word "project" to read "projects".

(c) In the fourth sentence of section 1 of said Act, strike out the balance of the sentence beginning with the phrase "in order to make the power and energy generated at said project" and insert in lieu thereof the following: "for the integration of the Falcon and Amistad projects and in order to make the power and energy generated at said projects available in wholesale quantities for sale on fair and reasonable terms and conditions to facilities owned by the Federal Government, public bodies, cooperatives, and privately owned companies."

SEC. 2. The Act of June 18, 1954 (68 Stat. 255), is amended by adding a new section 4 to read as follows:

"SEC. 4. The release of United States water from the Falcon and Amistad Dams for the production of hydroelectric energy shall be such as not to interfere with United States vested rights to the use of water for municipal, domestic, irrigation, and industrial purposes or with storage of water for these purposes."

Approved December 23, 1963.

Public Law 88-238

AN ACT

December 23, 1963
[H. R. 4338]

To amend title 37, United States Code, to authorize travel and transportation allowances for travel performed under orders that are canceled, revoked, or modified, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 7 of title 37, United States Code, is amended as follows:

Armed Forces.
Travel allowances.
76 Stat. 469.
37 USC 401-426.

(1) The following new section is inserted after section 406:

"§ 406a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified

"Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances under section 404 of this title, and to transportation of his dependents, baggage, and household effects under sections 406 and 409 of this title, if otherwise qualified, for travel performed before the effective date of orders that direct him to make a change of station and that are later—

"(1) canceled, revoked, or modified to direct him to return to the station from which he was being transferred; or

"(2) modified to direct him to make a different change of station."

(2) The following new item is inserted in the analysis:

"406a. Travel and transportation allowances: authorized for travel performed under orders that are canceled, revoked, or modified."

Effective date.

SEC. 2. This Act becomes effective on October 1, 1949. Any member or former member of the uniformed services who, after September 30, 1949, but before the date of enactment of this Act, has not been paid, or has repaid the United States, an amount to which he otherwise would have been entitled had section 1 of this Act been in effect during that period is entitled to be paid or repaid that amount, if the payment or repayment is otherwise proper and he applies for the payment or repayment within one year after the date of enactment of this Act.

Appropriations, availability.

SEC. 3. Any appropriations available to the departments concerned for the pay and allowances of members of the uniformed services are available for payments under this Act.

Approved December 23, 1963.

Public Law 88-239

December 23, 1963
[H. R. 5179]

AN ACT

To authorize the Postmaster General to enter into agreements for the transportation of mail by passenger common carriers by motor vehicle, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 101 of title 39, United States Code, is amended by adding immediately following section 6402 thereof the following new section:

Postal Service. Motor vehicle common carriers. Agreements. 74 Stat. 696. 39 USC 6401-6440.

"§ 6402a. Agreements with passenger common carriers by motor vehicle

"The Postmaster General may enter into agreements, under such terms and conditions as he shall prescribe and without advertising for bids and without bond, for the transportation of mail, in passenger-carrying motor vehicles, by passenger common carriers by motor vehicle over the regular routes on which the carrier is permitted by law to transport passengers.".

SEC. 2. The table of contents of chapter 101 of title 39, United States Code, is amended by inserting

"6402a. Agreements with passenger common carriers by motor vehicle."

immediately below

"6402. Authority to contract for mail transportation."

74 Stat. 696; 76 Stat. 855.

SEC. 3. Section 6402(a) of title 39, United States Code, is amended—

(1) by striking out the word "and" immediately following the semicolon in subparagraph (4) thereof;

(2) by striking out the period at the end of subparagraph (5) thereof and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following new subparagraph:

"(6) transportation of mail, in passenger-carrying motor vehicles, by passenger common carriers by motor vehicle shall be procured as provided in section 6402a of this title.".

SEC. 4. Section 4359(e)(2) of title 39, United States Code, is amended by inserting after the word "highway" the words "or development". 74 Stat. 669; 76 Stat. 833.

Approved December 23, 1963.

Public Law 88-240

AN ACT

To amend Public Law 193, Eighty-third Congress, relating to the Corregidor-Bataan Memorial Commission.

December 23, 1963
[H. R. 7044]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Act entitled "An Act to create a Commission to be known as the Corregidor-Bataan Memorial Commission" approved August 5, 1953 (67 Stat. 366), as amended, is amended by inserting immediately after subparagraph (h) the following new subparagraph: Corregidor-Bataan Memorial Commission. 69 Stat. 589; 71 Stat. 457. 36 USC 426.

"(i) The plans for the memorial shall include the following: Twin flagpoles at a high point on Corregidor Island, illuminated at night, from which the flags of the United States of America and the Republic of the Philippines would fly; a suitable building, or buildings, for use as an auditorium and tourist center; and a contiguous battlefield park of appropriate size in which may be placed historical markers and mementos of the Pacific phase of World War II. For showing in the auditorium and in other appropriate places, the United States may participate in the preparation, in cooperation with the Philippine authorities, of a documentary film commemorating the story of Bataan and Corregidor, and other appropriate films of the Pacific phase of World War II. There are hereby authorized to be appropriated, to the Veterans' Administration, without fiscal year limitation, such sums of money, but not to exceed $1,500,000, as may be necessary to carry out the purposes of this subparagraph (i). Nothing in this subparagraph (i) shall be considered to prevent the construction of such additional components as may be hereinafter authorized, or as may be provided for from public contributions." Appropriation.

SEC. 2. The Corregidor-Bataan Memorial Commission shall cease to exist upon completion of the construction authorized by this Act, or on May 6, 1967, whichever shall first occur. Expiration date.

Approved December 23, 1963.

Public Law 88-241

December 23, 1963
[H. R. 4157]

AN ACT

To enact Part II of the District of Columbia Code, entitled "Judiciary and Judicial Procedure" codifying the general and permanent laws relating to the judiciary and judicial procedure of the District of Columbia.

D.C. Code. Judiciary and Judicial Procedure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the general and permanent laws relating to the judiciary and judicial procedure of the District of Columbia are revised, codified, and enacted as Part II of the District of Columbia Code, "Judiciary and Judicial Procedure", and may be cited "D.C. Code §—", as follows:

PART II

JUDICIARY AND JUDICIAL PROCEDURE

TITLE	SECTION
11. ORGANIZATION AND JURISDICTION OF THE COURTS	11–101
12. RIGHT TO REMEDY	12–101
13. PROCEDURE GENERALLY	13–101
14. PROOF	14–101
15. JUDGMENTS AND EXECUTIONS; FEES AND COSTS	15–101
16. PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS	16–101
17. REVIEW	17–101

TITLE 11—ORGANIZATION AND JURISDICTION OF THE COURTS

CHAPTER	Sec.
1. GENERAL PROVISIONS	11–101
3. UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT	11–301
5. UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA	11–501
7. DISTRICT OF COLUMBIA COURT OF APPEALS	11–701
9. DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS	11–901
11. DOMESTIC RELATIONS BRANCH OF COURT OF GENERAL SESSIONS	11–1101
13. SMALL CLAIMS AND CONCILIATION BRANCH OF COURT OF GENERAL SESSIONS	11–1301
15. JUVENILE COURT OF THE DISTRICT OF COLUMBIA	11–1501
17. MISCELLANEOUS PROVISIONS RELATING TO COURTS AND JUDGES	11–1701
19. CORONER	11–1901
21. ATTORNEYS	11–2101
23. JURORS AND JURY COMMISSIONERS	11–2301

CHAPTER 1—GENERAL PROVISIONS

Sec.
11–101. Judicial power.

§ 11–101. Judicial power

The judicial power in the District of Columbia is vested in:

(1) inferior courts, namely,
The District of Columbia Court of General Sessions;
The Juvenile Court of the District of Columbia; and

(2) superior courts, namely,
The District of Columbia Court of Appeals;
The United States District Court for the District of Columbia;
The United States Court of Appeals for the District of Columbia Circuit; and
The Supreme Court of the United States.

CHAPTER 3—UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

SUBCHAPTER I—COURT OFFICERS AND EMPLOYEES

Sec.
11-301. Deputy clerks signing for clerk; authentication.
11-302. Reporter; general duties.

SUBCHAPTER II—JURISDICTION

11-321. Appellate jurisdiction.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

11-341. Distribution of reports; sale.

Subchapter I—Court Officers and Employees

§ 11-301. Deputy clerks signing for clerk; authentication

The deputy clerks for the United States Court of Appeals for the District of Columbia Circuit may sign the name of the clerk of the court to any official act required by law or by the practice of the court to be performed by the clerk, and may authenticate his signature by affixing the seal of the court thereto when the impress of the seal is necessary to its authentication. In such a case the signature shall be—

_____, Clerk.
By _____, Deputy Clerk.

§ 11-302. Reporter; general duties

The United States Court of Appeals for the District of Columbia Circuit may appoint a reporter, who shall serve during the pleasure of the court, and who shall report, edit, and publish the court's opinions, in a form prescribed by it.

Subchapter II—Jurisdiction

§ 11-321. Appellate jurisdiction

(a) In addition to its jurisdiction otherwise conferred by law, the United States Court of Appeals for the District of Columbia Circuit has jurisdiction of appeals from judgments of the District of Columbia Court of Appeals, including judgments of that court rendered on review of orders and decisions of the administrative agencies of the District of Columbia specified by section 11-742(a).

(b) A party aggrieved by a judgment of the District of Columbia Court of Appeals may seek a review thereof by the United States Court of Appeals for the District of Columbia Circuit by petition for the allowance of an appeal.

Subchapter III—Miscellaneous Provisions

§ 11-341. Distribution of reports; sale

(a) The reporter of the United States Court of Appeals for the District of Columbia Circuit shall furnish and deliver one copy of each volume of the reports of the opinions of the court, immediately after publication, to each judge of the following courts in the District:

(1) The United States Court of Appeals;
(2) The United States District Court;
(3) The District of Columbia Court of Appeals;
(4) The Court of General Sessions;
(5) The Juvenile Court; and
(6) The Tax Court of the United States.

and the copies so received by each judge shall, upon his death, resignation, retirement, or removal from office, be delivered to his successor.

(b) The court shall approve the sale price for the reports of its opinions at not more than $6.50 per volume.

CHAPTER 5—UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

SUBCHAPTER I—COURT OFFICERS AND EMPLOYEES

Sec.
11–501. Appointment of auditor, messengers, and other officers.
11–502. Duties of deputy clerks.
11–503. Secretarial and clerical assistants for United States Commissioners; expenses.
11–504. Register of Wills; oath; bond; clerk of Probate Court.
11–505. Powers and duties of Register of Wills; restrictions; penalties.
11–506. Deputies and other employees under Register of Wills; duties.

SUBCHAPTER II—JURISDICTION

11–521. Civil and criminal jurisdiction.
11–522. Probate and guardianship jurisdiction.
11–523. Concurrent jurisdiction of desertion and nonsupport cases.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

11–541. Seal of Probate Court.

Subchapter I—Court Officers and Employees

§ 11–501. Appointment of auditor, messengers, and other officers

The United States District Court for the District of Columbia may appoint an auditor for the court, a messenger for each judge, and all officers of the court necessary for the due administration of justice.

§ 11–502. Duties of deputy clerks

The clerk of the United States District Court for the District of Columbia may designate deputy clerks to perform his duties in his name, who may sign his name to any official act required by law or by the practice of the court to be performed by the clerk, and may authenticate the signature by affixing the seal of the court thereto when the seal is necessary to its authentication. In such a case the signature shall be—

_____ _____, Clerk.
By _____ _____, Deputy Clerk.

§ 11–503. Secretarial and clerical assistants for United States Commissioners; expenses

Each United States commissioner for the District may employ secretarial and clerical assistants in such number and incur such other expenses as the District Court considers necessary.

§ 11–504. Register of Wills; oath; bond; clerk of Probate Court

(a) The United States District Court for the District of Columbia shall appoint, and may remove, a Register of Wills, who shall take an oath for the faithful and impartial discharge of the duties of his office. The office of the Register of Wills is a part of the District Court, and chapter 41 of Title 28, United States Code, applies thereto.

62 Stat. 913.
28 USC 601-610.

(b) The Register of Wills shall give bond, with two or more sureties, to be approved by the chief judge of the court, in the sum of $5,000:

(1) faithfully to discharge the duties of his office; and

(2) seasonably to record (A) the decrees and orders of the court in any of the matters over which the court exercises its jurisdiction or powers as the Probate Court, (B) all wills

proved before him or the court, and (C) all other matters directed to be recorded in the court or in his office.

The bond shall be entered in full upon the minutes of the court, and the original filed with the records thereof.

(c) The Register of Wills shall:

(1) act as clerk of the court in all matters over which the court exercises its jurisdiction or powers as the Probate Court;

(2) keep and certify the court's records in those matters; and

(3) generally, with respect to those matters, exercise the powers and perform the duties that might otherwise properly be exercised or performed by the regular clerk of the court.

§ 11–505. Powers and duties of Register of Wills; restrictions; penalties

(a) The Register of Wills may:

(1) receive inventories and accounts of sales, examine vouchers, and state accounts of executors, administrators, collectors, and guardians, subject to final approval by the court;

(2) take the probate of claims against the estates of deceased persons that are properly brought before him, and approve or reject claims not exceeding $300; and

(3) take the probate of wills and accept the bonds of executors, administrators, collectors, and guardians, subject to approval by the court.

(b) In matters over which the court has jurisdiction or exercises powers as the Probate Court, the Register of Wills shall:

(1) make full and fair entries of the proceedings of the Court;

(2) make a fair record in a strong-bound book of all wills proved before him or the court, and of other matters required by law to be recorded in the court;

(3) lodge original papers filed with him in a place of safety appointed by the court;

(4) make out and issue every summons, process, and order of the court;

(5) make fair tables of his fees, and post them in a conspicuous place in his office for the inspection of persons having business therein;

(6) in every respect, act under the control and direction of the court; and

(7) pay into the treasury all fees, costs, and other moneys collected by him, except uncollected fees not required by law to be prepaid, and make returns thereof to the Director of the Administrative Office of the United States Courts under regulations prescribed by the Director.

(c) The Register of Wills may not:

(1) practice law in any court of the District or of the United States; or

(2) demand or receive any fee, gratuity, gift, or reward, for giving his advice in any matter relating to his office.

(d) The Register of Wills shall forfeit the sum of $10 for each day that the tables referred to in clause (5) of subsection (b) of this section are missing through his neglect, which may be recovered as other debts for the same amount are recoverable. Of the amount so paid or recovered, one-half shall be for the use of the District, and one-half shall be for the use of the informer.

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(e) If the Register of Wills or a person acting for him takes a greater fee than the fee provided for by law, he shall pay to the party injured $50, which may be recovered as other debts for the same amount are recoverable.

§ 11–506. Deputies and other employees under Register of Wills; duties

(a) The Register of Wills, with the approval of the court, may appoint necessary deputies, clerical assistants and other employees in such number as may be approved by the Director of the Administrative Office of the United States Courts. With the approval of the court, the Register of Wills may remove any of the personnel so appointed.

(b) The personnel appointed pursuant to this section shall be under the supervision and control of the Register of Wills, and shall perform such duties as he or the court directs. The deputies may perform acts necessary in the administration of the office of the Register of Wills and the certification of the records of the court which the Register may perform.

Subchapter II—Jurisdiction

§ 11–521. Civil and criminal jurisdiction

(a) Except in actions or proceedings over which exclusive jurisdiction is conferred by law upon other courts in the District, the United States District Court for the District of Columbia, in addition to its jurisdiction as a United States district court and to any other jurisdiction conferred by law, has all the jurisdiction possessed and exercised by it on January 1, 1964, and has original jurisdiction of all:

(1) civil actions between parties, where either or both of them are resident or found within the District; and

(2) offenses committed within the District.

(b) Except as otherwise specially provided, an action may not be brought in the District Court by original process against a person who is not resident or found within the District.

§ 11–522. Probate and guardianship jurisdiction

(a) The United States District Court for the District of Columbia has and may exercise all the power and jurisdiction by law held and exercised by the Orphans' Court of Washington County, District of Columbia, prior to June 21, 1870.

(b) In addition to the jurisdiction conferred by subsection (a) of this section, the District Court has full power and authority and plenary jurisdiction to:

(1) hear and determine questions relating to the execution or validity of wills devising real property within the District of Columbia, and of wills and testaments properly presented for probate in the court, and admit them to probate and record;

(2) take the proof of wills of either personal or real property and admit them to probate and record, and for cause revoke the probate thereof;

(3) grant, and, for any of the causes prescribed by law, revoke, letters testamentary, letters of administration, letters ad colligendum, and letters of guardianship, and appoint successors to those persons whose letters are revoked;

(4) hear, examine, and decree upon accounts, claims, and demands existing between executors or administrators

and legatees, or persons entitled to a distributive share of an intestate estate, or between wards and their guardians;

(5) enforce the rendition of inventories and accounts by executors, administrators, collectors, guardians, and trustees required to account to the court; and

(6) enforce the distribution of estates by executors and administrators, and the payment or delivery by guardians of money or property belonging to their wards.

(c) Neither the execution nor the validity of a will or testament admitted to probate and record in the court may be impeached or examined collaterally. Subject to other provisions of this Part or other provisions of law, it is res judicata in all respects and to all persons.

(d) In exercising its powers and jurisdiction under this section, the District Court is known as the Probate Court.

(e) This section does not affect the jurisdiction conferred upon the Juvenile Court of the District of Columbia by section 11-1551(a)(3).

§ 11-523. Concurrent jurisdiction of desertion and nonsupport cases

The United States District Court for the District of Columbia has original jurisdiction, concurrently with the Juvenile Court of the District of Columbia, of all cases arising under sections 22-903 to 22-905, relating to desertion or nonsupport.

34 Stat. 86; 44 Stat. 716.

Subchapter III—Miscellaneous Provisions

§ 11-541. Seal of Probate Court

The Probate Court shall keep a seal for the court, and for the office of the Register of Wills. The seal shall be affixed to all certificates of the Probate Court, or of the Register, and to every process and writ of every kind issued from it.

CHAPTER 7—DISTRICT OF COLUMBIA COURT OF APPEALS

SUBCHAPTER I—CONTINUATION AND ORGANIZATION

Sec.

11-701. Continuation of court; court of record; seal.
11-702. Composition; appointment, qualifications, tenure, salaries, and oath of judges; removal.
11-703. Absence, disability, or disqualification of judges; vacancies; quorum.
11-704. Clerks for judges; compensation.

SUBCHAPTER II—COURT OFFICERS AND EMPLOYEES

11-721. Clerk; compensation; powers and duties.
11-722. Deputy clerks and other employees; compensation; duties.

SUBCHAPTER III—JURISDICTION

11-741. Orders and judgments of Court of General Sessions and Juvenile Court.
11-742. Administrative orders and decisions.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

11-761. Contempt powers.
11-762. Oaths, affirmations and acknowledgments.

Subchapter I—Continuation and Organization

§ 11-701. Continuation of court; court of record; seal

(a) The District of Columbia Court of Appeals shall continue as a court of record in the District.

(b) The court shall have a seal.

§ 11-702. Composition; appointment, qualifications, tenure, salaries, and oath of judges; removal

(a) The District of Columbia Court of Appeals shall consist of a chief judge and two associate judges appointed by the President of the United States, by and with the advice and consent of the Senate.

(b) A person may not be appointed as a judge of the court unless he:

(1) is a bona fide resident of the area consisting of the District of Columbia, Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the city of Alexandria, Virginia, and has maintained an actual place of abode in the area for at least five years prior to his appointment; and

(2) has been actively engaged in the practice of law in the District of Columbia for a period of at least five years immediately prior to his appointment.

(c) Each judge shall be appointed or reappointed for a term of ten years, which terms shall be staggered as heretofore provided for; and he shall continue in office until the appointment and qualification of his successor.

(d) The chief judge shall receive an annual salary of $19,000, and each associate judge shall receive an annual salary of $18,500.

(e) Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States.

(f) A judge may be removed only in the manner and for the causes provided for the removal of Federal judges.

§ 11-703. Absence, disability, or disqualification of judges; vacancies; quorum

(a) When a judge of the District of Columbia Court of Appeals is absent, disabled, or disqualified, or when there is a vacancy in the office of judge of the court, the chief judge may designate and assign any judge of the District of Columbia Court of General Sessions to act temporarily as a judge of the court.

(b) When the chief judge of the court is absent, disabled, or disqualified, the judge next in seniority according to the date of his commission shall exercise his powers.

(c) Two judges of the court constitute a quorum.

§ 11-704. Clerks for judges; compensation

Each judge of the District of Columbia Court of Appeals may appoint and remove a personal clerk and shall fix his compensation in accordance with the Classification Act of 1949, as amended.

63 Stat. 954.
5 USC 1071 note.

Subchapter II—Court Officers and Employees

§ 11-721. Clerk; compensation; powers and duties

The District of Columbia Court of Appeals shall appoint, and may remove, a clerk, and shall fix his compensation in accordance with the Classification Act of 1949, as amended.

The clerk shall exercise the same powers and perform the same duties in regard to matters within the jurisdiction of the court as are exercised and performed by the clerk of the United States Court of Appeals for the District of Columbia Circuit, as far as the latter may be applicable.

§ 11-722. Deputy clerks and other employees; compensation; duties

Subject to the approval of the chief judge, the clerk of the District of Columbia Court of Appeals may appoint and remove such deputy clerks and other employees of the court as he deems necessary. The chief judge shall fix the compensation of the personnel so appointed in accordance with the Classification Act of 1949, as amended. 63 Stat. 954. 5 USC 1071 note.

The clerk shall supervise and direct the deputies and employees so appointed.

Subchapter III—Jurisdiction

§ 11-741. Orders and judgments of Court of General Sessions and Juvenile Court

(a) The District of Columbia Court of Appeals has jurisdiction of appeals from:

(1) final orders and judgments of the District of Columbia Court of General Sessions, including final orders and judgments of the Small Claims and Conciliation Branch and the Domestic Relations Branch of that court;

(2) interlocutory orders of the District of Columbia Court of General Sessions, including interlocutory orders of the Domestic Relations Branch of that court, whereby the possession of property is changed or affected, such as orders dissolving writs of attachment and the like; and

(3) final orders and judgments of the Juvenile Court of the District of Columbia.

(b) Except as provided by subsection (c) of this section, a party aggrieved by an order or judgment specified by subsection (a) of this section may appeal therefrom as of right to the District of Columbia Court of Appeals.

(c) Reviews of judgments of the Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions, and of judgments in the criminal division of that court where the penalty imposed is less than $50, shall be by application for the allowance of an appeal, filed in the District of Columbia Court of Appeals.

§ 11-742. Administrative orders and decisions

(a) In addition to other jurisdiction conferred upon it by law, the District of Columbia Court of Appeals has exclusive jurisdiction to review the following orders and decisions of administrative agencies of the District:

(1) decisions of the Board of Pharmacy refusing to renew a license to practice pharmacy or refusing to renew a permit to deal in poisons for use in the arts or as insecticides pursuant to section 2-606; 44 Stat. 1414.

(2) decisions of the Board of Examiners in Veterinary Medicine revoking or suspending a license to practice veterinary medicine or a branch thereof pursuant to section 2-810; 34 Stat. 873.

(3) orders of the Commissioners of the District of Columbia or their agent or decisions of the Commissioners denying, revoking, or suspending a motor-vehicle operator's permit pursuant to section 40-302; 43 Stat. 1125.

(4) decisions of the Board of Examiners and Registrars of Architects annulling or revoking a certificate to practice architecture pursuant to section 2-1028; Post, p. 616.

(5) orders of the Commissioners of the District of Columbia denying, revoking, or suspending a license for a private employment agency pursuant to section 47-2101; 47 Stat. 559.

(6) decisions of the Commission on Licensure to Practice the Healing Art in the District of Columbia denying a license or a registration to practice the healing art pursuant to section 2–129;

45 Stat. 1338.

(7) decisions of the Nurses' Examining Board denying registration or reregistration of a nurse or school of nursing pursuant to section 2–406;

45 Stat. 1520.

(8) decisions of the Board of Barber Examiners revoking or refusing to issue, renew, or restore a certificate of registration as a registered barber or barber apprentice pursuant to section 2–1110; and

52 Stat. 622.

(9) final decisions of the Real Estate Commission of the District of Columbia denying an application for license or suspending or revoking a license pursuant to sections 45–1403 to 45–1418.

50 Stat. 788; 53 Stat. 1354.

(b) A party aggrieved by an order or decision specified by subsection (a) of this section may obtain a review thereof in the District of Columbia Court of Appeals.

(c) Upon the filing of a written petition for review praying that an order or decision specified by this section be set aside, the District of Columbia Court of Appeals has jurisdiction of the proceeding.

Subchapter IV—Miscellaneous Provisions

§ 11–761. Contempt powers

The District of Columbia Court of Appeals, or a judge thereof, may punish for disobedience of an order, or for contempt committed in the presence of the court, by a fine not exceeding $50 or imprisonment not exceeding 30 days.

§ 11–762. Oaths, affirmations and acknowledgments

Each judge, the clerk, and each deputy clerk of the court may administer oaths and affirmations and take acknowledgments.

CHAPTER 9—DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

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Subchapter I—Continuation and Organization

§ 11-901. Continuation of court; court of record; divisions; seal

(a) The District of Columbia Court of General Sessions shall continue as a court of record in the District. The court shall consist of a civil division and a criminal division.

(b) The court shall have a seal.

§ 11-902. Composition; appointment, qualifications, tenure, salaries, and oath of judges; removal

(a) The District of Columbia Court of General Sessions shall consist of a chief judge and fifteen associate judges appointed by the President of the United States, by and with the advice and consent of the Senate.

(b) A person may not be appointed as a judge of the court unless he:

(1) is a bona fide resident of the area consisting of the District of Columbia, Montgomery and Prince Georges Counties in Maryland, Arlington and Fairfax Counties in Virginia, and the city of Alexandria, Virginia, and has maintained an actual place of abode in the area for at least five years prior to his appointment; and

(2) has been a member of the bar of the District of Columbia for a period of at least five years, and, for a period of at least five consecutive years immediately prior to his appointment, either has been actively engaged in the practice of law or has been employed as an attorney in the District in the government of the United States or in the government of the District of Columbia.

(c) Each judge shall be appointed or reappointed for a term of ten years each, which terms shall be staggered as heretofore provided for; and he shall continue in office until the appointment and qualification of his successor.

(d) The chief judge shall receive an annual salary of $18,000, and each associate judge shall receive an annual salary of $17,500.

(e) Each judge, when appointed, shall take the oath prescribed for judges of courts of the United States.

(f) A judge may be removed only in the manner and for the causes provided for the removal of Federal judges.

§ 11-903. Administration by chief judge; discharge of duties

The chief judge of the District of Columbia Court of General Sessions shall administer generally and superintend the business of the court. He shall give his attention to the discharge of the duties especially pertaining to his office and to the performance of such additional judicial work as he is able to perform.

§ 11-904. Designation and assignment of judges; sessions

(a) The chief judge of the District of Columbia Court of General Sessions shall, from time to time and for such periods as he determines, designate the judges to preside in and attend the divisions and several branches and sessions of the court. He may:

(1) except as provided by sections 11–1103 and 11–1303, determine the number and fix the time of the various sessions of the court; and

(2) arrange the business of the court, and divide it and assign it among the judges.

Each associate judge shall attend and serve at the division, branch, or sessions of the court to which he is assigned.

(b) When the chief judge of the District of Columbia Court of Appeals finds it in the public interest to do so, he may designate and assign a judge of that court to act temporarily as a judge of the Court of General Sessions.

§ 11–905. Absence, disability, or disqualification of chief judge

When the chief judge of the District of Columbia Court of General Sessions is absent, disabled, or disqualified, his duties shall devolve upon and be performed by the associate judges of the Court according to the order of seniority of their commissions.

§ 11–906. Vacations for judges

Each judge of the District of Columbia Court of General Sessions is entitled to vacation, not to exceed thirty-six court days in a calendar year, to be taken at times determined by the chief judge.

§ 11–907. Meetings and reports

(a) The judges of the District of Columbia Court of General Sessions shall meet together at least once each month for the consideration of those matters pertaining to the administration of justice in the court which may be brought before them. The chief judge shall fix the times for the meetings.

(b) Each associate judge shall submit to the chief judge a monthly written report, in a form prescribed by the chief judge, of the duties performed by him, specifying:

(1) the number of days attendance in court of the judge during the month covered;

(2) the branch courts upon which he attended;

(3) the number of hours per day of his attendance; and

(4) such other data as the chief judge requires.

(c) The chief judge shall submit to the Attorney General of the United States and to the Commissioners of the District of Columbia a quarterly written report of the business of the court and of the duties performed by each judge of the court during the preceding three months. A copy of the report shall be filed in the office of the clerk of the court and shall be available and subject to public inspection during business hours.

§ 11–908. Clerks for judges; compensation

Each judge of the District of Columbia Court of General Sessions may appoint and remove a personal clerk and shall fix his compensation in accordance with the Classification Act of 1949, as amended.

63 Stat. 954.
5 USC 1071 note.

Subchapter II—Court Officers and Employees

§ 11–931. Clerk; compensation; general duties

(a) The District of Columbia Court of General Sessions may appoint and remove a clerk, and shall fix his compensation in accordance with the Classification Act of 1949, as amended.

(b) In addition to performing any other duties prescribed by law, rules of court, or order of the chief judge, the clerk of the Court of General Sessions shall keep such dockets and records and perform such other duties as the court prescribes.

§ 11-932. Deputy clerks and other employees; compensation; supervision; process; powers

(a) Subject to the approval of the chief judge, the clerk of the District of Columbia Court of General Sessions may appoint and remove such deputy clerks and other employees of the court as he deems necessary. The chief judge shall fix the compensation of the personnel so appointed in accordance with the Classification Act of 1949, as amended.

63 Stat. 954. 5 USC 1071 note.

(b) The deputies and employees appointed under subsection (a) of this section shall be under the supervision and direction of the clerk.

(c) In all civil actions in the Court of General Sessions, process shall be signed by the clerk or deputy clerks in the name of the court. The deputy clerks may sign the name of the clerk to any official act required by law or by practice of the court to be performed by the clerk. In such case, the signature shall be: "_____, Clerk, by _____, Deputy Clerk".

§ 11-933. Probation officer; compensation, powers and duties

The District of Columbia Court of General Sessions may appoint and remove a probation officer of the court, and shall fix his compensation in accordance with the Classification Act of 1949, as amended.

The probation officer shall exercise such powers and perform such duties as may be prescribed by law.

§ 11-934. Assistant probation officers and other employees; compensation; supervision

Subject to the approval of the chief judge, the probation officer of the District of Columbia Court of General Sessions may appoint and remove such assistant probation officers and other employees of the probation office as he deems necessary. The chief judge shall fix the compensation of the personnel so appointed in accordance with the Classification Act of 1949, as amended.

The probation officer shall supervise and direct the assistants and employees so appointed.

§ 11-935. Reporters' fees for transcripts

In addition to their annual salaries, official reporters for the District of Columbia Court of General Sessions may charge and collect from parties, including the United States and the District of Columbia, who request transcripts of the original records of proceedings, only such fees as may be prescribed from time to time by the court. The official reporters shall furnish all supplies at their own expense. The court shall prescribe such rules, practice, and procedure pertaining to fees for transcripts as it deems necessary, conforming as nearly as practicable to the rules, practice, and procedure established for the United States District Court for the District of Columbia. A fee may not be charged or taxed for a copy of a transcript delivered to a judge at his request or for copies of a transcript delivered to the clerk of the court for the records of the court. Except as to transcripts that are to be paid for by the United States or the District of Columbia, the reporters may require a party requesting a transcript to prepay the estimated fee therefor in advance of delivery of the transcript.

Subchapter III—Jurisdiction

§ 11-961. Civil jurisdiction

(a) In addition to other jurisdiction conferred upon it by law, the District of Columbia Court of General Sessions has exclusive jurisdiction of civil actions, including civil actions against executors, ad-

ministrators and other fiduciaries, in which the claimed value of personal property or the debt or damages claimed does not exceed the sum of $10,000, exclusive of interest and costs, as well as of all crossclaims and counterclaims interposed in all actions over which it has jurisdiction, regardless of the amount involved.

It does not have jurisdiction of:

(1) cases involving title to real property, except as provided in section 11–1141;

(2) actions against judges of the Court of General Sessions or other officers for official misconduct; or

(3) counterclaims, crossclaims, or any other claims whether or not arising out of the same transaction or occurrence and interposed in actions over which the United States District Court for the District of Columbia has jurisdiction.

(b) Within the limits of its jurisdiction provided by subsection (a) of this section, the Court of General Sessions has jurisdiction of cases of trespass upon or injury to real property. If the defendant, in such a case, files with the court an affidavit that he claims title to the property, setting forth the nature of his title, the court may not take further cognizance of the case.

(c) The Court of General Sessions has jurisdiction over all civil cases properly pending in the Municipal Court for the District of Columbia on January 1, 1963.

§ 11–962. Transfer of civil actions to Court of General Sessions

In a civil action commenced in the United States District Court for the District of Columbia, other than an action for equitable relief, where it appears to the satisfaction of the court at or subsequent to any pretrial hearing but prior to trial thereof that the action will not justify a judgment in excess of $10,000, the court may certify the action to the District of Columbia Court of General Sessions for trial. The pleadings in the action, together with a copy of the docket entries and copies of any orders entered therein, and the deposit for costs, shall be sent to the clerk of the Court of General Sessions. Promptly thereafter, the Court of General Sessions shall call the case for trial. The Court of General Sessions shall thereafter treat the case as though it had been filed originally in that court, except that the jurisdiction of the court shall extend to the amount claimed in the action, even though it exceed the sum of $10,000.

§ 11–963. Criminal jurisdiction; commitment

(a) Except as otherwise expressly provided by this section or other law, the District of Columbia Court of General Sessions has original jurisdiction, concurrently with the United States District Court for the District of Columbia, of:

(1) offenses committed in the District for which the punishment is by fine only or by imprisonment for one year or less; and

(2) offenses against municipal ordinances or regulations in force in the District.

(b) The Court of General Sessions does not have jurisdiction of the offenses of libel, conspiracy, or violation of the postal or pension laws of the United States.

(c) In all cases, whether cognizable in the Court of General Sessions or in the District Court, the Court of General Sessions has jurisdiction to make preliminary examination and commit offenders or grant bail in bailable cases, either for trial or for further examination.

(d) The Court of General Sessions has jurisdiction of all criminal cases properly pending in the Municipal Court for the District of Columbia on January 1, 1963.

Subchapter IV—Miscellaneous Provisions

§ 11–981. Power of judges to issue warrants returnable to Criminal Division; record

Each judge of the District of Columbia Court of General Sessions may, at any time, including Sundays and legal holidays, on complaint under oath or actual view, issue warrants returnable to the criminal division of the court against persons accused of crimes and offenses committed in the District of Columbia. In every such case, he shall make a record of his proceedings in a book to be kept for that purpose. The warrants shall be issued free of charge.

§ 11–982. Compelling attendance of witnesses; contempt powers; subpoenas

(a) The District of Columbia Court of General Sessions may compel the attendance of witnesses by attachment, and, in any civil or criminal case or proceeding in the court, the judge may punish for disobedience of an order, or for contempt committed in the presence of the court, by a fine not exceeding $50 or imprisonment not exceeding 30 days.

(b) At the request of any party subpoenas for attendance at a hearing or trial in the District of Columbia Court of General Sessions shall be issued by the clerk of the court. A subpoena may be served at any place within the District of Columbia, or at any place without the District of Columbia that is within 25 miles of the place of the hearing or trial specified in the subpoena. The form, issuance and manner of service of a subpoena shall be as otherwise prescribed by Rule 45 of the Federal Rules of Civil Procedure. 28 USC app.

§ 11–983. Oaths, affirmations, and acknowledgments

Each judge of the District of Columbia Court of General Sessions may administer oaths and affirmations and take acknowledgments. The clerk of the court and his deputies may administer oaths and affirmations and take acknowledgments in all cases pending in the court or about to be filed therein.

§ 11–984. Receipt and care of deposits for costs, and fees; payment of fines, costs, etc., to clerk; deposit; accounting

(a) The clerk of the District of Columbia Court of General Sessions shall receive and care for all deposits for costs made and fees exacted under the rules governing the fee charges in the civil division of the court, and shall make a weekly deposit with the Board of Commissioners or its authorized representative of all fees earned during the preceding week. The money so collected shall be covered into the Treasury to the credit of the District of Columbia.

(b) The clerk shall return to parties making the deposits specified by subsection (a) of this section any part of a deposit that remains in his hands over and above the earned fees in completed cases, and shall render an itemized statement to the Board of Commissioners or its authorized representative of every fee earned, on forms and in the manner prescribed by the Board or its authorized representative. Any part of a deposit remaining in the clerk's hands for a period of three years, for which claim has not been made by the party entitled to receive it, shall revert to the District of Columbia, and shall be paid forthwith by the clerk to the Board or its authorized representative as part of the revenues of the District.

(c) Fines, penalties, costs, and forfeitures imposed or taxed in the criminal division of the Court of General Sessions shall be paid to the clerk, either with or without process or on process ordered by the court. On the first secular day of each week, the clerk shall deposit with the Board of Commissioners or its authorized representative the total

amount thereof collected by him during the week next preceding the date of the deposit, to be covered into the Treasury to the credit of the District of Columbia. The clerk shall render an itemized statement of each deposit upon forms and in the manner prescribed by the Board or its authorized representative.

(d) Moneys collected in the criminal division of the Court of General Sessions remaining in the hands of the clerk for a period of two years or more, for which claim has not been made by the parties entitled thereto, shall revert to the District of Columbia, and shall be paid by the clerk to the Board of Commissioners or its authorized representative. to be covered into the Treasury to the credit of the District of Columbia.

§ 11–985. Audit of accounts

The Board of Commissioners of the District of Columbia, or its authorized representative, shall audit the accounts of the clerk of the District of Columbia Court of General Sessions at the end of every quarter, and in the performance of this duty shall have access to all books, papers, and records of the court.

CHAPTER 11—DOMESTIC RELATIONS BRANCH OF COURT OF GENERAL SESSIONS

SUBCHAPTER I—CONTINUATION AND ORGANIZATION

Sec.
11–1101. Continuation of Branch.
11–1102. Judges; assignment.
11–1103. Sessions.

SUBCHAPTER II—OFFICERS AND EMPLOYEES

11–1121. Clerk and other personnel.
11–1122. Duties of clerk regarding docket.

SUBCHAPTER III—JURISDICTION

11–1141. Exclusive jurisdiction.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

11–1161. Powers of Branch.

Subchapter I—Continuation and Organization

§ 11–1101. Continuation of Branch

The Domestic Relations Branch of the District of Columbia Court of General Sessions shall continue as a branch in the civil division of the court.

§ 11–1102. Judges; assignment

The Domestic Relations Branch of the District of Columbia Court of General Sessions shall consist of three judges of the court, who shall serve in that branch during their tenures of office, but if the chief judge of the court finds the work of the Domestic Relations Branch will not be adversely affected thereby, he may assign any judge of the Domestic Relations Branch to perform the duties of any other judge of the court. The chief judge of the court may assign any other judge of the court to serve temporarily in the Domestic Relations Branch if he finds the work of the Domestic Relations Branch requires the assignment.

§ 11–1103. Sessions

The Domestic Relations Branch, with at least one judge in attendance, shall be open for the transaction of business every day of the year except Saturday afternoons, Sundays, and legal holidays, and, if deemed necessary, may also hold night sessions.

Subchapter II—Officers and Employees

§ 11–1121. Clerk and other personnel

The judges of the Domestic Relations Branch, with the approval of the chief judge of the District of Columbia Court of General Sessions, may appoint and remove a clerk and such other personnel as may be necessary for the operation of the Branch.

§ 11–1122. Duties of clerk regarding docket

The clerk serving in the Domestic Relations Branch of the District of Columbia Court of General Sessions shall keep a separate docket for the Branch, in which he shall record the steps taken at each stage of actions or proceedings instituted or conducted in the Branch.

Subchapter III—Jurisdiction

§ 11–1141. Exclusive jurisdiction

(a) The Domestic Relations Branch of the District of Columbia Court of General Sessions and each judge sitting therein has exclusive jurisdiction of:

(1) actions for divorce from the bond of marriage and legal separation from bed and board, including proceedings incidental thereto for alimony, pendente lite and permanent, and for support and custody of minor children;

(2) applications for revocation of divorce from bed and board;

(3) civil actions to enforce support of minor children;

(4) civil actions to enforce support of wife;

(5) actions seeking custody of minor children;

(6) actions to declare marriages void;

(7) actions to declare marriages valid;

(8) actions for annulments of marriage;

(9) determinations and adjudications of property rights, both real and personal, in any action hereinabove referred to in this section, irrespective of any jurisdictional limitation imposed on the Court of General Sessions;

(10) proceedings in adoption; and

(11) proceedings under the Uniform Reciprocal Enforcement of Support Act, chapter 3 of Title 30.

(b) This chapter does not affect or diminish the jurisdiction of the Juvenile Court of the District of Columbia, or of any judge presiding therein.

Subchapter IV—Miscellaneous Provisions

§ 11–1161. Powers of Branch

The Domestic Relations Branch of the District of Columbia Court of General Sessions has all of the legal and equitable powers necessary to effectuate the purposes of this chapter, chapters 3 and 9 of Title 16, chapters 1 and 3 of Title 30, and section 32–786, including but not limited to, the power to:

(1) issue restraining orders and injunctions, writs of habeas corpus and ne exeat, and all other writs, orders, and decrees; and

(2) enforce and execute its judgments, orders, and decrees.

CHAPTER 13—SMALL CLAIMS AND CONCILIATION BRANCH OF COURT OF GENERAL SESSIONS

SUBCHAPTER I—CONTINUATION AND ORGANIZATION

Sec.
11–1301. Continuation of Branch.
11–1302. Service of Court of General Sessions judges; rotation.
11–1303. Sessions.

SUBCHAPTER II—OFFICERS AND EMPLOYEES

11–1321. Clerk.
11–1322. Separate docket; entries.
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SUBCHAPTER III—JURISDICTION

11–1341. Exclusive jurisdiction of small claims; limitations.
11–1342. Settlement of disputes by arbitration and conciliation.
11–1343. Certification of cases by Court of General Sessions judges; recertification.

Subchapter I—Continuation and Organization

§ 11–1301. Continuation of Branch

The Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions shall continue as a branch in the civil division of the court.

§ 11–1302. Service of Court of General Sessions judges; rotation

One or more judges of the District of Columbia Court of General Sessions shall serve in the Small Claims and Conciliation Branch for such periods and in such order of rotation as the chief judge of the court determines.

§ 11–1303. Sessions

The Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions, with a judge in attendance, shall be open for the transaction of business on every day of the year except Saturday afternoons, Sundays, and legal holidays, and shall also hold at least one night session during each week.

Subchapter II—Officers and Employees

§ 11–1321. Clerk

The District of Columbia Court of General Sessions may assign a deputy clerk or other assistant to the clerk of the court to serve as clerk of the Small Claims and Conciliation Branch.

§ 11–1322. Separate docket; entries

The clerk of the Small Claims and Conciliation Branch shall keep a separate docket for the Branch, in which he shall record every proceeding and ruling had in each case.

§ 11–1323. Records and reports

The clerk of the Small Claims and Conciliation Branch shall maintain a daily record of all transactions had therein and shall prepare and transmit to the Attorney General of the United States a monthly report in detail showing the number and nature of all such transactions.

Subchapter III—Jurisdiction

§ 11–1341. Exclusive jurisdiction of small claims; limitations

The Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions has exclusive jurisdiction over all cases within the jurisdiction of the court in which the amount of the plaintiff's claim or the claimed value of personal property in controversy does not exceed $150 exclusive of interest, attorney fees, protest fees, and costs. This jurisdiction does not include actions for recovery of the possession of real estate, whether or not such actions include a claim for arrears of rent, or personalty, or both arrears of rent and personalty.

§ 11–1342. Settlement of disputes by arbitration and conciliation

In order to effect the speedy settlement of controversies, and with the consent of all parties thereto, the Small Claims and Conciliation Branch may settle cases, irrespective of the amount involved, by the methods of arbitration and conciliation. The judges of the Branch may also act as referees or arbitrators, either alone or in conjunction with other persons, pursuant to rule 53 of the Federal Rules of Civil Procedure, or under Title 9, United States Code, or otherwise. A judge, officer, or employee of the District of Columbia Court of General Sessions may not accept any fee or compensation in addition to his salary for services performed pursuant to this section. 28 USC app.

§ 11–1343. Certification of cases by Court of General Sessions judges; recertification

When the interests of justice seem to require, and all parties consent thereto, a judge of the District of Columbia Court of General Sessions may certify a case to the Small Claims and Conciliation Branch for conciliation, or to endeavor to obtain a complete or partial agreed statement of facts or stipulation, which will simplify and expedite the ultimate trial of the case. With the consent of all parties the trial of the case may be completed in the Branch, or in the absence of their consent shall be recertified to another judge of the court for trial.

CHAPTER 15—JUVENILE COURT OF THE DISTRICT OF COLUMBIA

SUBCHAPTER I—CONTINUATION AND ORGANIZATION

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11–1501. Continuation of court; court of record; seal.
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11–1503. Administration of court; absence, disability, disqualification, or death of judges.
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SUBCHAPTER II—COURT OFFICERS AND EMPLOYEES

11–1521. Clerk; compensation, bond, oath, and duties.
11–1522. Administration of oaths by clerk.
11–1523. Director of Social Work; compensation; qualifications; duties.
11–1524. Supervisor of Probation and other probation officers; compensation; qualifications; duties of Probation Department and officers.
11–1525. Other Court employees.
11–1526. Rules governing conduct of personnel.

SUBCHAPTER III—JURISDICTION

11–1551. Jurisdiction of children and minors; retention.
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11–1553. Waiver of jurisdiction in case of felony and transfer of case.
11–1554. Jurisdiction of persons 18 years of age or over.
11–1555. Jurisdiction of paternity proceedings.
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SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

11–1581. Contempt powers.
11–1582. Administration of oaths and affirmations.
11–1583. Duties of Corporation Counsel.
11–1584. Assistance and cooperation of officers, departments, institutions, and others.
11–1585. Payment of fines, costs, etc., to clerk; deposit; accounting.
11–1586. Records; limited inspection; penalties for unlawful disclosure or use.
11–1587. Audit of accounts.
11–1588. Court quarters.
11–1589. Quarterly reports.

Subchapter I—Continuation and Organization

§ 11–1501. Continuation of Court; court of record; seal

(a) The Juvenile Court of the District of Columbia shall continue as a court of record in the District.

(b) The court shall have a seal.

§ 11–1502. Appointment, qualifications, tenure, salaries, and oath of judges

(a) The Juvenile Court shall consist of a chief judge and two associate judges learned in the law and appointed by the President of the United States by and with the advice and consent of the Senate.

(b) A person may not be appointed as judge of the court, unless:

(1) he has been a member of the bar of the District of Columbia for a period of five years preceding his appointment;

(2) during a period of ten years immediately preceding his appointment, he has been a resident of the District of Columbia or of the metropolitan area of the District for at least five years, of which not less than three years shall immediately precede his appointment; and

(3) he has a broad knowledge of social problems and procedures and an understanding of child psychology.

For the purpose of this subsection, the term "metropolitan area of the District" means Montgomery and Prince Georges Counties in Maryland, and Arlington and Fairfax Counties and the cities of Alexandria and Falls Church in Virginia.

(c) Each judge appointed after March 9, 1962, shall serve for a term of ten years or until his successor is appointed and qualifies.

(d) The salary of the chief judge shall be equal to the salary of the chief judge of the District of Columbia Court of General Sessions, and the salary of each associate judge shall be equal to the salary of an associate judge of that court.

(e) Each judge, before entering upon the duties of his office, shall take the oath prescribed for judges of courts of the United States.

§ 11–1503. Administration of court; absence, disability, disqualification, or death of judges

(a) The chief judge of the Juvenile Court shall be responsible for the administration of the court. During the temporary absence or disability of the chief judge, the associate judge of the court designated by the chief judge or acting chief judge of the United States District Court for the District of Columbia shall be responsible for the administration of the court.

(b) Except as provided by subsection (a) of this section, when a judge of the Juvenile Court dies, or is absent, ill, or disabled to serve in any case, the chief judge or acting chief judge of the United States District Court for the District of Columbia shall designate one of the judges of the District of Columbia Court of General Sessions to

serve as a judge of the Juvenile Court until the vacancy is filled or until the removal of such disability, and the return of the regular judge of that court.

§ 11–1504. Terms

The Juvenile Court shall hold a term on the first Monday of every month and continue the term from day to day as long as may be necessary for the transaction of its business.

Subchapter II—Court Officers and Employees

§ 11–1521. Clerk; compensation, bond, oath, and duties

(a) The Juvenile Court shall appoint from the eligible list of the Civil Service Commission, a clerk of the court, and shall fix his compensation in accordance with the Classification Act of 1949, as amended. 63 Stat. 954. 5 USC 1071 note.

(b) The clerk shall give bond, with surety, and take the oath of office prescribed by law for clerks of the United States district courts.

(c) The clerk shall:

(1) keep accurate and complete accounts of moneys collected from persons under the supervision of the probation department, give receipts therefor, and make reports thereon as the chief judge directs; and

(2) perform other duties and keep other records as prescribed by the chief judge.

§ 11–1522. Administration of oaths by clerk

The clerk of the Juvenile Court may administer oaths and affirmations.

§ 11–1523. Director of Social Work; compensation; qualifications; duties

(a) The Juvenile Court shall appoint, from the eligible list of the Civil Service Commission, a Director of Social Work, and shall fix his compensation in accordance with the Classification Act of 1949, as amended. The Director must have the qualifications prescribed by the Civil Service Commission pursuant to the Classification Act of 1949, as amended.

(b) Under the administrative direction of the chief judge, the Director of Social Work shall:

(1) have charge of all the social work of the court; and

(2) in association with other social agencies of the District of Columbia, study sources and causes of delinquency and assist in developing and correlating community-wide plans for the prevention and treatment of delinquency.

§ 11–1524. Supervisor of Probation and other probation officers; compensation; qualifications; duties of Probation Department and officers

(a) The Juvenile Court shall appoint, from eligible lists of the Civil Service Commission, a Supervisor of Probation and such other probation officers as it deems necessary, and shall fix their compensation in accordance with the Classification Act of 1949, as amended. The Supervisor of Probation and probation officers must have the qualifications prescribed by the Civil Service Commission pursuant to the Classification Act of 1949, as amended.

(b) Under the direction of the Director of Social Work, the Supervisor of Probation shall organize, direct, and develop the work of the Probation Department of the court.

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(c) The Probation Department shall:

(1) make such investigations as the court directs;

(2) keep written records of investigations and submit them to a judge of the court or deal with them as he directs;

(3) use all suitable methods to aid persons on probation and bring about improvement in their conduct and condition; and

(4) keep informed concerning the conduct and condition of each person under its supervision and report thereon to the court as it directs, and the Department shall keep full records of its work.

(d) For the purposes of this chapter, probation officers have the powers of police officers, and have such duties as may be assigned to them in the course of performing the functions of the Probation Department.

§ 11–1525. Other court employees

The Juvenile Court shall appoint, from eligible lists of the Civil Service Commission, such other employees of the court as it deems necessary, and shall fix their compensation in accordance with the Classification Act of 1949, as amended. Employees appointed pursuant to this section must have the qualifications prescribed by the Civil Service Commission pursuant to the Classification Act of 1949, as amended.

63 Stat. 954.
5 USC 1071 note.

§11–1526. Rules governing conduct of personnel

The Juvenile Court may issue all necessary orders and writs in aid of its jurisdiction as prescribed by law, and may adopt and publish rules governing its procedure and the conduct of its officers and employees. The rules shall be enforced and construed beneficially for the remedial purposes of this chapter and chapter 23 of Title 16.

Subchapter III—Jurisdiction

§ 11–1551. Jurisdiction of children and minors; retention

(a) Except as herein otherwise provided, the Juvenile Court has original and exclusive jurisdiction of all cases and in proceedings:

(1) concerning a child as defined by section 16–2301:

(A) who has violated a law, or has violated an ordinance or regulation of the District of Columbia;

(B) who is habitually beyond the control of his parent, guardian, or custodian;

(C) who is habitually truant from school or home;

(D) who habitually so deports himself as to injure or endanger himself or the morals or safety of himself or others;

(E) who is abandoned by his parent, guardian, or custodian;

(F) who is homeless or without adequate parental support or care, or whose parent, guardian, or custodian neglects or refuses to provide support and care necessary for his health or welfare;

(G) whose parent, guardian, or custodian neglects or refuses to provide or avail himself of the special care made necessary by his mental condition;

(H) who associates with vagrants, or vicious or immoral persons;

(I) who engages in an occupation, or is in a situation, dangerous to life or limb or injurious to the health or morals of himself or others;

(2) subject to applicable statutes of limitation, concerning a minor 18 years of age or older who is charged with:

(A) having violated any law; or

(B) having violated any ordinance or regulation of the District of Columbia—

prior to his having become 18 years of age; and

(3) to determine the custody or guardianship of the person of a child coming within the provisions of this section and subchapter I of chapter 23 of Title 16; but the provisions of this clause do not deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or when the custody is incidental to the determination of causes pending therein.

(b) When jurisdiction is obtained by the Juvenile Court in the case of a child under 18 years of age at the time of the offense, the child shall continue under the jurisdiction of the court until he becomes 21 years of age unless the court discharges him prior thereto. This subsection does not affect the jurisdiction of other courts over offenses committed by the child after he reaches the age of 18 years.

§ 11–1552. Transfer from other courts

When during the pendency of a criminal or quasi-criminal charge against a person under 21 years of age, in another court, it is ascertained that the person was under the age of 18 years at the time of the alleged offense, the court shall forthwith transfer the case, together with all the papers, documents, and testimony connected therewith, to the Juvenile Court. The court making the transfer shall order the minor to be taken forthwith to the place of detention designated by the Juvenile Court or to that court itself, or release the minor to the custody of a suitable person to appear before the Juvenile Court at a time designated. The Juvenile Court shall thereupon proceed to hear and dispose of the case in the same manner as if it had been instituted in that court in the first instance.

§ 11–1553. Waiver of jurisdiction in case of felony and transfer of case

When a child 16 years of age or over is charged with an offense which if committed by a person 18 years of age or over is a felony, or when a child under 18 years of age is charged with an offense which if committed by a person 18 years of age or over is punishable by death or life imprisonment, a judge may, after full investigation, waive jurisdiction and order the child held for trial under the regular procedure of the court which would have jurisdiction of the offense if committed by a person 18 years of age or over; or the other court may exercise the powers conferred upon the Juvenile Court by this chapter and subchapter I of chapter 23 of Title 16 in conducting and disposing of such cases.

§ 11–1554. Jurisdiction of persons 18 years of age or over

The Juvenile Court has original and exclusive jurisdiction to determine cases of persons 18 years of age or over charged with willfully contributing to, encouraging, or tending to cause by any act or omission, a condition which would bring a child under the age of 18 years within the provisions of section 11–1551.

§ 11–1555. Jurisdiction of paternity proceedings

The Juvenile Court has original and exclusive jurisdiction of proceedings to determine paternity of any child alleged to have been born out of wedlock and to provide for his support in the manner provided by subchapter II of chapter 23 of Title 16.

§ 11–1556. Concurrent jurisdiction of desertion and nonsupport cases

The Juvenile Court has original jurisdiction, concurrently with the United States District Court for the District of Columbia, of all cases arising under sections 22–903 to 22–905, relating to desertion or nonsupport.

34 Stat. 86; 44 Stat. 716.

§ 11–1557. Construction of chapter with respect to other jurisdiction

This chapter does not limit the jurisdiction vested in the Juvenile Court:

(1) by section 31–213, with respect to cases arising under sections 31–201 to 31–212, relating to compulsory school attendance and work permits;

43 Stat. 806.

(2) by section 36–228, with respect to cases arising under sections 36–201 to 36–227, relating to child labor and work permits; or

45 Stat. 998.

(3) by any other provision of law.

Subchapter IV—Miscellaneous Provisions

§ 11–1581. Contempt powers

The Juvenile Court may punish, as a contempt, a willful violation, neglect, or disobedience of any of its orders by a fine not exceeding $200 or imprisonment not exceeding six months, or by both.

§ 11–1582. Administration of oaths and affirmations

The judges or acting judges of the Juvenile Court may administer oaths and affirmations.

§ 11–1583. Duties of Corporation Counsel

(a) The Corporation Counsel of the District of Columbia or any of his assistants shall:

(1) upon request, assist the Juvenile Court in hearings arising under section 11–1551;

(2) institute and prosecute proceedings and cases arising under section 11–1555 and subchapter II of chapter 23 of Title 16, relating to the establishment of paternity and provision for support of children born out of wedlock; and

(3) prosecute cases arising under sections 11–1554 and 11–1556 and the sections specified by section 11–1557, in which a person 18 years of age or over is charged with an offense.

(b) As used in this section, "Corporation Counsel" means the attorney for the District of Columbia, by whatever title the attorney may be known, designated by the Board of Commissioners of the District of Columbia to perform the functions prescribed for the Corporation Counsel in this section.

§ 11–1584. Assistance and co-operation of officers, departments, institutions, and others

Every officer and department of the District of Columbia is required to render all assistance and co-operation within his or its jurisdictional power which may further the objects of this chapter and subchapter I of chapter 23 of Title 16. Institutions or agencies to which the Juvenile Court sends a child are required to give to the court or to any officer appointed by it such information or reports concerning the child as the court or officer requires. The court may seek the co-operation of societies or organizations having for their object the protection or aid of children.

§ 11–1585. Payment of fines, costs, etc., to clerk; deposit; accounting

Fines, penalties, costs, and forfeitures imposed or taxed by the Juvenile Court shall be paid to the clerk of the court, either with or without process, or on process ordered by the court. The clerk of the court shall, on the first secular day of each week, deposit with the Board of Commissioners or its authorized representative the total amount of all fines, penalties, costs, and forfeitures collected by him during the week next preceding the date of the deposit, to be covered into the Treasury to the credit of the District of Columbia. The clerk shall render an itemized statement of each deposit to the Board or its authorized representative.

§ 11–1586. Records; limited inspection; penalties for unlawful disclosure or use

(a) The Juvenile Court shall maintain records of all cases brought before the court pursuant to subchapter I of chapter 23 of Title 16. The records shall be withheld from indiscriminate public inspection but shall be open to inspection only by respondents, their parents or guardians and their duly authorized attorneys, and by the institution or agency to which the respondent under 18 years of age may have been committed pursuant to sections 16–2307 and 16–2308.

Pursuant to rule or special order of the court, other interested persons, institutions, and agencies may inspect the records. As used in this subsection, "records" includes:

(1) notices filed with the court by arresting officers pursuant to section 16–2306;

(2) the docket of the court and entries therein;

(3) the petitions, complaints, informations, motions, and other papers filed in a case;

(4) transcripts of testimony taken in a case tried by the Court;

(5) findings, verdicts, judgments, orders and decrees; and

(6) other writings filed in proceedings before the court, other than social records.

(b) The records or parts thereof made by officers of the court pursuant to sections 11–1525 and 16–2302, referred to in subsection (a) of this section as social records, shall be withheld from indiscriminate public inspection, except that they shall be made available by rule or special order of court to such persons, governmental and private agencies, and institutions as have a legitimate interest in the protection, welfare, treatment, and rehabilitation of the child under 18 years of age, and to any court before which the child may appear. The court may also provide by rule or a judge may provide by special order that any such person or agency may make or receive copies of the records or parts thereof. Persons, agencies, or institutions receiving records or information pursuant to this subsection may not publish or use them for any purpose other than that for which they were received.

(c) Whoever, except for the purposes permitted and in the manner provided by subsections (a) and (b) of this section, discloses, receives, or makes use of, or authorizes, knowingly permits, participates in, or acquiesces in, the use of information concerning a juvenile before the court, directly or indirectly derived from the records, papers, files, or communications of the court, or acquired in the course of official duties, upon conviction thereof, shall be guilty of a misdemeanor, and shall be fined not more than $100 or imprisoned not more than ninety days, or both.

(d) Prosecutions pursuant to subsection (c) of this section shall be brought in the name of the District of Columbia in the District of Columbia Court of General Sessions by the Corporation Counsel or any of his assistants. As used in this subsection, "Corporation Counsel" has the same meaning as that prescribed by section 11–1583(b).

(e) Except on order of the court, the records or proceedings in a case arising under subchapter II of chapter 23 of Title 16 may not be open to inspection by anyone other than the defendant or counsel of record. The court, upon proper showing, may authorize the clerk to furnish certified copies of the records or portions thereof to the defendant, the mother, or custodian of the child, a party in interest, or their duly authorized attorneys. The clerk may furnish certified copies of the records or portions thereof, upon request, to the United States attorney for the District of Columbia for use as evidence in nonsupport proceedings as provided by sections 11–523, 11–1556, 16–2355, and 16–2381 and to the Director of Public Health as provided by section 16–2354(a).

§ 11–1587. Audit of accounts

The Board of Commissioners of the District of Columbia, or its authorized representative, shall audit the accounts of the clerk of the Juvenile Court at the end of every quarter, and in the performance of this duty shall have free access to all books, papers, and records of the court.

§ 11–1588. Court quarters

The Board of Commissioners of the District of Columbia shall provide suitable quarters for the hearing of cases by the Juvenile Court, and for the use of the judges and the probation department and employees of the court.

§ 11–1589. Quarterly reports

The chief judge or the acting chief judge of the Juvenile Court shall submit to the Attorney General of the United States and to the President of the Board of Commissioners of the District of Columbia a detailed quarterly report of the work of the court within thirty days of the end of the quarter, to include the number of juvenile and adult cases heard, the number of juvenile and adult cases calendared, the number of juvenile and adult complaints filed, the number of juvenile cases closed without court hearing, moneys collected for fines and support of legitimate and illegitimate family members, and such other information as may reflect the court's operation and volume of work. A copy of the report shall be kept in the office of the clerk of the court and be subject to public inspection during the regular business hours of the court.

CHAPTER 17—MISCELLANEOUS PROVISIONS RELATING TO COURTS AND JUDGES

Sec.

11–1701. Retirement, resignation, or non-reappointment of judges; recall.

§ 11–1701. Retirement, resignation, and non-reappointment of judges; recall

(a) A judge of the District of Columbia Court of Appeals, the District of Columbia Court of General Sessions, or the Juvenile Court of the District of Columbia who, after having served as a judge of the court for a period or periods aggregating twenty years or more, whether continuously or not, retires, resigns, or fails of reappointment upon the expiration of his term of office, shall receive annually in equal monthly installments, during the remainder

of his life, a sum equal to such proportion of his salary at the date of his retirement, resignation, or failure of reappointment upon the expiration of his term of office as the total of his aggregate years of service bears to the period of thirty years, to be paid in the same manner as his salary. The sum so received by him may not exceed his salary at the date his service ceases.

(b) In computing the years of service pursuant to this section, service in either the Police Court of the District of Columbia or the Municipal Court of the District of Columbia, or the Juvenile Court of the District of Columbia, as constituted prior to July 1, 1942, or the Municipal Court of Appeals for the District of Columbia, or the Municipal Court for the District of Columbia, as constituted prior to January 1, 1963, shall be included whether or not the service is continuous.

(c) A judge receiving retirement salary pursuant to this section may be called upon by the chief judge of the District of Columbia Court of Appeals or the chief judge of the District of Columbia Court of General Sessions to perform such judicial duties as may be requested of him in either of those courts, or in the Juvenile Court of the District of Columbia; but a retired judge shall not be required to render service for more than ninety days in a calendar year after retirement. In case of illness or disability precluding the rendering of service the retired judge shall be fully relieved of service during his illness or disability.

CHAPTER 19—CORONER

Sec.
11–1901. Definition.
11–1902. Inquests; exceptions; jury.
11–1903. Witnesses; attachment; contempt.
11–1904. Testimony reduced to writing in certain cases; recognizances; returns.
11–1905. Monthly reports of inquests; delivery of property.
11–1906. Fees of witnesses and jurors; allowances.

§ 11–1901. Definition

As used in this chapter, "coroner" means the Board of Commissioners of the District of Columbia or the officer or agency designated by the Board to perform the functions prescribed by this chapter.

§ 11–1902. Inquests; exceptions; jury

(a) Except as provided by subsection (b) of this section, the coroner shall hold an inquest over the body of each person found dead in the District when the manner and cause of death is not already known as accidental or in the course of nature.

(b) The coroner may not summon or hold a jury of inquest over the body of a deceased person where it is known that the deceased came to his death by suicide, accident, mischance, or natural causes; except that where it is not known that the deceased came to his death by suicide the coroner may summon a jury.

(c) A coroner's jury shall consist of six persons.

§ 11–1903. Witnesses; attachment; contempt

The coroner may summon witnesses from any part of the District to appear before him for the purpose of giving evidence, and may compel their attendance by attachment. He may punish for disobedience of a lawful order, or for a contempt committed in his presence, by a fine of not more than $50 or imprisonment of not more than 30 days.

§ 11–1904. Testimony reduced to writing in certain cases; recognizances; returns

Upon an inquisition taken before the coroner, where a person is charged with having unlawfully caused the death of the person on whom the inquest is held, the coroner shall:

(1) reduce the testimony of the witnesses to writing; and

(2) if the jury find that murder or manslaughter has been committed on the deceased, require such witnesses as he deems proper to give a recognizance to appear and testify in the United States District Court for the District of Columbia; and

(3) return to the United States District Court the inquisition and testimony and recognizance taken by him.

§ 11–1905. Monthly reports of inquests; delivery of property

The coroner shall:

(1) make a monthly report to the Board of Commissioners of the District of all inquests held by him during the immediately preceding month, with a description as far as may be of the age, sex, color, and nationality of deceased persons and the causes of their death, and with particulars as may be necessary to their identification; and

(2) as soon as possible after holding an inquest, deliver to the property clerk of the Metropolitan Police Department all moneys and other property and effects found upon the person of anyone on whom he holds an inquest.

§ 11–1906. Fees of witnesses and jurors; allowances

Witnesses and jurors lawfully summoned in an inquest shall receive the fees and travel and subsistence allowances as may be fixed, with respect to witnesses, by chapter 119 of Title 28, United States Code, and, with respect to jurors, by section 1871 of Title 28, United States Code.

62 Stat. 950.
28 USC 1821-1825.
71 Stat. 618.

CHAPTER 21—ATTORNEYS

Sec.

11–2101. Admission to bar; regulations; oath.
11–2102. Censure, suspension, or disbarment by District Court for cause.
11–2103. Disbarment by District Court upon conviction of crime.
11–2104. Censure, suspension, or disbarment by other courts.
11–2105. Procedure for censure, suspension, or disbarment.

§ 11–2101. Admission to bar; regulations; oath

The United States District Court for the District of Columbia may make such rules as it deems proper respecting the examination, qualification, and admission of persons to membership in its bar, and their censure, suspension, and expulsion. Every person so admitted, before he is permitted to practice therein, shall take and subscribe the following oath:

"I, ————, do solemnly swear (or affirm) that I will demean myself as a member of the bar of this court uprightly and according to law; and that I will support the Constitution of the United States."

§ 11–2102. Censure, suspension, or disbarment by District Court for cause

The United States District Court for the District of Columbia may censure, suspend from practice, or expel a member of its bar for crime, misdemeanor, fraud, deceit, malpractice, professional misconduct, or conduct prejudicial to the administration of justice. A fraudulent act or misrepresentation by an applicant in connection with his application or admission is sufficient cause for the revocation by the court of his admission.

§ 11–2103. Disbarment by District Court upon conviction of crime

When a member of the bar of the United States District Court for the District of Columbia is convicted of an offense involving moral turpitude, and a duly certified copy of the final judgment of the conviction is presented to the court, the name of the member so convicted may thereupon, by order of the court, be struck from the roll of the members of the bar, and he shall thereafter cease to be a member thereof. Upon appeal from a judgment of conviction, and pending the final determination of the appeal, the court may order the suspension from practice of the convicted member of the bar; and upon a reversal of the conviction, or the granting of a pardon, the court may vacate or modify the order of disbarment or suspension.

§ 11–2104. Censure, suspension, or disbarment by other courts

The District of Columbia Court of Appeals, and the District of Columbia Court of General Sessions, may censure, suspend, or expel an attorney from practice, at their respective bars, for a crime involving moral turpitude, or professional misconduct, or conduct prejudicial to the administration of justice.

§ 11–2105. Procedure for censure, suspension, or disbarment

A member of the bar may not be censured, suspended, nor expelled as provided by section 11–2102 or 11–2104, until written charges, under oath, against him have been presented to the court, stating distinctly the grounds of complaint. The court may order the charges to be filed in the office of the clerk of the court and shall fix a time for hearing thereon. Thereupon a certified copy of the charges and order shall be served upon the member personally by the United States marshal or such other person as the court designates, or if it is established to the satisfaction of the court that personal service can not be had, a certified copy of the charges and order shall be served upon him by mail, publication, or otherwise as the court directs. After the filing of the written charges the court may suspend the person charged from practice at its bar pending the trial thereof.

CHAPTER 23—JURORS AND JURY COMMISSIONERS

Sec.
11–2301. Qualifications of jurors.
11–2302. Exemptions.
11–2303. Jury commission; appointment, qualifications, oath, tenure, compensation, and removal.
11–2304. Record of names; jury box; custody.
11–2305. Selection of jurors.
11–2306. Manner of drawing.
11–2307. Substitution in case of vacancies.
11–2308. Disposition of box after drawing; excuse from further service.
11–2309. Filling vacancies; deficiencies in panel.
11–2310. Talesmen from bystanders.
11–2311. Summoning jurors.
11–2312. Length of service.
11–2313. Fees of jurors; allowances.
11–2314. Marshal to have charge; deputies.

§ 11–2301. Qualifications of jurors

(a) Any citizen of the United States who has attained the age of 21 years and who has resided for a period of one year within the District of Columbia is competent to serve as a grand or petit juror in courts of the District unless he:

(1) has been convicted in a State, territorial, or federal court of record, or court of the District, of a crime punishable by imprisonment for more than one year, and his civil rights have not been restored by pardon or amnesty;

(2) is unable to read, write, speak and understand the English language; or

(3) is incapable by reason of mental or physical infirmities to render efficient jury service.

(b) An otherwise qualified person is not disqualified from jury service by reason of sex, but a woman may not be compelled so to serve.

§ 11–2302. Exemptions

The following persons are exempt from jury service:

(1) members in active service in the armed forces of the United States;

(2) members of the fire and police departments of the United States and of the District of Columbia;

(3) public officers in the executive, legislative, or judicial branch of the Government of the United States or the Government of the District of Columbia who are actively engaged in the performance of official duties;

(4) attorneys-at-law in active practice;

(5) ministers of the gospel and clergymen of every denomination;

(6) physicians and surgeons in active practice;

(7) keepers of charitable institutions created by or under the laws relating to the District of Columbia; and

(8) persons employed on vessels navigating the waters of the District of Columbia.

All other persons, otherwise qualified according to law, whether employed in the service of the Government of the United States or of the District of Columbia, all officers and enlisted men of the National Guard of the District of Columbia, both active and retired, all officers and enlisted men in the reserve components of the armed forces of the United States, all notaries public, all postmasters, and those who are the recipients or beneficiaries of a pension or other gratuity from the Federal or District Government or who have contracts with the United States or the District of Columbia, are qualified to serve as jurors in the District of Columbia and are not exempt from jury service.

§ 11–2303. Jury commission; appointment, qualifications, oath, tenure, compensation, and removal

(a) The jury commission shall continue in the District of Columbia.

(b) The commission consists of three commissioners appointed by the United States District Court for the District of Columbia.

(c) Any person may be appointed a jury commissioner if he:

(1) is a citizen of the United States;

(2) is an actual resident of the District, and has been domiciled therein for at least three years prior to his appointment;

(3) owns real property in the District;

(4) is not engaged in the practice of law; and

(5) at the time of his appointment, is not a party to any cause pending in a court of the District.

A person otherwise qualified is not disqualified from service as a jury commissioner by reason of sex, but a woman may not be compelled so to serve.

(d) Jury commissioners shall be appointed or reappointed for terms of three years each, staggered so that one commissioner will be appointed each year; and they shall continue in office until the appointment and qualification of their successors.

(e) Each jury commissioner shall receive $10 per day for each day or fraction of a day when he is actually engaged in the performance of his duties, not to exceed five days in a month, nor $250 in a year, which shall be paid, upon the commissioner's certificate, by the United States marshal for the District of Columbia.

(f) Each jury commissioner, when appointed, shall take an oath of office prescribed by the District Court.

(g) The District Court may summarily remove a jury commissioner for:

(1) absence, inability, or failure to perform his duties; or

(2) misfeasance or malfeasance in office—

and may appoint another person for the unexpired term.

(h) If a jury commissioner is ill or otherwise unable to perform the duties of his office, or is absent from the District, the remaining two commissioners may perform the duties of the commission.

§ 11–2304. Record of names; jury box; custody

(a) The jury commission shall:

(1) make and preserve a record of the list of names of grand and petit jurors, including the names of commissioners and jurors in condemnation proceedings, for service in all the courts of the District having cognizance of jury trials and condemnation proceedings;

(2) write the names of the jurors, including the names of commissioners and jurors in condemnation proceedings, on separate and similar pieces of paper, which they shall so fold or roll that the names can not be seen, and place them in a jury box to be provided for the purpose;

(3) thereupon seal the jury box, and after thoroughly shaking it, deliver it to the clerk of the United States District Court for the District of Columbia for safekeeping;

(4) have custody and control of the jury box;

(5) keep a sealed record, in alphabetical form, of all names remaining in the jury box from time to time, and deposit the record for safekeeping in the office of the clerk of the District Court when the commission is not in session.

(b) Only the commission may unseal or open the jury box, or have access to the record required by clause (5) of subsection (a) of this section.

§ 11–2305. Selection of jurors

The jury commission shall select the jurors and commissioners specified by section 11–2304, as nearly as may be, from intelligent and upright residents of the District.

§ 11–2306. Manner of drawing

(a) GRAND AND PETIT JURORS FOR DISTRICT COURT. At least ten days before the commencement of each term of the United States District Court for the District of Columbia, at which jury trials are to be had, the jury commission shall:

(1) publicly break the seal of the jury box and draw therefrom, by lot and without previous examination, the names of such number of persons as the court directs to serve as grand and petit jurors in the court; and

(2) forthwith certify to the clerk of the court the names of the persons so drawn as jurors.

If the United States attorney for the District of Columbia certifies in writing to the chief judge of the District Court, or, in his absence, to the presiding judge, that the exigencies of the public service require it, the judge may, in his discretion, order an additional grand jury summoned, which shall be drawn at such time as he designates. Unless sooner discharged by order of the chief judge, or, in his absence, the presiding judge, the additional grand jury shall serve until the end of the term in and for which it is drawn.

(b) NUMBER OF NAMES IN JURY BOX. At the time of each drawing of jurors by the jury commission, there shall be in the jury box the names of not less than six hundred qualified persons.

(c) OTHER COURTS. At least ten days before each term of the District of Columbia Court of General Sessions or of the Juvenile Court of the District of Columbia, at which jury trials are to be had, the jury commission shall:

(1) publicly break the seal of the jury box and draw therefrom, by lot and without examination, the names of persons to serve as petit jurors in those courts; and

(2) forthwith certify to the clerk of the District Court the names of the persons so drawn.

In each drawing of jurors under this subsection, the jury commission shall draw, for service in the Court of General Sessions, such number of names as the court directs, and for service in the Juvenile Court, at least twenty-six names.

Upon receipt of the certification referred to in this subsection, the clerk of the District Court shall certify the names to the Court of General Sessions or the Juvenile Court, as the case may be, for service as jurors for the ensuing term.

(d) The distribution, assignment, reassignment, and attendance of petit jurors in courts of the District shall be in accordance with rules prescribed by the respective courts.

§ 11–2307. Substitution in case of vacancies

When a person whose name is drawn from the jury box is dead or has removed from the District before being selected, or removes therefrom after being selected, or becomes otherwise disqualified or disabled, the jury commission shall destroy the slip containing his name, and shall draw from the box the name of another person to serve in his stead.

§ 11–2308. Disposition of box after drawing; excuse from further service

When the requisite number of jurors has been drawn, the jury commission shall seal the jury box and deliver it to the clerk of the United States District Court for the District of Columbia for safekeeping. Except in the case of persons who are excused from service or for other reasons fail to serve, the names of the persons drawn may not be placed again in the box for one year.

§ 11–2309. Filling vacancies; deficiencies in panel

When persons drawn as grand or petit jurors cannot be found, or prove to be incompetent, or are excused from service by the court for which their names were drawn, the jury commission, under the order of the court, shall draw from the box the names of other persons to take their places, and if, after the organization of the jury, vacancies occur therein, the commission shall fill them in like manner.

§ 11–2310. Talesmen from bystanders

When sufficient petit jurors are not available, the District of Columbia Court of General Sessions and the Juvenile Court have the same powers to require the United States marshal to summon a sufficient number of talesmen from the bystanders as those vested in the District Court by section 1866(a) of Title 28, United States Code.

63 Stat. 103.

§ 11–2311. Summoning jurors

When a petit jury has been drawn for the District of Columbia Court of General Sessions or the Juvenile Court, and the names of the jurors have been certified to the clerk of the court by the clerk of the District Court as provided by section 11–2306(c), the clerk of the former court shall issue summonses for the required number of jurors and deliver them to the United States marshal for the District for service. The marshal or his deputies shall serve each summons

and make return of service in the manner provided by section 1867 of Title 28, United States Code, with respect to summoning jurors for district courts. 71 Stat. 583.

§ 11–2312. Length of service

(a) Petit jurors summoned for service in a court of the District shall serve for such period of time and at such sessions of the court as the court directs, but, unless actually engaged as a trial juror in a particular case, may not be required to serve in the District Court or the District of Columbia Court of General Sessions for more than one month in any twelve consecutive months, or to serve in the Juvenile Court for more than three months in any twelve consecutive months.

(b) Jury service in one court does not exempt, exclude, or disqualify a person from jury service in another court, except during his term of actual service.

(c) This section does not affect the provisions of section 1869 of Title 28, United States Code, relating to frequency of petit jury service in district courts, including the United States District Court for the District of Columbia. 62 Stat. 953.

§ 11–2313. Fees of jurors; allowances

Jurors serving in the District of Columbia Court of General Sessions and the Juvenile Court shall receive the fees fixed by section 1871 of Title 28, United States Code. 71 Stat. 618.

§ 11–2314. Marshal to have charge; deputies

The United States marshal for the District shall have charge of the juries in the District of Columbia Court of General Sessions and the Juvenile Court, and may assign deputies for the purpose. The deputies shall perform such other services as the judges may require.

TITLE 12—RIGHT TO REMEDY

CHAPTER	Sec.
1. ABATEMENT AND REVIVOR	12–101
3. LIMITATION OF ACTIONS	12–301

CHAPTER 1—ABATEMENT AND REVIVOR

Sec.

12–101. Survival of rights of action.
12–102. Substitution of parties.
12–103. Judgment and costs in case of new party.
12–104. Marriage of party.

§ 12–101. Survival of rights of action

On the death of a person in whose favor or against whom a right of action has accrued for any cause prior to his death, the right of action survives in favor of or against the legal representative of the deceased. In tort actions for personal injuries, the right of action is limited to damages for physical injury, excluding pain and suffering resulting therefrom.

§ 12–102. Substitution of parties

The substitution of parties in civil actions in the United States District Court for the District of Columbia and District of Columbia Court of General Sessions is governed by the Federal Rules of Civil Procedure. 28 USC app.

§ 12–103. Judgment and costs in case of new party

In all cases where a new party is made to an action, the costs which accrued before the new party was made to the action shall be taxed as part of the costs in the action, and the judgment rendered shall be the same as if the action had been originally commenced between the

persons who are parties to the action. A defendant who is made a new party to the action may not be burdened with debts, damages, or costs beyond the amount of property or assets that have descended or come to his hands from the deceased.

§ 12–104. Marriage of party

An action does not abate by the marriage of a party. On application of a party the court may, on such terms and notice as it deems proper, allow and order any amendment in the pleadings and the making of any new or additional parties that the marriage may render necessary or proper.

CHAPTER 3—LIMITATION OF ACTIONS

Sec.

12–301. Limitation of time for bringing actions.
12–302. Disability of plaintiff.
12–303. Absence or concealment of defendant.
12–304. Actions stayed by court or statute.
12–305. Actions against decedents' estates.
12–306. Directions as to debts in a will.
12–307. Foreign judgments.
12–308. Actions by the United States.
12–309. Actions against District of Columbia for unliquidated damages; time for notice.

§ 12–301. Limitation of time for bringing actions

Except as otherwise specifically provided by law, actions for the following purposes may not be brought after the expiration of the period specified below from the time the right to maintain the action accrues:

(1) for the recovery of lands, tenements, or hereditaments—15 years;

(2) for the recovery of personal property or damages for its unlawful detention—3 years;

(3) for the recovery of damages for an injury to real or personal property—3 years;

(4) for libel, slander, assault, battery, mayhem, wounding, malicious prosecution, false arrest or false imprisonment—1 year;

(5) for a statutory penalty or forfeiture—1 year;

(6) on an executor's or administrator's bond—5 years; on any other bond or single bill, covenant, or other instrument under seal—12 years;

(7) on a simple contract, express or implied—3 years;

(8) for which a limitation is not otherwise specially prescribed—3 years.

§ 12–302. Disability of plaintiff

(a) Except as provided by subsection (b) of this section, when a person entitled to maintain an action is, at the time the right of action accrues:

(1) under 21 years of age; or
(2) noncompos mentis; or
(3) imprisoned—

he or his proper representative may bring action within the time limited after the disability is removed.

(b) When a person entitled to maintain an action for the recovery of lands, tenements, or hereditaments, or upon an instrument under seal, is under any of the disabilities specified by subsection (a) of this section at the time the right of action accrues, he or his proper representative, except where otherwise specified herein, may bring the action within 5 years after the disability is removed, and not thereafter.

§ 12–303. Absence or concealment of defendant

(a) When a person who is a resident of the District of Columbia is out of the District or has absconded or concealed himself at the time a cause of action accrues against him, the period limited for the bringing of the action does not begin to run until he comes into the District or while he is so absconded or concealed.

(b) When such a person absconds or conceals himself after the cause of action accrues, the time of his absence or concealment may not be computed as a part of the period within which the action must be brought.

§ 12–304. Actions stayed by court or statute

When the bringing of an action is stayed by an injunction or other order of a court of justice, or by statutory prohibition, the time of the stay may not be computed as a part of the period within which the action must be brought.

§ 12–305. Actions against decedents' estates

In an action against the estate of a deceased person, the interval, not exceeding two years, between the death of the deceased and the granting of letters testamentary or of administration may not be computed as a part of the period within which the action must be brought.

§ 12–306. Directions as to debts in a will

A provision in the will of a testator devising his real estate, or part thereof, subject to the payment of his debts, or charging the same therewith, does not prevent the statute of limitations from operating against the debts, unless it plainly appears to be the testator's intention that it shall not so operate.

§ 12–307. Foreign judgments

An action upon a judgment or decree rendered in a State, territory, commonwealth or possession of the United States or in a foreign country is barred if by the laws of that jurisdiction, the action would there be barred and the judgment or decree would be incapable of being otherwise enforced there.

§ 12–308. Actions by the United States

Sections 12–301, 12–302, 12–305, and 12–307 do not apply to an action in which the United States is the real and not merely the nominal plaintiff.

§ 12–309. Actions against District of Columbia for unliquidated damages; time for notice

An action may not be maintained against the District of Columbia for unliquidated damages to person or property unless, within six months after the injury or damage was sustained, the claimant, his agent, or attorney has given notice in writing to the Board of Commissioners of the District of Columbia of the approximate time, place, cause, and circumstances of the injury or damage. A report in writing by the Metropolitan Police Department, in regular course of duty, is a sufficient notice under this section.

TITLE 13—PROCEDURE GENERALLY

CHAPTER	Sec.
1. RULES OF PROCEDURE	13–101
3. PROCESS AND PARTIES	13–301
5. COUNTERCLAIMS	13–501
7. TRIAL	13–701

CHAPTER 1—RULES OF PROCEDURE

Sec.
13–101. Prescription of rules by courts.

§ 13–101. Prescription of rules by courts

(a) The District of Columbia Court of Appeals, the District of Columbia Court of General Sessions, and the Juvenile Court of the District of Columbia, respectively, shall prescribe rules to provide for the forms of process, writs, pleadings, motions, and practice and procedure in those courts, to provide for efficient administration of justice. Except as otherwise provided by this section, the rules, in the case of the District of Columbia Court of Appeals and the civil division of the Court of General Sessions, shall conform as nearly as may be practicable to the forms, practice, and procedure prescribed by the Federal Rules of Civil Procedure, and, in the case of the Juvenile Court, the rules shall be enforced and construed beneficially for the remedial purposes embraced in chapter 15 of Title 11 and subchapter I of chapter 23 of Title 16.

28 USC app.

(b) The judges of the Domestic Relations Branch of the Court of General Sessions, with the approval of the chief judge of the court, shall prescribe, by rules, the forms of process, writs, pleadings, motions, and practice and procedure in that Branch. Except as otherwise specifically provided by the rules prescribed, the applicable rules of the Federal Rules of Civil Procedure shall govern in the Branch.

(c) The Court of General Sessions shall prescribe rules to provide for a simple, inexpensive, and speedy procedure in the Small Claims and Conciliation Branch of that court to effectuate the purposes of chapter 39 of Title 16, and may prescribe, modify, and improve the forms to be used therein, from time to time, to insure the proper administration of justice and to accomplish the purposes of chapter 39 of Title 16.

(d) Rules adopted pursuant to this section by the District of Columbia Court of Appeals, the Court of General Sessions, and the Domestic Relations Branch of the Court of General Sessions may not abridge, enlarge, or modify the substantive rights of a litigant.

CHAPTER 3—PROCESS AND PARTIES

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
13–301. Courts to which applicable.
13–302. Service by marshal.
13–303. Service or execution on Sunday.

SUBCHAPTER II—SERVICE OF PROCESS; LEGAL REPRESENTATIVES

13–331. Service under other laws and rules of court.
13–332. Service on infants; appointment and compensation of guardian and attorney.
13–333. Service on incompetent persons.
13–334. Service on foreign corporations.
13–335. Service by publication on domestic or foreign corporations.
13–336. Service by publication on nonresidents, absent defendants, and unknown heirs or devisees.
13–337. Personal service outside District in lieu of publication.
13–338. Prerequisites for order of publication.
13–339. Form of order of publication.
13–340. Manner of publication; mailing of copy; default; appointment and compensation of guardian and attorney.
13–341. Service by publication on persons unknown to be living or dead and on unknown heirs and devisees.

Subchapter I—General Provisions

§ 13–301. Courts to which applicable

Except as otherwise specifically provided by law or rules of court, this chapter applies in all courts of the District of Columbia, including any branches of the courts.

§ 13–302. Service by marshal

Subject to the provisions of law or rules of court for service by other persons, the United States marshal for the District of Columbia or his deputy shall serve the process of the District of Columbia Court of Appeals, and the District of Columbia Court of General Sessions, including the Domestic Relations Branch thereof.

§ 13–303. Service or execution on Sunday

Except in cases of treason, felony, or breach of the peace, a writ, process, warrant, order, judgment, or decree may not be served or executed, or caused to be served or executed, on Sunday. Any such service or execution is void to all intents and purposes. A person who makes such a service or execution is liable to the aggrieved party to the same extent as if he had done it without a writ, process, warrant, order, judgment, or decree.

Subchapter II—Service of Process; Legal Representatives

§ 13–331. Service under other laws and rules of court

This chapter does not limit or affect the right to serve process in any other manner now or hereafter required or permitted by:

(1) other law, including any other provisions of this Code; or

(2) rule of court.

§ 13–332. Service on infants; appointment and compensation of guardian and attorney

(a) When an infant is a party defendant in an action, the summons and complaint shall be served upon him personally and, when he is under 16 years of age, upon the person with whom he resides, if within the District. The infant shall be produced in court unless, for cause shown, the court dispenses with his appearance. The provisions of rules of court regarding guardians ad litem apply, and whenever in the judgment of the court the interests of an infant defendant require it, the court shall assign an attorney to represent the infant whose compensation shall be paid by the plaintiff, or out of the estate of the infant, at the discretion of the court.

(b) An infant who secretes himself or evades service of process may be proceeded against as if he were a nonresident.

(c) Whoever secretes an infant against whom process has issued, so as to prevent service of the process, or prevents his appearance in court, is liable to attachment and punishment as for contempt.

§ 13–333. Service on incompetent persons.

When a person non compos mentis is a party defendant in an action, process shall be served upon him personally, if within the District, and upon his committee, if there is one within the District.

§ 13–334. Service on foreign corporations

(a) In an action against a foreign corporation doing business in the District, process may be served on the agent of the corporation or person conducting its business, or, when he is absent and can not be found, by leaving a copy at the principal place of business in the District, or, where there is no such place of business, by leaving a copy at the place of business or residence of the agent in the District, and that service is effectual to bring the corporation before the court.

(b) When a foreign corporation transacts business in the District without having a place of business or resident agent therein, service upon any officer or agent or employee of the corporation in the District is effectual as to actions growing out of contracts entered into or to be performed, in whole or in part, in the District of Columbia or growing out of any tort committed in the District.

§ 13–335. Service by publication on domestic or foreign corporations

In an action specified by section 13–336, when process can not be served upon a domestic or foreign corporation, the corporation may be proceeded against as a nonresident defendant, by notice by publication.

§ 13–336. Service by publication on nonresidents, absent defendants, and unknown heirs or devisees

(a) In actions specified by subsection (b) of this section, publication may be substituted for personal service of process upon a defendant who can not be found and who is shown by affidavit to be a nonresident, or to have been absent from the District for at least six months, or against the unknown heirs or devisees of deceased persons.

(b) This section applies only to:

(1) actions for partition;

(2) actions for divorce or annulment;

(3) actions by attachment;

(4) actions for foreclosure of mortgages and deeds of trust;

(5) actions for the establishment of title to real estate by possession;

(6) actions for the enforcement of mechanics' liens, and other liens against real or personal property within the District; and

(7) actions that have for their immediate object the enforcement or establishment of any lawful right, claim, or demand to or against any real or personal property within the jurisdiction of the court.

§ 13–337. Personal service outside District in lieu of publication

(a) In actions specified by section 13–336, personal service of process may be made on a nonresident defendant out of the District, and the service has the same effect, and no other, as an order of publication duly executed.

(b) The service may be made by any person not a party to or otherwise interested in the subject-matter in controversy. The return shall be made under oath in the District of Columbia, unless the person making the service is a sheriff, deputy sheriff, marshal, or deputy marshal, authorized to serve process where service is made. The return must show the time and place of service and that the defendant so served is a nonresident of the District of Columbia.

(c) The cost and expense of such service of process out of the District shall be borne by the party at whose instance it is made and may not be taxed as part of the costs in the case; but where the service of process is made by an authorized officer of the law specified by this section, the actual and usual cost of the service of process shall be taxed as a part of the costs in the case.

§ 13–338. Prerequisites for order of publication

An order for the substitution of publication for personal service may not be made until:

(1) a summons for the defendant has been issued and returned "Not to be found," and

(2) the nonresidence of the defendant or his absence for at least six months is proved by affidavit to the satisfaction of the court.

§ 13–339. Form of order of publication

An order of publication shall be in the following or an equivalent form:

United States District Court for the District of Columbia.

AB, plaintiff,
versus
CD, defendant.
} In ———. No. ———

The object of this action is to (state it briefly).

On motion of the plaintiff, it is this ——— day of ———, A. D. ———, ordered that the defendant cause his appearance to be entered herein on or before the fortieth day, exclusive of Sundays and legal holidays, occurring after the day of the first publication of this order; otherwise the cause will be proceeded with as in cause of default.

———
Judge.

§ 13–340. Manner of publication; mailing of copy; default; appointment and compensation of guardian and attorney

(a) An order of publication shall be published at least once a week for three successive weeks, or oftener, or for such further time as the court orders.

(b) An order, judgment or decree may not be entered against an absent or nonresident defendant upon proof of notice by publication, unless the plaintiff, his agent, or attorney files in the action an affidavit showing that at least twenty days before applying for the order, judgment or decree he mailed, postpaid, a copy of the advertisement, directed to the party therein ordered to appear, at his last known place of residence, or that after diligent effort he has been unable to ascertain the last place of residence of the party.

(c) On failure of the defendant to appear in obedience to the notice within the time stated therein, a judgment or decree by default may be entered.

(d) If the absent or nonresident defendant is an infant, the provisions of the rules of court concerning guardians ad litem and default judgments shall apply, and the court may assign counsel to represent the infant in the manner provided by subsection (a) of section 13–332.

(e) If the absent or nonresident defendant is non compos mentis, the provisions of the rules of court concerning guardians ad litem and default judgments shall apply, and the court shall assign an attorney to represent the defendant, whose compensation shall be paid by the plaintiff, or out of the estate of the defendant, at the discretion of the court.

§ 13–341. Service by publication on persons unknown to be living or dead and on unknown heirs and devisees

(a) When a person would be a proper party to a judicial proceeding if living, and upon allegation under oath and proof satisfactory to the court that it is unknown whether he is living or dead, he may be proceeded against as if he were living, and with like effect, if a representative of or claimant under him does not intervene in the action before final determination thereof, after notice by publication as in the case of nonresident parties.

(b) When a person who would have been a proper party to a judicial proceeding is dead, and it is unknown whether he died testate or left heirs, or his heirs and devisees are unknown, the unknown persons

may be described as the heirs or devisees of the person who, if living, would be the proper party. Notice shall be given by publication to them according to that description, and the same proceedings shall be had against them as are had against nonresident defendants, except that:

(1) the notice shall be published at least twice a month for such period, not less than three months without good cause shown, as the court orders, and the notice shall require the parties to appear on or before the day fixed in the notice to appear; and

(2) an order, judgment or decree may not be entered against the parties unless the court is satisfied that due diligence has been used to ascertain the unknown heirs.

CHAPTER 5—COUNTERCLAIMS

Sec.

13–501. Counterclaim by way of set-off as an action by defendant.
13–502. Effect of assignment.
13–503. Action against principal and sureties.
13–504. Action by trustee.
13–505. Action by or against executor or administrator.

§ 13–501. Counterclaim by way of set-off as an action by defendant

In a civil action, a defendant who files a counterclaim by way of set-off shall be deemed to have brought an action at the time of filing the counterclaim for the matters mentioned therein.

§ 13–502. Effect of assignment

When cross-demands have existed between persons under such circumstances that if one had brought an action against the other a counterclaim could have been pleaded, neither can be deprived of the benefit thereof by an assignment by the other; but in an action by the assignee of a nonnegotiable debt the defendant may set off by counterclaim any indebtedness to him of the assignor, existing before notice of the assignment, as well as any indebtedness to him of the plaintiff.

§ 13–503. Action against principal and sureties

In an action against principal and sureties, an indebtedness of the plaintiff to the principal may be set off by counterclaim as if he were the sole defendant. When the indebtedness so set off exceeds the plaintiff's demand, the judgment for the excess shall be in favor of the defendant who is sued as principal.

§ 13–504. Action by trustee

When the plaintiff in a civil action is trustee for another, or has no actual interest in the contract on which the action is founded, a demand against the plaintiff may not be pleaded by way of counterclaim, but a demand against the person whom he represents or for whose benefit the action is brought may be pleaded.

§ 13–505. Action by or against executor or administrator

In an action against an executor or administrator, in his representative capacity, the defendant may plead, by way of counterclaim, a demand belonging to the decedent where he would have been entitled to rely upon the demand in an action against him; and in an action brought by an executor or administrator, in his representative capacity, a demand against the decedent, belonging at the time of his death to the defendant, may be pleaded by way of counterclaim, as if the action had been brought by the decedent in his lifetime.

CHAPTER 7—TRIAL

Sec.
13–701. Special juries in District Court.
13–702. Jury trials in civil cases in Court of General Sessions.

§ 13–701. Special juries in District Court

(a) In a case, civil or criminal, called for trial in the United States District Court for the District of Columbia, in which either party desires a special or struck jury, the clerk shall prepare a list of twenty jurors from the jurors in attendance and furnish the list to each of the parties. Each party or his counsel may strike off the names of four persons from the list, and the persons whose names remain on the list shall thereupon be impaneled and sworn as the petit jury in the case. If either party or his counsel neglects or refuses to strike from the list the number of names authorized by this subsection, the clerk may strike off the names, and the twelve persons whose names remain on the list shall be impaneled as the petit jury in the case.

(b) If the proceeding authorized by subsection (a) of this section is not insisted upon by either party, either party may furnish to the clerk a list of the jurors, not exceeding four in number, whom he wishes to be omitted from the panel sworn in the case, and the clerk, in making up the panel, shall omit the jurors to whom objection was so made.

(c) This section does not deprive a person of the right to challenge the array or polls of a panel returned, or to have all or any of the jurors examined on their voir dire before the list is prepared to determine their competency to sit in a particular case.

§ 13–702. Jury trials in civil cases in Court of General Sessions

When the amount in controversy in a civil action pending in the District of Columbia Court of General Sessions exceeds $20, and in all actions for the recovery of possession of real property, either party shall be entitled to a trial by jury, if he demands it in the manner provided by rules of the court. In such a case tried by jury, the trial judge shall conduct the jury trial and according to the practice and procedure in the United States District Court for the District of Columbia, and has the same power to instruct juries, set aside verdicts, arrest judgments, and grant new trials as judges of that court.

TITLE 14—PROOF

CHAPTER Sec.
1. EVIDENCE GENERALLY; DEPOSITIONS 14–101
3. COMPETENCY OF WITNESSES 14–301
5. DOCUMENTARY EVIDENCE 14–501
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CHAPTER 1—EVIDENCE GENERALLY; DEPOSITIONS

Sec.
14–101. Evidence under oath; affirmation in lieu of oath; perjury.
14–102. Impeachment of own witness; surprise.
14–103. Depositions for use in State and Territorial Courts.
14–104. Testimony of nonresident witnesses for use in Court of General Sessions.

§ 14–101. Evidence under oath; affirmation in lieu of oath; perjury

(a) All evidence shall be given under oath according to the forms of the common law.

(b) A witness who has conscientious scruples against taking an oath, may, in lieu thereof, solemnly, sincerely, and truly declare and affirm. Where an application, statement, or declaration is required to be supported or verified by an oath, the affirmation is the equivalent of an oath.

(c) Whoever swears, affirms, declares, or gives testimony in any form, where an oath is authorized by law, is lawfully sworn, and is guilty of perjury in a case where he would be guilty of that crime if sworn according to the forms of the common law.

§ 14–102. Impeachment of own witness; surprise

When the court is satisfied that the party producing a witness has been taken by surprise by the testimony of the witness, it may allow the party to prove, for the purpose only of affecting the credibility of the witness, that the witness has made to the party or to his attorney statements substantially variant from his sworn testimony about material facts in the cause. Before such proof is given, the circumstances of the supposed statement sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he made the statements and if so allowed to explain them.

§ 14–103. Depositions for use in State and Territorial Courts

When a commission is issued or notice given to take the testimony of a witness found within the District of Columbia, to be used in an action pending in a court of a State, territory, commonwealth, possession, or place under the jurisdiction of the United States, the testimony may be taken by leave of a judge of the United States District Court in like manner and with like effect as other depositions are taken in United States district courts.

§ 14–104. Testimony of nonresident witnesses for use in Court of General Sessions

If the testimony of nonresident witnesses is required by either party to a civil action or proceeding in the District of Columbia Court of General Sessions the Court, upon motion designating the names of the witnesses, may appoint an examiner to take their testimony, to whom it shall issue a commission. The testimony shall be taken on written interrogatories and cross-interrogatories. The written interrogatories must be filed at least three days before the issuance of the commission. The commission shall not issue unless the party or his agent or attorney applying therefor file his affidavit, setting forth that he believes that the testimony of the witnesses is material to the issue in the action or proceeding and that the motion is not made for the purpose of delay.

CHAPTER 3—COMPETENCY OF WITNESSES

Sec.

14–301. Parties and other interested persons generally.
14–302. Testimony against deceased or incapable person.
14–303. Testimony of deceased or incapable person.
14–304. Death or incapacity of partner or other interested person.
14–305. Conviction of crime.
14–306. Husband and wife.
14–307. Physicians.
14–308. Assessment officials as expert witnesses in condemnation proceedings.
14–309. Clergy.

§ 14–301. Parties and other interested persons generally

Except as otherwise provided by law, a person is not incompetent to testify in a civil action or proceeding by reason of his being a party thereto or interested in the result thereof. If otherwise competent to testify, he is competent to give evidence on his own behalf and competent and compellable to give evidence on behalf of any other party to the action or proceeding.

§ 14–302. Testimony against deceased or incapable person

(a) In a civil action against:

(1) a person who, from any cause, is legally incapable of testifying, or

(2) the committee, trustee, executor, administrator, heir, legatee, devisee, assignee, or other representative of a deceased person or of a person so incapable of testifying,

a judgment or decree may not be rendered in favor of the plaintiff founded on the uncorroborated testimony of the plaintiff or of the agent, servant, or employee of the plaintiff as to any transaction with, or action, declaration or admission of, the deceased or incapable person.

(b) In an action specified by subsection (a) of this section, if the plaintiff or his agent, servant, or employee, testifies as to any transaction with, or action, declaration, or admission of, the deceased or incapable person, an entry, memorandum, or declaration, oral or written, by the deceased or incapable person, made while he was capable and upon his personal knowledge, may not be excluded as hearsay.

§ 14–303. Testimony of deceased or incapable person

When a party, after having testified at a time while he was competent to do so, dies or becomes incapable of testifying, his testimony may be given in evidence in any trial or hearing in relation to the same subject-matter between the same parties or their legal representatives, as the case may be; and in such a case the opposite party may testify in opposition thereto.

§ 14–304. Death or incapacity of partner or other interested person

Where any of the original parties to a contract or transaction which is the subject of investigation are partners or other joint contractors, or jointly entitled or liable, and some of them have died or become incapable of testifying, any others with whom the contract or transaction was personally made or had, or in whose presence or with whose privity it was made or had, or admissions in relation to the same were made, are not, nor is the adverse party, incompetent to testify because some of the parties or joint contractors, or those jointly entitled or liable, have died or become incapable of testifying.

§ 14–305. Conviction of crime

A person is not incompetent to testify, in either civil or criminal proceedings, by reason of his having been convicted of crime. The fact of conviction may be given in evidence to affect his credibility as a witness, either upon the cross-examination of the witness or by evidence aliunde; and the party cross-examining him is not bound by his answers as to such matters. To prove the conviction of crime the certificate, under seal, of the clerk of the court wherein proceedings containing the conviction were had, stating the fact of the conviction and for what cause, is sufficient.

§ 14–306. Husband and wife

(a) In civil and criminal proceedings, a husband or his wife is competent but not compellable to testify for or against the other.

(b) In civil and criminal proceedings, a husband or his wife is not competent to testify as to any confidential communications made by one to the other during the marriage.

§ 14–307. Physicians

(a) In the courts of the District of Columbia a physician or surgeon may not be permitted, without the consent of the person afflicted, or of his legal representative, to disclose any information, confidential

in its nature, that he has acquired in attending a patient in a professional capacity and that was necessary to enable him to act in that capacity, whether the information was obtained from the patient or from his family or from the person or persons in charge of him.

(b) This section does not apply to:

(1) evidence in criminal cases where the accused is charged with causing the death of, or inflicting injuries upon, a human being, and the disclosure is required in the interests of public justice; or

(2) evidence relating to the mental competency or sanity of an accused in criminal trials where the accused raises the defense of insanity, or in the pretrial or posttrial proceedings involving a criminal case where a question arises concerning the mental condition of an accused or convicted person.

§ 14–308. Assessment officials as expert witnesses in condemnation proceedings

In an action for the condemnation of lands, an official or other employee of the District, charged with the duty of appraising real property for assessment purposes, is not disqualified, by reason of the fact that he is so employed, from testifying as an expert witness to the market value of lands, and as to benefits.

§ 14–309. Clergy

A priest, clergyman, rabbi, or other duly licensed, ordained, or consecrated minister of a religion authorized to perform a marriage ceremony in the District of Columbia or duly accredited practitioner of Christian Science may not be examined in any civil or criminal proceedings in the courts of the District of Columbia with respect to any—

(1) confession, or communication, made to him, in his professional capacity in the course of discipline enjoined by the church or other religious body to which he belongs, without the consent of the person making the confession or communication; or

(2) communication made to him, in his professional capacity in the course of giving religious or spiritual advice, without the consent of the person seeking the advice; or

(3) communication made to him, in his professional capacity, by either spouse, in connection with an effort to reconcile estranged spouses, without the consent of the spouse making the communication.

CHAPTER 5—DOCUMENTARY EVIDENCE

Sec.

14–501. Proof of record.
14–502. Records of deeds, instruments, and wills.
14–503. Record of will as prima facie evidence of contents and execution.
14–504. Force in District of Columbia of wills probated elsewhere.
14–505. Municipal ordinances and regulations.
14–506. Certified mail return receipts as prima facie evidence of delivery.
14–507. Other methods of proof.

§ 14–501. Proof of record

An exemplification of a record under the hand of the keeper of the record, and the seal of the court or office where the record is made, is good and sufficient evidence to prove a record made or entered in any State, territory, commonwealth or possession of the United States. The certificate of the person purporting to be the keeper of the record, accompanied by the seal, is prima facie evidence of that fact.

§ 14–502. Records of deeds, instruments, and wills

Under the hand of the keeper of a record and the seal of the court or office in which the record was made:

(1) a copy of the record of a deed, or other written instrument not of a testamentary character, where the laws of the State, territory, commonwealth, possession or country where it was recorded require such a record, and that has been recorded agreeably to those laws; and

(2) a copy of a will that the laws require to be admitted to probate and record by judicial decree, and of the decree of the court admitting the will to probate and record—

are good and sufficient prima facie evidence to prove the existence and contents of the deed, will, or other written instrument, and that it was executed as it purports to have been executed.

§ 14–503. Record of will as prima facie evidence of contents and execution

A record of a will or codicil recorded in the office of the Register of Wills of the District of Columbia, that has been admitted to probate by the United States District Court for the District of Columbia, or by the former orphans' court of the District, or a record of the transcript of the record and probate of a will or codicil elsewhere, or of a certified copy thereof filed in the office of the Register of Wills, is prima facie evidence of the contents and due execution of the will or codicil.

§ 14–504. Force in District of Columbia of wills probated elsewhere

A record in the office of the Register of Wills for the District of Columbia of a duly certified copy, or transcript of the record of proceedings, admitting a will or codicil to probate outside of the District of Columbia; and a record in that office of a will or codicil admitted to probate in the District before June 8, 1898, and not annulled or declared void according to law prior to June 8, 1898, shall be deemed and held as of the same force and effect as if the will or codicil had been duly proved and admitted to probate and record pursuant to sections 19–301 to 19–303.

31 Stat. 1212; 63 Stat. 267.

§ 14–505. Municipal ordinances and regulations

Municipal ordinances and regulations in force in the District of Columbia may be proved by producing in evidence a copy thereof certified by the secretary or an assistant secretary of the Board of Commissioners; and the certified copy is prima facie evidence of the due adoption and promulgation of the ordinances and regulations.

§ 14–506. Certified mail return receipts as prima facie evidence of delivery

Return receipts for the delivery of certified mail which is utilized under any provision of law shall be received in the courts as prima facie evidence of delivery to the same extent as return receipts for registered mail.

§ 14–507. Other methods of proof

This chapter does not prevent the proof of records or other documents by any method authorized by other laws or rules of court.

CHAPTER 7—ABSENCE FOR SEVEN YEARS

Sec.

14–701. Presumption of death.
14–702. Person presumed dead found living.

§ 14–701. Presumption of death

If a person leaves his domicile without a known intention of changing it, and does not return or is not heard from for seven years from the time of his so leaving, he shall be presumed to be dead in any case where his death is in question, unless proof is made that he was alive within that time.

§ 14–702. Person presumed dead found living

If the person presumed to be dead pursuant to section 14–701 is found to be living, a person injured by the presumption shall be restored to the rights of which he was deprived by reason of the presumption.

TITLE 15—JUDGMENTS AND EXECUTIONS; FEES AND COSTS

CHAPTER	Sec.
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CHAPTER 1—JUDGMENTS AND DECREES

SUBCHAPTER I—GENERALLY

Sec.
15–101. Enforceable period of judgments; expiration.
15–102. Lien of judgment, decree, or forfeited recognizance.
15–103. Effect of revival.
15–104. Priority of liens.
15–105. Decree confirming sale of property; effect; ordering conveyance.
15–106. Judgment and damages assessed in actions on bonds or penal sums.
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SUBCHAPTER II—COURT OF GENERAL SESSIONS

15–131. Judgments and executions generally; interest.
15–132. Enforceable period of judgments; effect of docketing in District Court; Domestic Relations Branch.
15–133. Satisfaction of judgment; recordation.

Subchapter I—Generally

§ 15–101. Enforceable period of judgments; expiration

(a) Except as provided by subsection (b) of this section, every final judgment or final decree for the payment of money rendered in the:

(1) United States District Court for the District of Columbia; or

(2) civil division of the District of Columbia Court of General Sessions, when certified to and docketed in the clerk's office of the District Court—

is enforceable, by an execution issued thereon, for the period of twelve years only from the date when an execution might first be issued thereon, or from the date of the last order of revival thereof. The time during which the judgment creditor is stayed from enforcing the judgment, by written agreement filed in the case, or other order, or by the operation of an appeal, may not be computed as a part of the period within which the judgment is enforceable by execution.

(b) At the expiration of the twelve-year period provided by subsection (a) of this section, the judgment or decree shall cease to have any operation or effect. Thereafter, except in the case of a proceeding that may be then pending for the enforcement of the judgment or decree, action may not be brought on it, nor may it be revived, and execution may not issue on it.

§ 15–102. Lien of judgment, decree, or forfeited recognizance

(a) Every:

(1) final judgment or unconditional final decree for the payment of money, from the date when it is rendered;

(2) judgment or decree rendered in the civil division of the District of Columbia Court of General Sessions, when docketed in the clerk's office of the United States District Court for the District of Columbia; and

(3) recognizance taken by the United States District Court for the District of Columbia, or judge thereof, from the time when it is declared forfeited—

is a lien on all the freehold and leasehold estates, legal and equitable, of the defendants bound by the judgment, decree, or recognizance, in any land, tenements, or hereditaments in the District of Columbia, whether the estates are in possession or are reversions or remainders, vested or contingent.

(b) A recognizance taken in the criminal division of the Court of General Sessions, after being forfeited, may be transmitted to the clerk's office of the District Court and docketed therein in the same manner as judgments rendered in the civil division of that court, with the same effect as if taken in the District Court.

(c) Liens created as provided by this section continue as long as the judgment, decree, or recognizance is in force or until it is satisfied or discharged.

§ 15–103. Effect of revival

An order of revival issued upon a judgment or decree during the period of twelve years from the rendition or from the date of an order reviving the judgment or decree, extends the effect and operation of the judgment or decree with the lien thereby created and all the remedies for its enforcement for the period of twelve years from the date of the order.

§ 15–104. Priority of liens

The lien of a mortgage or deed of trust upon real property, given by the purchaser to secure the payment of the whole or any part of the purchase-money, is superior to that of a previous judgment or decree against the purchaser.

§ 15–105. Decree confirming sale of property; effect; ordering conveyance

A decree confirming the sale of real or personal property sold pursuant to a decree, divests the right, title, or interest sold out of the former owner, party to the action, and vests it in the purchaser, without any conveyance by the officer or agent of the court conducting the sale. The decree constitutes notice to all persons of the transfer of title when a copy thereof is registered among the land-records of the District. In particular cases, the court may order its officer or agent to make a conveyance, if that mode is deemed preferable.

§ 15–106. Judgment and damages assessed in actions on bonds or penal sums

(a) In a civil action on a bond or on a penal sum for the nonperformance of covenants or agreements contained in an indenture, deed, or writing, the plaintiff may assign as many breaches as he chooses. Damages shall be assessed for such breaches as he proves and judgment rendered for the whole penalty, but execution shall issue for as much only as is found in damages, with costs.

(b) In an action brought under subsection (a) of this section, upon judgment for the plaintiff on motion, default, or confession, the plaintiff may assign as many breaches as he chooses, the truth

of which shall be determined. The damages shall be assessed and execution shall issue for such damages only, with costs.

(c) Payment into court, after entry of judgment and prior to the issuance of execution, of the amount of the damages and costs assessed, for the use of the plaintiff or his representatives, stays execution, and the stay shall be entered on the record. Payment to the plaintiff or his representatives, after execution, of the amount of the damages and costs assessed, together with all fees and other reasonable costs of execution, forthwith discharges the defendant's real and personal property from execution, and the discharge shall be entered on the record. However, the judgment shall remain as a security to the plaintiff or his representatives for any other breaches which he or they afterwards prove. From time to time, the plaintiff may, by motion and hearing, with reasonable notice to the defendant, assign other breaches, and damages shall be assessed for such breaches as he proves, with costs. Payment into court, before execution, or to the plaintiff or his representative, after execution, as herein described, has the same effect as hereinbefore directed.

(d) In proceedings under this section, the right of trial by jury, as to issues of fact and the amount of damages to be assessed, is preserved.

31 Stat. 1265. 62 Stat. 953.

(e) This section is subject to section 28–2405 of this Code and to section 1874 of Title 28, United States Code.

§ 15–107. Setting off judgments

Where reciprocal claims between different parties have passed into judgments the court, on motion, may order that the judgments be set off against each other and satisfaction of both be entered to the amount of the smaller claim.

Subchapter II—Court of General Sessions

§ 15–131. Judgments and executions generally; interest

In civil cases within its jurisdiction, the District of Columbia Court of General Sessions may try, hear, and determine the matter in controversy between the parties upon their allegations and proofs, and give judgment according to law; and judgments for money rendered by it bear interest from their date until paid or satisfied, unless by the terms of the judgment interest runs from an earlier date. The court may issue writs of execution in cases in which it may render judgment.

§ 15–132. Enforceable period of judgments; effect of docketing in District Court; Domestic Relations Branch

(a) A judgment entered by the District of Columbia Court of General Sessions shall remain in force for only six years, unless it is docketed in the office of the clerk of the United States District Court for the District of Columbia. Upon being so docketed, the judgment has the same force and effect for all purposes as if it were a judgment of the District Court, and, until it is so docketed, it does not become a lien upon any real property in the District. The clerk of the District Court shall charge a fee of 50 cents for docketing the judgment.

(b) A judgment of the Domestic Relations Branch of the Court of General Sessions has the same legal status as a lien upon real property as a judgment of the District Court.

(c) Upon the payment of a fee of 50 cents, the clerk of the Court of General Sessions shall prepare a copy of any judgment of the civil division of the Court, that is in force.

§ 15–133. Satisfaction of judgment; recordation

A judgment of the civil division of the District of Columbia Court of General Sessions, or execution thereon, may not be recorded as satisfied without the receipt of the plaintiff or his attorney annexed thereto.

CHAPTER 3—ENFORCEMENT OF JUDGMENTS AND DECREES

Sec.

15–301. Definition and applicability.
15–302. Period during which writ of execution may issue; returnable period.
15–303. Alias writs.
15–304. Return of writ.
15–305. Issuance of writ after expiration of period.
15–306. Election to move for new judgment in lieu of execution.
15–307. Lien of execution.
15–308. Endorsement, by marshal, of date of receipt of writ.
15–309. Death of judgment debtor after delivery of execution.
15–310. Lien of execution on Court of General Sessions judgment; levy.
15–311. Property subject to levy.
15–312. Levy on money and evidences of debt.
15–313. Levy on equitable interest in chattels pledged.
15–314. Appraisement; notice of sale.
15–315. Death, removal, or disqualification of marshal.
15–316. Subrogation of purchaser after defective sale; no refund.
15–317. Remedy of marshal for erroneous sale made in good faith.
15–318. Remedies of purchaser upon refusal to deliver possession.
15–319. Execution of final decree after death; other appropriate proceedings.
15–320. Enforcement of decrees.
15–321. Enforcement of interlocutory decrees.
15–322. Enforcement of decrees for delivery of chattels.
15–323. Limitation on seizure of real property.

§ 15–301. Definition and applicability

As used in sections 15–302, 15–303, 15–305 to 15–307, 15–309, 15–310, 15–317, and 15–318, "judgment" includes an unconditional decree for the payment of money, and sections 15–302 to 15–318 are applicable to such a decree.

§ 15–302. Period during which writ of execution may issue; returnable period

(a) A writ of execution on a judgment in a civil action may be issued within three years after:

(1) the expiration of any stay of execution agreed to by the parties; or

(2) it first might have been issued under applicable provisions of law or rules of court.

(b) A writ of execution shall be returnable on or before the sixtieth day after its date.

§ 15–303. Alias writs

If a writ of execution is issued and returned unsatisfied, in whole or in part, within the period of three years provided by section 15–302, an alias writ may be issued during the life of the judgment.

§ 15–304. Return of writ

If the return of a writ of execution is not made on or before the return day expressed in the writ it may nevertheless be made afterwards as of that date.

§ 15–305. Issuance of writ after expiration of period

A writ of execution not issued within the time allowed therefor, may not be issued until the judgment has been revived. The same rule applies to the order of revival in relation to the issuance of a writ of execution as to the original judgment.

§ 15–306. Election to move for new judgment in lieu of execution

During the life of the original judgment the plaintiff, instead of issuing execution thereon within the time allowed therefor, may elect to obtain a new judgment by motion and hearing as provided by rules of court.

§ 15–307. Lien of execution

A writ of fieri facias issued upon a judgment of the United States District Court for the District of Columbia is a lien from the time of its delivery to the marshal upon all the goods and chattels of the judgment defendant, except those that are exempted from levy and sale by express provision of law, and is also a lien upon the equitable interest of the judgment defendant in goods and chattels in his possession.

§ 15–308. Endorsement, by marshal, of date of receipt of writ

Upon the receipt of any writ of fieri facias or other writ of execution, the marshal or his deputy shall, without fee, endorse upon the back of the writ the day of the month and year when he received it.

§ 15–309. Death of judgment debtor after delivery of execution

The death of the judgment debtor after the execution issued on the judgment has been delivered to the marshal does not affect his authority to proceed against the property bound by it.

§ 15–310. Lien of execution on Court of General Sessions judgment; levy

An execution issued on a judgment of the District of Columbia Court of General Sessions is not a lien on the personal property of the judgment debtor except from the time when it is actually levied, and then it has priority over any execution issued out of the United States District Court for the District of Columbia after the levy. It may not be levied on real estate.

§ 15–311. Property subject to levy

The writ of fieri facias may be levied on all goods and chattels of the debtor not exempt from execution, and upon money, bills, checks, promissory notes, or bonds, or certificates of stock in corporations owned by the debtor, and upon his money in the hands of the marshal or his deputy or other officer or person charged with the execution of the writ. A writ of fieri facias issued from the United States District Court for the District of Columbia may be levied on all legal leasehold and freehold estates of the debtor in land.

§ 15–312. Levy on money and evidences of debt

When the fieri facias is levied on money belonging to the judgment debtor the marshal may not expose the money to sale, but shall account for it as money collected. Bills or other evidences of debt levied upon shall be sold as other personal property is sold, and the marshal may indorse them to pass title to the purchaser.

§ 15–313. Levy on equitable interest in chattels pledged

The interest of the debtor in personal chattels lawfully pledged for the payment of a debt or performance of a contract, or held by a trustee, and in which the debtor's interest is only equitable, may be levied upon in the hands of the pledgee or trustee without disturbing the possession of the latter, and the lien thus obtained may be enforced by civil action. In other cases of equitable interest of the judgment debtor in personal chattels execution may also be levied thereon and the lien thus obtained may be enforced by civil action.

§ 15–314. Appraisement; notice of sale

Where not herein otherwise provided, all property levied upon, except money, shall be appraised by two sworn appraisers and sold at public auction for cash.

Personal property may be sold after ten days' notice by advertisement, containing a description sufficiently definite to be embodied in a conveyance of title.

Leasehold and freehold estates in land may be sold after notice has been made in the manner provided by section 2002 of Title 28, United States Code. 62 Stat. 959.

§ 15–315. Death, removal, or disqualification of marshal

When the marshal dies, or is removed from office, or becomes otherwise disqualified from executing a writ of execution received by him, the writ may be executed and returned by his deputy or successor in office.

§ 15–316. Subrogation of purchaser after defective sale; no refund

When, upon the sale of property under execution, the title of the purchaser is invalid by reason of a defect in the proceedings, the purchaser may be subrogated to the rights of the creditor against the debtor to the extent of the money paid by him and applied to the debtor's benefit, and to that extent has a lien on the property sold against all persons except bona fide purchasers without notice; but the creditor may not be required to refund the purchase money on account of the invalidity of the sale.

§ 15–317. Remedy of marshal for erroneous sale made in good faith

When the marshal or any other officer to whom execution has been delivered levies upon and sells in good faith property not subject thereto and applies the proceeds thereof toward the satisfaction of the judgment, and a recovery is had against him for its value, the officer, on payment of the value, may, on motion and due notice thereof to the defendant, have the satisfaction of the judgment vacated, and execution shall issue thereon for his use as if the levy and sale had not been made.

§ 15–318. Remedies of purchaser upon refusal to deliver possession

When real property is sold by virtue of an execution, and the judgment debtor or a person claiming under him since the rendition of the judgment is in actual possession of the property and refuses to deliver possession thereof to the purchaser upon demand made therefor, the court, on the application of the purchaser, may:

(1) require the person so in possession to show cause why possession should not be delivered according to the demand; and

(2) if good cause is not shown, issue a writ of habere facias possessionem, requiring the marshal to put the purchaser in possession.

If the party in possession alleges under oath a title derived from the judgment debtor prior to the judgment or a title superior to that of the defendant, the writ may not issue, but the purchaser may have his remedy by an action of ejectment or the summary remedy in the District of Columbia Court of General Sessions provided for in sections 16–1501 to 16–1505.

§ 15–319. Execution of final decree after death; other appropriate proceedings

When a party to an action dies after final decree, the court may order execution of the decree as if death had not occurred, or the court, after motion and hearing, may order the decree revived against

the proper representatives of the deceased party, or make such other order or direct such other proceedings as seems best calculated to advance the purposes of justice. The heir or other proper representative may appear at any time before execution of the decree and be admitted as a party to the action, on such terms as the court prescribes, and such further proceeding may be had as may be appropriate to the merits of the cause.

§ 15–320. Enforcement of decrees

(a) For the purpose of executing a decree, or compelling obedience to it, the United States District Court for the District of Columbia or the District of Columbia Court of General Sessions, in addition to the other procedures provided for by this chapter and chapter 5 of Title 16, may:

(1) issue an attachment against the person of the defendant;

(2) order an immediate sequestration of his real and personal estate, or such part thereof as may be necessary to satisfy the decree; or

(3) by order and injunction, cause the possession of the estate and effects whereof the possession or a sale is decreed to be delivered to the complainant, or otherwise, according to the tenor and import of the decree and as the nature of the case requires.

In case of sequestration, the court may order payment and satisfaction to be made out of the estate and effects so sequestrated, according to the true intent and meaning of the decree.

(b) When a defendant is arrested and brought into court upon any process of contempt issued to compel the performance of a decree, the court may, upon motion, order:

(1) the defendant to stand committed; or

(2) his estates and effects to be sequestrated and payment made, as directed by subsection (a) of this section; or

(3) possession of his estate and effects to be delivered by order and injunction, as directed by subsection (a) of this section—

until the decree or order is fully performed and executed, according to the tenor and true meaning thereof, and the contempt cleared.

(c) Where a decree only directs the payment of money, the defendant may not be imprisoned except in those cases especially provided for.

§ 15–321. Enforcement of interlocutory decrees

An interlocutory order may be enforced by such process as might be had upon a final judgment or decree to the like effect, and the payment of costs adjudged to a party may be enforced in like manner.

§ 15–322. Enforcement of decrees for delivery of chattels

In addition to the procedures for enforcement of judgments or decrees otherwise provided for, an order or decree for the delivery of chattels may be enforced by the same writs as are used in the action of replevin at common law.

§ 15–323. Limitation on seizure of real property

Real property or rent shall not be seized for a debt, as long as the present goods and chattels of the debtor are sufficient to pay it, and the debtor himself is ready to satisfy the debt.

CHAPTER 5—EXEMPTIONS AND TRIAL OF RIGHT TO SEIZED PROPERTY

SUBCHAPTER I—EXEMPTIONS

Sec.

15–501. Exempt property of householder; property in transitu; debt for wages.
15–502. Mortgage or other instrument affecting exempt property.
15–503. Earnings and other income; wearing apparel and tools of certain persons.

SUBCHAPTER II—TRIAL OF RIGHT TO PROPERTY SEIZED ON PROCESS OF COURT OF GENERAL SESSIONS

15–521. Notice of claim or exemption; trial.
15–522. Docketing of claim; manner of trial.
15–523. Judgment.
15–524. Replevin against officer.

Subchapter I—Exemptions

§ 15–501. Exempt property of householder, property in transitu; debt for wages

(a) The following property of the head of a family or householder residing in the District of Columbia, or of a person who earns the major portion of his livelihood in the District of Columbia, being the head of a family or householder, regardless of his place of residence, is free and exempt from distraint, attachment, levy, or seizure and sale on execution or decree of any court in the District of Columbia:

(1) all wearing apparel provided for all persons within the household, being members of the immediate family of the household, not exceeding $300 per person in value;

(2) all beds, bedding, household furniture and furnishings, sewing machines, radios, stoves, cooking utensils, not exceeding $300 in value;

(3) provisions for three months' support, whether provided or growing;

(4) fuel for three months;

(5) mechanics' tools and implements of the debtor's trade or business amounting to $200 in value, with $200 worth of stock or materials for carrying on the business or trade of the debtor;

(6) the library, office furniture, and implements of a professional man or artist, not exceeding $300 in value;

(7) one horse or mule; one cart, wagon, or dray and harness, or one automobile or motor-controlled vehicle not exceeding $500 in value if used principally by the debtor in his trade or business; and

(8) all family pictures; and all the family library, not exceeding $400 in value.

The exemption provided for by clause (5) of this subsection also applies to merchants.

(b) The exemptions provided for by subsection (a) of this section are valid when the property is in transitu the same as if at rest; but property named and exempted in this section is not exempt from attachment or execution for a debt due for the wages of servants, common laborers, or clerks, except the wearing apparel, beds, and bedding and household furniture for the debtor and family.

(c) For the purpose of this section, the person who is the principal provider for the family is the head thereof.

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§ 15–502. Mortgage or other instrument affecting exempt property

A mortgage, deed of trust, assignment for the benefit of creditors, or bill of sale upon exempted articles is not binding or valid unless it is signed by the wife of a debtor who is married and living with his wife.

§ 15–503. Earnings and other income; wearing apparel and tools of certain persons

(a) The earnings (other than wages, as defined in subchapter III of chapter 5 of Title 16), insurance, annuities, or pension or retirement payments, not otherwise exempted, not to exceed $200 each month, of a person residing in the District of Columbia, or of a person who earns the major portions of his livelihood in the District of Columbia, regardless of place of residence, who provides the principal support of a family, for two months next preceding the issuing of any writ or process against him, from any court or officer of and in the District, are exempt from attachment, levy, seizure, or sale upon the process, and may not be seized, levied on, taken, reached, or sold by process or proceedings of any court, judge, or other officer of and in the District. Where husband and wife are living together, the aggregate of the earnings, insurance, annuities, and pension or retirement payments of the husband and wife is the amount which shall be determinative of the exemption of either in cases arising ex contractu.

(b) The earnings (other than wages, as defined in subchapter III of chapter 5 of Title 16), insurance, annuities, or pension or retirement payments, not otherwise exempt, not to exceed $60 each month for two months preceding the date of attachment of persons residing in the District of Columbia, or of persons who earn the major portions of their livelihood in the District of Columbia, regardless of place of residence, who do not provide for the support of a family, are entitled to like exemption from attachment, levy, seizure, or sale. All wearing apparel belonging to such persons, not exceeding $300 in value, and mechanic's tools not exceeding $200 in value, are also exempt.

(c) A notice of claim of exemption, or motion to quash attachment or other process against exempt property or money, may be filed in the office of the clerk of the court either by the debtor, his spouse, or a garnishee. Thereupon, the court, after due notice, shall promptly act upon the notice, motion, or other claim of exemption.

Subchapter II—Trial of Right to Property Seized on Process of Court of General Sessions

§ 15–521. Notice of claim or exemption; trial

When personal property taken on execution or other process issued by the District of Columbia Court of General Sessions is claimed by a person other than the defendant therein, or is claimed by the defendant to be property exempt from execution, and the claimant gives written notice to the marshal of his claim, or the defendant gives notice, in writing, that the property is exempt, the marshal shall notify the plaintiff of the claim and return the notice to the court, and a trial of the right of property, or the question of exemption, shall be had before the court.

§ 15–522. Docketing of claim; manner of trial

The case made by the claim referred to in section 15–521 shall be entered on the docket as an action by the claimant or the defendant against the plaintiff and tried in the same manner as other cases before the District of Columbia Court of General Sessions.

§ 15–523. Judgment

If the property referred to in section 15–521 appears to belong to the claimant or to be exempt from the process, judgment shall be entered against the plaintiff for costs, and the property levied upon shall be released. If the property does not appear to belong to the claimant or to be exempt, judgment shall be entered against the claimant or the defendant as the case may be, for costs, including additional costs occasioned by the delay in the execution of the writ.

§ 15–524. Replevin against officer

This subchapter does not prevent a claimant other than the defendant from bringing an action of replevin against the officer levying upon the property claimed as described in this subchapter.

CHAPTER 7—FEES AND COSTS

Sec.

15–701. Compensation taxed as costs; attorneys' compensation from clients.
15–702. Docket fees of attorneys and proctors.
15–703. Deposit for costs; security for costs by nonresidents.
15–704. Advance payment of costs and fees.
15–705. Exemption of District of Columbia and United States from fees, costs, and bonds.
15–706. Clerk's fees in United States District Court for the District of Columbia.
15–707. Probate Court fees.
15–708. Deposit for probate court fees.
15–709. Fees and costs in Court of General Sessions in civil and criminal cases.
15–710. Fees and costs in Domestic Relations Branch of Court of General Sessions.
15–711. Deposit or security for costs in Court of General Sessions.
15–712. Waiver of prepayment of costs in Court of General Sessions.
15–713. Deposits for jury trials in Court of General Sessions.
15–714. Witness fees for attendance in Court of General Sessions.
15–715. Witness fees in prosecutions for cruelty to children or animals.
15–716. Advances to Court of General Sessions clerk for witness fees.

§ 15–701. Compensation taxed as costs; attorneys' compensation from clients

(a) Except as otherwise provided by law, only the compensation specified in this chapter may be taxed and allowed to attorneys, proctors, United States attorney, clerk of the United States District Court for the District of Columbia, marshal, witnesses, and jurors.

(b) This chapter does not prohibit attorneys and proctors from charging or receiving from their clients other than the government such reasonable compensation for their services, in addition to the taxable costs, as may be in accordance with general usage or may be agreed upon.

§ 15–702. Docket fees of attorneys and proctors

(a) Attorney's and proctor's docket fees may be taxed in the amounts fixed by section 1923 of Title 28, United States Code. 62 Stat. 956.

(b) An attorney for the District of Columbia may not retain attorney fees taxed as costs in litigation in which the District of Columbia is a party.

§ 15–703. Deposit for costs; security for costs by nonresidents

(a) At the commencement of every suit in the United States District Court for the District of Columbia the plaintiff shall deposit at least ten dollars with the clerk, to be appropriated toward the costs of the suit. The court may prescribe rules as to any further costs to be paid by either the plaintiff or defendant during the progress of

the case, and as to the collection thereof. Upon the termination of the case any surplus of costs shall be refunded by the clerk.

(b) The defendant in a suit instituted by a non-resident of the District of Columbia, or by one who becomes a non-resident after the suit is commenced, upon notice served on the plaintiff or his attorney after service of process on the defendant, may require the plaintiff to give security for costs and charges that may be adjudged against him on the final disposition of the cause. This right of the defendant does not entitle him to delay in pleading, and his pleading before the giving of the security is not a waiver of his right to require security for costs. In case of noncompliance with these requirements, within a time fixed by the court, judgment of nonsuit or dismissal shall be entered. The security required may be by an undertaking, with security, to be approved by the court, or by a deposit of money in an amount fixed by the court.

A nonresident, at the commencement of his suit, may deposit with the clerk such sum as the court deems sufficient as security for all costs that may accrue in the cause, which deposit may afterwards be increased on application, in the discretion of the court.

§ 15–704. Advance payment of costs and fees

(a) Costs and fees for services rendered by the clerk of the United States District Court for the District of Columbia and the Register of Wills and chargeable to others than the United States or the District of Columbia are payable in advance and shall be collected pursuant to such rules and regulations, not incompatible with law, as are prescribed by the court.

(b) Section 15–706 does not prohibit the court from directing, by rule or standing order, the collection, at the time the services are rendered, of the fees enumerated in that section from either party, but all such fees shall be taxed as costs in the respective cases.

§ 15–705. Exemption of District of Columbia and United States from fees, costs, and bonds

(a) The District of Columbia or any officer thereof acting therefor may not be required to pay court costs or fees in any court in and for the District of Columbia.

(b) The District of Columbia may not be required to pay fees to the clerk of the United States Court of Appeals for the District of Columbia, or to the marshal of the District, and is entitled to the services of the marshal in the service of all civil process.

(c) The United States and the District of Columbia may not be required to pay fees and costs for services rendered by the clerk of the United States District Court for the District of Columbia and the Register of Wills.

(d) Neither the United States nor the District of Columbia, nor any officer of either acting in his official capacity, may be required to give bond or enter into undertaking to perfect an appeal or to obtain an injunction or other writ, process, or order in or of any court in the District of Columbia for which a bond or undertaking is required by law or rule of court.

§ 15–706. Clerk's fees in United States District Court for the District of Columbia

(a) For filing the following-named cases and for all services to be performed therein, except as otherwise provided by law, the clerk of the United States District Court for the District of Columbia shall charge and collect the following fees:

(1) civil actions, $10;

(2) lunacy cases, $10;

(3) deportation cases, $10;
(4) requisition cases, $10;
(5) habeas corpus cases, $10;
(6) plea of title cases, $10;
(7) District court cases, $15;
(8) condemnation cases, $15;
(9) libel cases, $15;
(10) feeble-minded cases, $7.50;
(11) change of name cases, $5;
(12) intervening petitions in any case, $5;
(13) cases substituting trustees, $4;
(14) docketing judgments of the District of Columbia Court of General Sessions, as provided in section 15–132; and
(15) limited partnership cases, $3.

(b) Upon the perfecting of an appeal to the United States Court of Appeals for the District of Columbia Circuit, the clerk shall charge and collect from the party or parties prosecuting the appeal an additional fee of $5 in the action or proceeding.

(c) For each additional trial or final hearing, upon a reversal by the United States Court of Appeals for the District of Columbia Circuit, or following a disagreement by a jury or the granting of a new trial or rehearing by the court, the clerk shall charge and collect from the party or parties securing the reversal, new trial, or rehearing, the further sum of $5.

(d) In a case where attachments, executions, or rules are issued, the clerk shall charge and collect the following fees in addition to the fees otherwise provided:

(1) for each writ of attachment, $1, and each copy, $1;
(2) for each writ of execution, $1.50;
(3) for each rule 50 cents, and each copy certified, 50 cents;
(4) for each writ of ne exeat, $1;
(5) for each bench warrant, $1;
(6) for each warrant of arrest, $1.

(e) In addition to the fees for services rendered in cases hereinbefore enumerated the clerk shall charge and collect, for miscellaneous services performed by him and his assistants, except when on behalf of the United States, the following fees:

(1) for issuing a writ or subpoena for a witness not in a case instituted or pending in the court from which it is issued, 50 cents for each writ and copy or subpoena and copy;

(2) for filing and indexing any paper not in a case or proceeding, 25 cents;

(3) for administering an oath or affirmation, not in a case or proceeding pending in the court where the oath is administered, 50 cents;

(4) for an acknowledgment, certificate, affidavit, or countersignature, with seal, 50 cents;

(5) for taking and certifying depositions to file, 20 cents for each folio of one hundred words, and if taken stenographically, 15 cents per folio additional for the stenographer;

(6) for copy of a record, entry, or other paper and the comparison thereof, 15 cents for each folio of one hundred words;

(7) for searching the records of the court for judgments, decrees, or other instruments, or marriage records, 50 cents for each year covered by the search and for certifying the result, 50 cents;

(8) for making and comparing a transcript of record on appeal, 15 cents for each folio of one hundred words;

(9) for comparing a transcript, copy of record, or other paper not made by the clerk with the original thereof, 5 cents for each folio of one hundred words;

(10) for administering oath of admission of attorneys to practice, $2 each; for certificate of admission to be furnished upon request, $2 additional;

(11) for each marriage license, $2;

(12) for each certified copy of marriage license and return, $1;

(13) for each certified copy of application for marriage license, $1;

(14) for registering clergymen's authorizations to perform marriages and issuing certificate, $1;

(15) for each certificate of official character, including the seal, 50 cents;

(16) for filing and recording each notice of mechanic's lien, $1;

(17) for entering release of mechanic's lien, 50 cents for each order of lienor; 75 cents for each undertaking of lienee;

(18) for recording physicians', optometrists', and midwives' licenses, 50 cents each;

(19) for the clerks' attendance on the court while actually in session, $5 per day;

(20) for all services rendered to the United States in cases in which the United States is a party of record, $5.

§ 15–707. Probate Court fees

(a) The Register of Wills, clerk of the Probate Court, may demand and receive in advance, for services performed by him, the following fees:

(1) for filing petition or caveat, 50 cents;

(2) for filing other papers, each 5 cents;

(3) for making docket and indexes and taxing costs in each case, $2.50;

(4) for additional docket entries, each, 25 cents;

(5) for issuing subpœna to witness and copies, each, 25 cents;

(6) for issuing subpœna duces tecum, 50 cents;

(7) for issuing summons, citation, commission, rule, warrant, notice of trial, process, execution, attachment, or writ, each $1;

(8) for issuing notices to creditors, distributees, and legatees, each 50 cents;

(9) for copies of summons, citation, rule, warrant, or other process, order of publication, notice to creditors, legatees, and distributees, attested under seal and delivered for service or publication, each 50 cents;

(10) for taking and recording every bond, $1.50;

(11) for a probate of will, inventory, or account, $1;

(12) for issuing letters testamentary or of administration, collection, or guardianship, $1;

(13) for issuing certificate of appointment of executor, administrator, collector, or guardian, $1;

(14) for entering panel of jury and swearing them, 50 cents;

(15) for administering an oath or affirmation, 15 cents;

(16) for passing a claim against an estate and entering in docket of claims, 30 cents;

(17) for drawing depositions of witnesses, per folio, 15 cents;

(18) for every search of the files or records outside of a regular proceeding, where no other service is performed for which a fee is allowed, $1;

(19) for examining or stating an account of executor, administrator, collector, guardian, receiver, or trustee, not exceeding one hundred items, $5;

(20) for each additional item, 2 cents;

(21) for stating the distribution of an estate, for each distributee, $1;

(22) for a copy of an account, not exceeding one hundred items, $1.50;

(23) for each additional item, 2 cents;

(24) for recording all papers, per folio, 15 cents;

(25) for copies of all papers not otherwise specified, per folio, 12 cents;

(26) for every certificate under seal, not otherwise specified, 50 cents.

(b) Where the estate does not exceed two hundred dollars in value the Register of Wills shall receive no fees, and where the estate does not exceed five hundred dollars in value the fees may not exceed ten dollars.

(c) The court may allow to the Register reasonable fees for any service he may render not specified by section 15–706.

§ 15–708. Deposit for probate court fees

For proceedings in the probate court deposits and fees shall be paid to the Register of Wills.

Upon the presentation for filing of a petition or a caveat to a will, he may require a deposit for his fees to be charged for the proceedings under the petition or caveat. Upon the deposit becoming exhausted in the liquidation of his fees so charged, he may require a further deposit from the original petitioner or caveator. The deposits may not be required in excess of fifteen dollars at any one time.

§ 15–709. Fees and costs in Court of General Sessions in civil and criminal cases

(a) The District of Columbia Court of General Sessions may prescribe fees and costs, including the fee to be paid for a jury trial. Section 15–702(a), relating to docket fees of attorneys and proctors, does not apply to the Court of General Sessions.

(b) Fees for service by the United States marshal of process issued by the Court of General Sessions shall be:

(1) in civil actions, as prescribed by rule of the United States District Court for the District of Columbia; and

(2) in criminal actions, the same as fees prescribed for like service in the District Court.

§ 15–710. Fees and costs in Domestic Relations Branch of Court of General Sessions

The judges of the Domestic Relations Branch of the District of Columbia Court of General Sessions, with the approval of the chief judge of the court, shall prescribe, by rules, the fees, charges, and costs in actions and proceedings in the Domestic Relations Branch.

§ 15–711. Deposit or security for costs in Court of General Sessions

Nonresidents of the District of Columbia may commence suits in the District of Columbia Court of General Sessions without first giving security for costs, but upon motion may be required to give security pursuant to section 15–703.

§ 15–712. Waiver of prepayment of costs in Court of General Sessions

When satisfactory evidence is presented to the District of Columbia Court of General Sessions or one of the judges thereof that the plaintiff in a suit is indigent and unable to make deposit of costs, the court or judge may permit the prosecution of the suit without the prepayment or deposit of costs.

§ 15–713. Deposits for jury trials in Court of General Sessions

Deposits made on demands for jury trials in accordance with rules prescribed by the District of Columbia Court of General Sessions under authority granted in section 15–709 shall be earned unless, prior to three days before the time set for trial, including Sundays and legal holidays, a new date for trial is set by the court, cases are discontinued or settled, or demands for jury trials are waived.

§ 15–714. Witness fees for attendance in Court of General Sessions

(a) There shall be paid to witnesses in criminal cases in the District of Columbia Court of General Sessions, not exceeding seventy-five cents per diem for each day of attendance, to be allowed only in the discretion of the court.

(b) The fees and travel allowances to be paid any witness compelled by subpoena to attend any branch of the District of Columbia Court of General Sessions other than the criminal division shall be the same amount as paid a witness compelled to attend before the United States District Court for the District of Columbia.

§ 15–715. Witness fees in prosecutions for cruelty to children or animals

An officer or member of the Humane Society is not entitled to any fee as a witness in the prosecution of a case of cruelty to children or animals.

§ 15–716. Advances to Court of General Sessions clerk for witness fees

The Board of Commissioners or its authorized representative may advance to the clerk of the District of Columbia Court of General Sessions upon requisition previously approved by the Board of Commissioners or its authorized representative, sums of money not exceeding $500 at any one time, to be used for the payment of witness fees.

TITLE 16—PARTICULAR ACTIONS, PROCEEDINGS AND MATTERS

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CHAPTER 1—ACCOUNT

Sec.
16–101. Parties.

§ 16–101. Parties

An action of account shall and may be brought against the executor and administrator of every guardian, bailiff and receiver; and by one joint-tenant and tenant in common, his executors and administrators, against the other, as bailiff for receiving more than comes to his just share or proportion, and against the executor and administrator of such a joint-tenant or tenant in common.

CHAPTER 3—ADOPTION

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16–301. Jurisdiction; rules.
16–302. Persons who may adopt.
16–303. Persons adopted.
16–304. Consent.
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16–306. Notice of adoption proceedings.
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16–311. Sealing and inspection of records and papers.
16–312. Legal effects of adoption.
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§ 16–301. Jurisdiction; rules

(a) Subject to subsection (b) of this section, the Domestic Relations Branch of the District of Columbia Court of General Sessions has jurisdiction to hear and determine petitions and decrees of adoption of any adult or child with authority to make such rules, not inconsistent with this chapter, as shall bring fully before the court for consideration the interests of the prospective adoptee, the natural parents, the petitioner, and any other properly interested party.

(b) Jurisdiction shall be conferred when any of the following circumstances exist:

(1) petitioner is a legal resident of the District of Columbia;

(2) petitioner has actually resided in the District for at least one year next preceding the filing of the petition; or

(3) the child to be adopted is in the legal care, custody, or control of the Commissioners or a child-placing agency licensed under the laws of the District.

§ 16–302. Persons who may adopt

Any person may petition the court for a decree of adoption. A petition may not be considered by the court unless petitioner's spouse, if he has one, joins in the petition, except that if either the husband or wife is a natural parent of the prospective adoptee, the natural parent need not join in the petition with the adopting parent, but need only give his or her consent to the adoption. If the marital status of the petitioner changes after the time of filing the petition and before the time the decree of adoption is final, the petition must be amended accordingly.

§ 16–303. Persons adopted

A person, whether a minor or an adult, may be adopted.

§ 16–304. Consent

(a) A petition for adoption may not be granted by the court unless there is filed with the petition a written statement of consent, as provided by this section, signed and acknowledged before an officer authorized by law to take acknowledgments, before a representative of a licensed child-placing agency, or before the Board of Commissioners of the District, or unless a relinquishment of parental rights with respect to the prospective adoptee has been recorded and filed as provided by section 32–786.

58 Stat. 194; 68 Stat. 248.

(b) Consent to a proposed adoption of a person under twenty-one years of age is necessary:

(1) from the prospective adoptee, if he is fourteen years of age or over; and also,

(2) in accordance with the provisions of any one of the following paragraphs:

(A) from both parents, if they are or were married and are both alive; or

(B) from the living parent of the prospective adoptee, if one of the parents is dead; or

(C) from the mother in the case of a prospective adoptee born out of wedlock, unless the prospective adoptee has been legitimated according to the laws of any jurisdiction, in which case the consent of the father is also required if he is alive; or

(D) from the mother of a prospective adoptee born in wedlock, if the illegitimacy of the prospective adoptee has been established to the satisfaction of the court; or

(E) from the court-appointed guardian of the prospective adoptee; or

(F) from a licensed child-placing agency or the Board of Commissioners in case the parental rights of the parent or parents have been terminated by a court of competent jurisdiction or by a release of parental rights to the Board or licensed child-placing agency, based upon consents obtained in accordance with paragraphs (A) through (E) of this subdivision, and the prospective adoptee has been lawfully placed under the care and custody of the agency or the Board; or

(G) from the Board of Commissioners in any situation not otherwise provided for by this subdivision.

(c) Minority of a natural parent is not a bar to that parent's consent to adoption.

(d) When a parent whose consent is hereinbefore required, after such notice as the court directs, cannot be located, or has abandoned the prospective adoptee and voluntarily failed to contribute to his support for a period of at least six months next preceding the date of the filing of the petition, the consent of that parent is not required.

(e) The court may grant a petition for adoption without any of the consents specified in this section, when the court finds, after a hearing, that the consent or consents are withheld contrary to the best interests of the child.

(f) A person over twenty-one years of age may be adopted, on the petition of the adopting parent or parents and with the consent of the prospective adoptee, if the court is satisfied that the adoption should be granted.

§ 16–305. Petition for adoption

A petition filed for the adoption of a person shall be under oath or affirmation of the petitioner and the titling thereof shall be sub-

stantially as follows: "Ex parte in the matter of the petition of ---------- for adoption." The petition or the exhibits annexed thereto shall contain the following information:

(1) the name, sex, date, and place of birth of the prospective adoptee, and the names, addresses and residences of the natural parents, if known to the petitioner, except that in an adoption proceeding that is consented to by the Board of Commissioners or a licensed child-placing agency, the names, addresses and residences of the natural parents may not be set forth;

(2) the name, address, age, business or employment of the petitioner, and the name of the employer, if any, of the petitioner;

(3) the relationship, if any, of the prospective adoptee to the petitioner;

(4) the race and religion of the prospective adoptee, or his natural parent or parents;

(5) the race and religion of the petitioner;

(6) the date that the prospective adoptee commenced residing with petitioner; and

(7) any change of name which may be desired.

When any of the above facts is unknown to the petitioner, the petitioner shall state this fact. When any of the above facts is known to the Board of Commissioners, or a licensed child-placing agency that as a matter of social policy declines to disclose them to the petitioner, the facts may be disclosed to the court in an exhibit filed by the Board or the agency with the court. If more than one petitioner joins in a petition, the requirements of this section apply to each.

§ 16–306. Notice of adoption proceedings

(a) Except as provided by subsection (b) of this section, due notice of pending adoption proceedings shall be given to each person whose consent is necessary thereto, immediately upon the filing of a petition. The notice shall be given by summons, by registered letter sent to the addressee only, or otherwise as ordered by the court.

(b) A party who formally gives his consent to the proposed adoption, as provided by this chapter, thereby waives the requirement of notice to him pursuant to this section.

§ 16–307. Investigation, report, and recommendation

(a) Except as provided by section 16–308, upon the filing of a petition the court shall refer the petition for investigation, report, and recommendation to:

(1) the licensed child-placing agency by which the case is supervised; or

(2) the Board of Commissioners, if the case is not supervised by a licensed child-placing agency.

(b) The investigation, report, and recommendation shall include:

(1) an investigation of:

(A) the truth of the allegations of the petition;

(B) the environment, antecedents, and assets, if any, of the prospective adoptee, to determine whether he is a proper subject for adoption;

(C) the home of the petitioner, to determine whether the home is a suitable one for the prospective adoptee; and

(D) any other circumstances and conditions that may have a bearing on the proposed adoption and of which the court should have knowledge;

(2) a written report to the court of the findings of the investigation; and

(3) a recommendation to the court whether a final decree declaring the adoption prayed for in the petition should be immediately granted, or whether the court should grant an interlocutory decree granting temporary custody of the prospective adoptee to the petitioner, as hereinafter set forth.

(c) The written report submitted to the court shall be filed with, and become part of, the records in the case.

§ 16–308. Investigations when prospective adoptee is adult or petitioner is spouse of natural parent

The court may dispense with the investigation, report, and interlocutory decree provided for by this chapter when:

(1) the prospective adoptee is an adult; or

(2) the petitioner is a spouse of the natural parent of the prospective adoptee and the natural parent consents to the adoption or joins in the petition for adoption.

§ 16–309. Adoption proceedings

(a) Within a period of ninety days, or such time as extended by the court, after a copy of the petition and the order providing for the report is served upon the agency directed to make the investigation, the agency shall make the report and recommendation required by section 16–307 to the court and thereupon the court shall proceed to act upon the petition.

(b) After considering the petition, the consents, and such evidence as the parties and any other properly interested person may present, the court may enter a final or interlocutory decree of adoption when it is satisfied that:

(1) the prospective adoptee is physically, mentally, and otherwise suitable for adoption by the petitioner;

(2) the petitioner is fit and able to give the prospective adoptee a proper home and education; and

(3) the adoption will be for the best interests of the prospective adoptee.

(c) A final decree of adoption may not be entered unless the prospective adoptee has been living with the petitioner for at least six months.

(d) If it appears to be in the interest of the prospective adoptee, the court may enter an interlocutory decree of adoption, which shall by its terms automatically become a final decree of adoption on a day therein named, not less than six months nor more than one year, from the date of entry of the interlocutory decree, unless in the interim the decree shall have been set aside for cause shown. The supervising agency shall be permitted to visit the adoptee during the period of the interlocutory decree.

(e) The court may revoke its interlocutory decree for good cause shown at any time before it becomes a final decree, either on its own motion or on the motion of one of the parties to the adoption. Before the revocation, notice shall be given thereof to all those persons or parties who were given notice of the original petition for adoption, and an opportunity for all of them to be heard.

(f) All proceedings with reference to adoption shall be of a confidential nature and shall be held in chambers or in a sealed courtroom with as little publicity as the court deems appropriate.

§ 16–310. Finality of decrees of adoption

An attempt to invalidate a final decree of adoption by reason of a jurisdictional or procedural defect may not be received by any court of the District, unless regularly filed with the court within one year following the date the final decree became effective.

§ 16–311. Sealing and inspection of records and papers

From and after the filing of the petition, records and papers in adoption proceedings shall be sealed. They may not be inspected by any person, including the parties to the proceeding, except upon order of the court, and only then when the court is satisfied that the welfare of the child will thereby be promoted or protected. The clerk of the court shall keep a separate docket for adoption proceedings.

§ 16–312. Legal effects of adoption

(a) A final decree of adoption establishes the relationship of natural parent and natural child between adoptor and adoptee for all purposes, including mutual rights of inheritance and succession as if adoptee were born to adoptor. The adoptee takes from, through, and as a representative of his adoptive parent or parents in the same manner as a child by birth, and upon the death of an adoptee intestate, his property shall pass and be distributed in the same manner as if the adoptee had been born to the adopting parent or parents in lawful wedlock. All rights and duties including those of inheritance and succession between the adoptee, his natural parents, their issue, collateral relatives, and so forth, are cut off, except that when one of the natural parents is the spouse of the adoptor, the rights and relations as between adoptee, that natural parent, and his parents and collateral relatives, including mutual rights of inheritance and succession, are in no wise altered.

(b) While it is in force, an interlocutory decree of adoption has the same legal effect as a final decree of adoption. Upon the revocation of an interlocutory decree of adoption, the status of the adoptee, the natural parents of the adoptee, and the petitioners are as though the interlocutory decree were null and void ab initio.

(c) The family name of the adoptee shall be changed to that of the adopter unless the decree otherwise provides, and the given name of the adoptee may be fixed or changed at the same time.

§ 16–313. Child as including adopted person

In the District, "child" or its equivalent in a deed, grant, will, or other written instrument includes an adopted person, unless the contrary plainly appears by the terms thereof, whether the instrument was executed before or after the entry of the interlocutory decree of adoption, if any, or before or after the final decree of adoption became effective.

§ 16–314. Birth certificates

(a) Notice of a final decree of adoption shall be sent to the Board of Commissioners. Unless otherwise requested in the petition by the adopters, the Board shall cause to be made a new record of the birth in the new name and with the names of the adopters and shall then cause to be sealed and filed the original birth certificate with the order of the court. The sealed package may be opened only by order of the court.

(b) If the adoption occurred outside the District either before or after August 25, 1937, upon filing with the Board of Commissioners a certified copy of the final decree of adoption, the Board shall cause to be made a new record of the birth in the new name and with the names of the adopters and shall then cause to be sealed and filed the original birth certificate with the certified copy of the final decree of adoption. The sealed package may be opened only by order of a court of competent jurisdiction.

(c) If the birth of the adoptee occurred outside the District the clerk of the court shall, upon petition by the adopter, furnish him with a certified copy of the final decree of adoption.

(d) When an adoption in the District occurred prior to August 25, 1937, the court shall, upon presentation of a motion by a party to the proceedings, order the clerk of the court to seal the records in the proceeding. Upon presentation of a certified copy of the order the Board of Commissioners shall cause to be made a new record of the birth in the new name and with the names of the adopters and shall then cause to be sealed and filed the original birth certificate with the order of the court. The sealed package may be opened only by order of the court.

§ 16–315. Prior proceedings

The provisions of this chapter have no effect prior to June 8, 1954, except to the extent that they specifically so provide. They do not affect in any way the rights and relations obtained by any decree of adoption entered prior to June 8, 1954.

CHAPTER 5—ATTACHMENT AND GARNISHMENT

SUBCHAPTER I—ATTACHMENT AND GARNISHMENT GENERALLY

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Subchapter I—Attachment and Garnishment Generally

§ 16–501. Attachment before judgment; affidavit and bond

(a) This section applies to any civil action in the United States District Court of the District of Columbia or the District of Columbia Court of General Sessions, for the recovery of:

(1) specific personal property;

(2) a debt; or

(3) damages for the breach of a contract, express or implied.

(b) In an action specified by subsection (a) of this section, the plaintiff, his agent, or attorney, may file an affidavit as provided by subsections (c) and (d) of this section either at the commencement of the action or pending the action.

(c) The affidavit shall comply with the following requirements:

(1) show the grounds of plaintiff's claim;

(2) set forth that plaintiff has a just right to recover what is claimed in his complaint;

(3) where the action is to recover specific personal property, state the nature and, according to affiant's belief, the value of the property and the probable amount of damages to which plaintiff is entitled for the detention thereof;

(4) where the action is to recover a debt, state the amount thereof; and

(5) where the action is to recover damages for breach of a contract set out, specifically and in detail, the breach complained of and the actual damage resulting therefrom.

(d) The affidavit shall also state one of the following facts with respect to defendant:

(1) defendant is a foreign corporation or is not a resident of the District, or has been absent therefrom for at least six months;

(2) he evades the service of ordinary process by concealing himself or temporarily withdrawing himself from the District;

(3) he has removed or is about to remove some or all of his property from the District, so as to defeat just demands against him;

(4) he has assigned, conveyed, disposed of, or secreted, or is about to assign, convey, dispose of, or secrete his property with intent to hinder, delay, or defraud his creditors; or

(5) he fraudulently contracted the debt or incurred the obligation respecting which the action is brought.

(e) Before a writ of attachment and garnishment is issued, the plaintiff shall first file in the clerk's office a bond, executed by himself or his agent, with security to be approved by the clerk, in twice the amount of his claim, conditioned to make good to the defendant all costs and damages which he may sustain by reason of the wrongful suing out of the attachment.

(f) If the plaintiff files an affidavit and bond as provided by this section, the clerk shall issue a writ of attachment and garnishment, to be levied upon as much of the lands, tenements, goods, chattels, and credits of the defendant as may be necessary to satisfy the claim of the plaintiff.

§ 16–502. Service of notice; publication

(a) A writ issued pursuant to section 16–501 shall require the marshal to serve a notice on the defendant, if he is found in the District, and on any person in whose possession any property or credits of the defendant may be attached, to appear in the court on or before the twentieth day, exclusive of Sundays and legal holidays, after service of the notice, and show cause, if any there be, why the property so attached should not be condemned and execution thereof had. The marshal's return shall show the fact of the service.

(b) If the defendant is returned "Not to be found," the notice shall be given by publication to the following effect, namely:

In the United States District Court (District of Columbia Court of General Sessions) for the District of Columbia.

A B, plaintiff,
versus
C D, defendant,
} Civil Action No. ——.

The object of this suit is to recover (here state it briefly) and to have judgment of condemnation of certain property of the defendant levied on under an attachment issued in this suit to satisfy the plaintiff's claim.

It is, therefore, this — day of —, ordered that the defendant appear in this court on or before the fortieth day, exclusive of Sundays and legal holidays, after the day of the first publication of this order, to defend this suit and show cause why the condemnation should not be had; otherwise the suit will be proceeded with as in case of default.

By the court:

———— ————, Judge.

(c) The order shall be published at least once a week for three successive weeks or oftener, or for such further time and in such manner as the court orders.

§ 16–503. Attachment for debts not due

A creditor may maintain an action and have an attachment against his debtor's property and credits, where his debt is not yet due and payable, if the plaintiff, his agent, or attorney files in the clerk's office, at the commencement of the action, an affidavit, supported by testimony of one or more witnesses, showing the amount and justice of the claim and the time when it will be payable, and also setting forth that the defendant has removed or is removing or intends to remove a material part of his property from the District with the intent or to the effect of defeating just claims against him if only the ordinary process of law is used to obtain judgment against him, and if he also complies with the condition as to filing a bond prescribed by section 16–501. The plaintiff may not have judgment before his claim becomes due. If the attachment is quashed the action shall be dismissed, but without prejudice to a future action.

§ 16–504. Additional attachments

Upon the application of the plaintiff, his agent, or attorney, other attachments founded on the original affidavits may be issued from time to time, to be directed, executed, and returned in the same manner as the original, and without further publication, against a nonresident or absent defendant, and without additional bond, unless required by the court.

§ 16–505. Sufficiency of plaintiff's bond

The defendant or any other person interested in the proceedings who is not satisfied with the sufficiency of the surety or with the amount of the penalty named in the bond filed pursuant to section 16–501, may apply to the court for an order requiring the plaintiff to give an additional bond in such sum and with such security as may be approved by the court. If the plaintiff fails to comply with any such order the court may order the attachment to be quashed and any property attached or its proceeds to be returned to the defendant or otherwise disposed of, as to the court may seem proper.

§ 16–506. Traversing affidavits; quashing writ of attachment; trial of issues

If the defendant files affidavits traversing the affidavits filed by the plaintiff the court shall determine whether the facts set forth in the plaintiff's affidavits as ground for issuing the attachment are true, and whether there was just ground for issuing the attachment. When, in the opinion of the court, the proofs do not sustain the affidavit of the plaintiff, his agent, or attorney, the court shall quash the writ of attachment. This issue may be tried by the court or a judge at chambers after three days' notice. The issue may be tried as well upon oral testimony as upon affidavits. If the court deems it expedient, a jury may be impaneled to try the issue.

§ 16–507. Property subject to attachment; liens; priorities

(a) An attachment may be levied on the lands and tenements, and personal chattels of the defendant not exempt by law, whether in the defendant's or a third person's possession, and whether the defendant's title to the property is legal or equitable, and upon his credits in the hands of a third person, whether due and payable or not, and upon his undivided interest in a partnership business.

(b) An attachment shall be a lien on the property attached from the date of its delivery to the marshal. When different persons obtain attachments against the same defendant the priorities of the liens of the attachments shall be according to the dates when they were so delivered to the marshal.

§ 16–508. Attachment of real property

An attachment is sufficiently levied on the lands and tenements of the defendant by:

(1) mentioning and describing the property in an indorsement on the attachment, made by the officer to whom it is delivered for service, to the following effect:

"Levied on the following estate of the defendant, A B, to wit: (Here describe) this —— day of ———. C D, Marshal."; and

(2) serving a copy of the attachment, with the indorsement, and the notice required by section 16–502, on the person, if any, in possession of the property.

§ 16–509. Attachment of personal property; undertaking by defendant or person in possession

(a) An attachment shall be levied upon personal chattels by the officer taking them into his possession and custody, unless the defendant gives the officer his undertaking to be filed in the cause, with sufficient security, substantially in the form set forth in subsection (b) of this section, or unless the person in whose possession the property is attached gives the officer his undertaking to be filed in the cause substantially in the form set forth in subsection (c) of this section. In cases where such undertakings are given, the attachment is sufficiently levied by the taking of the undertaking.

(b) An undertaking by the defendant shall contain the substance of the following form:

A B, plaintiff,
versus
C D, defendant. } Civil Action No. —.

The defendant and ——, his surety, in consideration of the discharge from the custody of the marshal of the property seized by him, upon the attachment sued out against the defendant, on the —— day of ——, anno Domini nineteen hundred ——, in the above entitled cause, appear, and submitting to the jurisdiction of the court, hereby undertake, for themselves and each of them, their and each of their heirs, executors, and administrators, or successors or assigns, to abide by and perform the judgment of the court in the premises in relation to the property, which judgment may be rendered against any or all the parties whose names are hereto signed.

(Signed) C D.
E F.

(c) An undertaking by the person in whose possession the property is attached shall contain the substance of the following form:

A B, plaintiff
versus
C D, defendant } Civil Action No. ----------.

Whereas by virtue of an attachment issued in the above-entitled suit, the United States marshal for the District of Columbia has attached certain property in the hands of the undersigned E F, as garnishee, namely, (here describe) of the value of ——— dollars; and now, therefore, E F and G H, as surety, appearing in the action, and submitting to the jurisdiction of the court, hereby undertake for themselves and each of them, their and each of their heirs, executors, and administrators to abide by the judgment of the court in relation to said property, and that if the same shall be condemned to satisfy the claim of the plaintiff, judgment may be rendered against all the undersigned for the value of the property and costs, to be

executed against them, and each of them, unless the property shall be forthcoming to satisfy the judgment of condemnation.

(Signed)

E F.
G H.

The recital of the undertaking in this subsection shall contain a sufficient description of the property and its value ascertained by an appraisement to be made under direction of the officer and returned with the writ.

§ 16–510. Release of property or credits from attachment; sufficiency of undertaking

(a) Either the defendant or the person in whose possession the property is attached may obtain a release of the property from the attachment, after it has been taken into the custody of the marshal and the writ has been returned, by giving the undertaking required of him by section 16–509, with security to be approved by the court.

(b) The plaintiff may except to the sufficiency of the undertaking accepted by the marshal and, if the exceptions are sustained, the court shall require a new undertaking, with sufficient surety, by a day to be named, in default of which the marshal shall be liable to the plaintiff on his official bond for any loss sustained by the plaintiff through the default.

(c) Either the defendant or the person in whose possession credits are attached may obtain a release of the credits from the attachment by filing an undertaking with security to be approved by the court.

§ 16–511. Attachment of credits or partnership interest; retention of property or credits by garnishee

(a) An attachment shall be levied upon credits of the defendant, in the hands of a garnishee, by serving the garnishee with a copy of the writ of attachment and of the interrogatories accompanying the writ, and a notice that any property or credits of the defendant in his hands are seized by virtue of the attachment, besides the notice required by section 16–502. The undivided interest of the defendant in a partnership business may be levied upon by a similar service on the defendant's partner or partners.

(b) Where the property or credits attached or sought to be attached are held by the garnishee in the name of or for the account of a person other than the defendant, the garnishee shall retain the property or credits during the period pending determination by the court of the propriety of the attachment or the rightful owner of the property or credits. During that period, the garnishee shall incur no liability for the retention.

§ 16–512. Attachment and levy upon wages of nonresident

An attachment issued under section 16–501 solely on the ground that the defendant is not a resident of the District of Columbia and levied upon wages as defined in section 16–571 shall be subject to the provisions of subchapter III of this chapter; except that the employer-garnishee shall pay over the wages withheld pursuant to that subchapter only pursuant to the order of the court which has jurisdiction of the case. In applying the provisions of that subchapter to any such attachment, the term "judgment debtor", as used therein, means the defendant in the case in which the attachment is issued; and the term "judgment creditor", as used therein, means the plaintiff in such case.

§ 16–513. Advance payment of wages to avoid attachment or garnishment

It is unlawful for an employer to pay salary or earnings to an employee in advance of the time they are due and payable, for the purpose of avoiding or preventing an attachment or garnishment against the earnings or salary of the employee, and such an advance payment, as to the attaching creditor, is void.

After the service of one writ of attachment or garnishment on a judgment against an employer, any payment of salary or earnings thereafter before the time when the salary or earnings are due and payable made within a period of six months after the date of service of the writ or before the earlier satisfaction of the judgment, whichever is the earlier, is as to such attaching creditor presumed to be in violation of this section and casts upon the employer the burden of proving that the advance payment or payments were not for the purpose of avoiding the attachment of the salary or earnings.

§ 16–514. Credits or property held for two or more persons or in representative capacity

When a writ of attachment is served on a garnishee, and the garnishee holds a credit or property for two or more persons, including the person whose credit or property is sought to be attached, or holds a credit or property for a person as agent or trustee or in any other representative capacity without designation of the principal or beneficiary, the credit or property is not subject to withdrawal by any person, but shall be held by the garnishee until the attachment is dismissed or otherwise disposed of by the court. If the credit or property is condemned, payment or delivery thereof as ordered by the court is a complete discharge of the garnishee from all liability to any person in respect of the credit or property. The provisions of this section do not apply to a credit or property of a partnership.

§ 16–515. Attachment of judgments and money or property in hands of marshal

(a) An attachment may be levied upon debts due to the defendant upon a judgment or decree by a service similar to that directed by section 16–511 upon the debtor owing the debts. Execution may issue for the enforcement of the judgment or decree, notwithstanding the attachment, but the money collected upon the execution shall be paid into court to abide the event of the proceedings in attachment and applied as the court directs.

(b) An attachment may be levied upon money or property of the defendant in the hands of the marshal. It binds the money or property from the time of service, and is a legal excuse to the officer for not paying or delivering the same as he would otherwise be bound to do.

§ 16–516. Attachment of money or property in hands of executor or administrator

An attachment may be levied upon money or property of the defendant in the hands of an executor or administrator, and binds the same from the time of service. If the executor or administrator makes return to the writ that he can not certainly answer whether the defendant's share of the money or property in his hands will prove sufficient to pay the plaintiff's debt, a judgment of condemnation may not be rendered as against the executor or administrator until the passage by the Probate Court of his final or other account showing money or property in his hands to which the defendant is entitled.

§ 16–517. Attachment of other property in replevin action

Where the action is to replevy specific personal property and it has not been replevied, other property may be attached in the action to recover damages and costs, and if a judgment is rendered for damages and costs, it shall carry the same rights as other judgments.

§ 16–518. Preservation of property; sale; receiver

The court may make all orders necessary for the preservation of the property attached during the pendency of the action. When the property is perishable, or for other reasons a sale of it appears expedient, the court may order that the property be sold and its proceeds paid into court and held subject to its order on the final decision of the case.

When it seems expedient, the court may appoint a receiver to take possession of the property. The receiver shall give bond for the due performance of his duties, and, under the direction of the court, shall have the same powers and perform the same duties as a receiver appointed according to the practice in civil actions.

§ 16–519. Defenses by garnishee

A garnishee in an attachment proceeding may make any defense available to the defendant in the action in which the garnishment is issued.

§ 16–520. Defending against the attachment; trial of issues

A defendant, any garnishee, party to a forthcoming undertaking, or an officer who might be adjudged liable to the plaintiff by reason of the undertaking being adjudged insufficient, or a stranger to the action who may make claim to the property attached, may file an answer defending against the attachment. The answer may be considered as raising an issue without any reply, and any issue of fact made may be tried with a jury if any party so desires.

§ 16–521. Interrogatories to garnishee; oral examination

(a) In any case in which a writ of attachment is issued, the plaintiff may submit interrogatories in writing, in such form as may be allowed by the rules or special order of the court, to be served on any garnishee, asking about any property of the defendant in his possession or charge, or indebtedness of his to the defendant at the time of the service of the attachment, or between the time of service and the filing of his answers to the interrogatories. The garnishee shall file his answers under oath to the interrogatories within ten days after service upon him.

(b) In addition to the answers to written interrogatories required of him, the garnishee may, on motion, be required to appear in court and be examined orally, under oath, touching any property or credits of the defendant in his hands.

§ 16–522. Traverse of garnishee's answers; trial of issue; costs and attorney's fee

If any garnishee answers to interrogatories that he does not have property or credits of the defendant, or has less than the amount of the plaintiff's claim, the plaintiff may traverse the answer as to the existence or amount of the property or credits, and the issue thereby made may be tried as provided by section 16–520. In such a case, where judgment is rendered for the garnishee, the plaintiff shall be adjudged to pay to the garnishee, in addition to the taxed costs, a reasonable attorney's fee. If the issue is found for the plaintiff, judgment shall be rendered for him in accordance with the finding.

§ 16–523. Claims to attached property

Any person may file his motion and affidavit in the cause, at any time before the final disposition of the property attached or its proceeds, except where it is real property, setting forth a claim thereto or an interest in or lien upon the same, acquired before the levy of the attachment. The court, without other pleading, shall try the issues raised by the claim, with a jury if either party so requests, and make all orders necessary to protect any rights of the claimant.

§ 16–524. Judgment generally; condemnation of attached property

(a) If the defendant in the action has been served with process, final judgment may not be rendered against the garnishee until the action against the defendant is determined.

(b) If in such an action judgment is rendered for the defendant, the garnishee shall be discharged and shall recover his costs, and the property attached or its proceeds shall be restored to the garnishee or to the defendant, as the case may require.

(c) If in such an action judgment is rendered in favor of the plaintiff against the defendant, and it appears that the plaintiff is entitled to a judgment of condemnation of the property attached, the court shall proceed to enter such judgment in the attachment as is directed by sections 16–525 to 16–527.

§ 16–525. Condemnation and sale of property; proceeds of sale under interlocutory order

In any form of action, where specific property has been attached and remains under the control of the court, judgment of condemnation of the property shall be entered, and as much thereof as may be necessary to satisfy the demand of the plaintiff shall be sold under fierifacias. If the property was sold under interlocutory order of the court, the proceeds, or as much thereof as may be necessary, shall be applied to the plaintiff's claim by order of the court.

§ 16–526. Judgment against garnishee

(a) When a garnishee has admitted credits in his hands, in answer to interrogatories served upon him, or the credits have been found upon an issue made as provided by this chapter, judgment shall be entered against him for the amount of credits admitted or found, not exceeding the plaintiff's claim, less a reasonable attorney's fee to be fixed by the court, and costs, and execution may be had thereon. When the credits are not immediately due and payable, execution shall be stayed until they become due.

(b) When the garnishee has failed to answer the interrogatories served on him, or to appear and show cause why a judgment of condemnation should not be entered, judgment shall be entered against him for the whole amount of the plaintiff's claim, and costs, and execution may be had thereon.

§ 16–527. Judgment in case of undertaking for retention of property or credits

(a) When property or credits attached are released upon an undertaking given as provided by sections 16–509 and 16–510, and judgment in the action is rendered in favor of the plaintiff, it is a joint judgment against both the defendant and all persons in the undertaking for the appraised value of the property or the amount of the credits.

(b) When the property attached has been delivered to or retained by a garnishee, upon his executing an undertaking as provided by section 16–509, judgment of condemnation of the property shall be rendered as provided by section 16–525, and judgment shall also be entered that

the plaintiff recover from the garnishee and his surety or sureties the value of the property, not exceeding the plaintiff's claim, the judgment to be entered satisfied if the property is forthcoming and delivered to the marshal, undiminished in value, within ten days after the judgment; otherwise, execution thereon may be had against the garnishee and his surety or sureties; and if the property is so delivered to the marshal the same shall be sold by him under fieri facias to satisfy the judgment of condemnation.

§ 16–528. Judgment protects garnishee

A judgment of condemnation against a garnishee, and execution thereon, or payment by the garnishee in obedience to the judgment or an order of the court, is a sufficient defense to any action brought against him by the defendant in the action in which the attachment is issued, for or concerning the property or credits so condemned.

§ 16–529. Attachment in actions for fraudulent conveyances

(a) Where the ground upon which an attachment is applied for is that the defendant has assigned, conveyed, or disposed of his property with intent to hinder, delay, or defraud his creditors, the attachment may be levied upon the property alleged to be so assigned or conveyed in the hands of the alleged fraudulent assignee or transferee, as a garnishee.

(b) The garnishee may have the same benefit of section 16–506 as the defendant in the action. If the court is of the opinion, upon the hearing of the affidavits filed, that the attachment ought not to have issued or to have been levied on the property claimed by the garnishee, the attachment may be quashed as to the garnishee and the levy set aside.

(c) If the levy is not set aside, the garnishee may answer that he was a bona fide purchaser from the defendant for value without notice of any fraud on the part of the defendant, and the answer shall be held to make an issue, without any further pleading in reply thereto; and issue may be tried as directed by section 16–520.

(d) When the issue is found in favor of the garnishee, judgment shall be rendered in his favor for his costs and a reasonable attorney fee. When the issue is found against the garnishee, but judgment in the action is rendered in favor of the defendant, the attachment shall be dissolved, and garnishee shall recover his costs.

(e) When the issue is found against the garnishee and judgment in the action is rendered in favor of the plaintiff against the defendant, or the defendant, not being found, has failed to appear in obedience to the order of publication against him, and when it appears upon the verdict of a jury that the claim of the plaintiff against the defendant is well founded, a judgment of condemnation of the property attached shall be rendered, as directed by section 16–524(c).

§ 16–530. Time for trial of issues

All issues raised by answers to the attachment, in any case, may be tried at the same time as the issues raised by the pleadings in the action, or separately, as may be just.

§ 16–531. Attachment dockets; index of attachments

The clerk of the court shall keep an attachment docket, in which, as well as in the regular docket, shall be entered all attachments levied upon real estate, with a description, in brief, of the real estate so levied upon. The attachments shall be indexed in the names of the defendant and of any person in whose possession the estate may have been levied upon.

§ 16–532. Other remedies of judgment creditor

Nothing herein contained deprives a judgment creditor of the right to file a civil action to enforce his judgment against an equitable interest in real or personal estate of the judgment defendant, or to have a conveyance of the real or personal estate by the defendant, made with intent to hinder, delay, and defraud his creditors, set aside.

§ 16–533. Attachment proceedings in Court of General Sessions

The provisions of this Code relating to attachments apply to attachment proceedings in the District of Columbia Court of General Sessions.

Subchapter II—Attachment and Garnishment After Judgment in Aid of Execution

§ 16–541. Definition and applicability

As used in this subchapter, "judgment" includes an unconditional decree for the payment of money, and this subchapter is applicable to such a decree.

§ 16–542. Issuance of attachment after judgment; costs

An attachment may be issued upon a judgment either before or after or at the same time with a fieri facias. If costs are unnecessarily multiplied thereby they shall be charged to the party causing the attachment to be issued.

§ 16–543. Revival of judgment unnecessary

Attachment may be issued at any time during the life of the judgment, without issuing an order reviving the judgment previously thereto.

§ 16–544. Property subject to attachment

An attachment may be levied upon the judgment debtor's goods, chattels, and credits.

§ 16–545. Multiple attachments against same judgment debtor

Only one attachment upon goods, chattels, and credits of a judgment debtor may be satisfied at one time. Where more than one such attachment issued against the same judgment debtor is served on a garnishee the attachments shall be satisfied in the order in which they were served upon the garnishee. This section does not apply with respect to an attachment upon wages to which subchapter III of this chapter applies.

§ 16–546. Attachments of credits

An attachment shall be levied upon credits of the defendant, in the hands of a garnishee, by serving the garnishee with a copy of the writ of attachment and of the interrogatories accompanying the writ, and a notice that any property or credits of the defendant in his hands are seized by virtue of the attachment.

§ 16–547. Retention of property or credits by garnishee

Where the property or credits attached or sought to be attached are held by the garnishee in the name of or for the account of a person other than the defendant, the garnishee shall retain the property or credits during the period pending determination by the court of the propriety of the attachment or the rightful owner of the property or credits. During that period the garnishee shall incur no liability whatsoever for the retention.

§ 16–548. Attachment of judgments and money or property in hands of marshal

(a) An attachment may be levied upon debts due to the defendant upon a judgment or decree by a service similar to that prescribed by section 16–546 upon the debtor owing the debts.

(b) An attachment may be levied upon money or property of the defendant in the hands of the marshal. It binds the money or property from the time of service, and is a legal excuse to the officer for not paying or delivering the same as he would otherwise be bound to do.

§ 16–549. Attachment of money or property in hands of executor or administrator

An attachment may be levied upon money or property of the defendant in the hands of an executor or administrator, and binds the same from the time of service. If the executor or administrator makes return to the writ that he can not certainly answer whether the defendant's share of the money or property in his hands will prove sufficient to pay the plaintiff's debt, a judgment of condemnation may not be rendered as against the executor or administrator until the passage by the Probate Court of his final or other account showing money or property in his hands to which the defendant is entitled.

§ 16–550. Preservation of property; sale

The court may make all orders necessary for the preservation of the property attached. When the property is perishable, or for other reasons a sale of it appears expedient, the court may order that the property be sold and its proceeds paid into court and held subject to its order on the final decision of the case.

§ 16–551. Defending against the attachment; trial of issues

A garnishee or stranger to the action who may make claim to the property attached may file an answer defending against the attachment. The answer may be considered as raising an issue without any reply, and any issue of fact thereby made may be tried with a jury if any party so desires.

§ 16–552. Interrogatories to garnishee; oral examination

(a) In any case in which a writ of attachment is issued, the plaintiff may submit interrogatories in writing, in such form as may be allowed by the rules or special order of the court, to be served upon any garnishee, asking about any property of the defendant in his possession or charge, or indebtedness of his to the defendant at the time of the service of the attachment or between the time of service and the filing of his answers to the interrogatories. The garnishee shall file his answers, verified by a written declaration that the answers are made under the penalties of perjury, to the interrogatories within ten days after service upon him.

(b) In addition to the answers to written interrogatories required of him, the garnishee may, on motion, be required to appear in court and be examined orally, under oath, touching any property or credits of the defendant in his hands.

(c) Whoever willfully makes and subscribes a return, statement, or other document, pursuant to this section, that contains, or is verified by, a written declaration that it is made under the penalties of perjury, and that he does not believe to be true and correct as to every material matter, is subject to the penalties prescribed for perjury.

§ 16–553. Traverse of garnishee's answers; trial of issue; costs and attorney's fee

If a garnishee answers to interrogatories that he does not have property or credits of the defendant, or has less than the amount of the plaintiff's judgment, the plaintiff may traverse the answer as to the existence or amount of the property or credits, and the issue thereby made may be tried as provided by section 16–551. In such a case, where judgment is rendered for the garnishee, the plaintiff shall be adjudged to pay to the garnishee, in addition to the taxed costs, a reasonable attorney's fee. If the issue is found for the plaintiff, judgment shall be rendered for him in accordance with the finding.

§ 16–554. Claims to attached property

Any person may file his motion and affidavit in the cause, at any time before the final disposition of the property attached or its proceeds, except where it is real property, setting forth a claim thereto or an interest in or lien upon the same. The court, without other pleadings, shall try the issues raised by the claim, with a jury if either party so requests, and may make all orders necessary to protect any rights of the claimant.

§ 16–555. Condemnation and sale of property; proceeds of sale under interlocutory order

Where the attachment has been levied upon specific property, on the return by the marshal, judgment of condemnation of the property may be entered, and as much thereof as may be necessary to satisfy the plaintiff's judgment may be sold under a fieri facias. If the property was sold under interlocutory order of the court, the proceeds, or so much thereof as may be necessary, shall be applied to the plaintiff's claim by order of the court.

§ 16–556. Judgment against garnishee

(a) Subject to the provisions of subchapter III of this chapter, if a garnishee has admitted credits in his hands, in answer to interrogatories served upon him, or the credits have been found upon an issue made as provided by this chapter, judgment shall be entered against him for the amount of credits admitted or found, not exceeding the amount of the plaintiff's judgment, and costs, and execution shall be had thereon not to exceed the credits in his hands. When the credits are not immediately due and payable, execution shall be stayed until they become due.

(b) When the garnishee has failed to answer the interrogatories served on him, or to appear and show cause why a judgment of condemnation should not be entered, judgment shall be entered against him for the whole amount of the plaintiff's judgment and costs, and execution may be had thereon.

Subchapter III—Attachment and Garnishment of Wages, Etc.

§ 16–571. Definition

(a) As used in this subchapter, "wages" means:

(1) wages, salary, commissions, or other remuneration for services performed by an employee for his employer, including any such remuneration measured partly or wholly by percentages or share of profits, or by other sums based upon work done or results produced, whether or not the employee is given a drawing account; and

(2) any drawing account made available to an employee by his employer.

(b) The term "wages" does not include any amount paid or payable to an employee who is not a resident of the District of Columbia as remuneration for services performed within the District of Columbia, if the period for which the employee is engaged by the employer to perform such services within the District of Columbia is less than 15 consecutive days' duration; and any such amount shall be subject to attachment without regard to this subchapter.

§ 16–572. Attachment of wages; percentage limitations; priority of attachments

Notwithstanding any other provision of subchapter II of this chapter, where an attachment is levied upon wages due a judgment debtor from an employer-garnishee, the attachment shall become a lien and a continuing levy upon the gross wages due or to become due to the judgment debtor for the amount specified in the attachment to the extent of:

(1) 10 per centum of so much of the gross wages as does not exceed $200 due or to become due to the judgment debtor from the employer-garnishee for the pay period or periods ending in any calendar month; plus

(2) 20 per centum of so much of the gross wages as exceeds $200 but does not exceed $500 due or to become due to the judgment debtor from the employer-garnishee for the pay period or periods ending in any calendar month; plus

(3) 50 per centum of so much of the gross wages as exceeds $500 due or to become due to the judgment debtor from the employer-garnishee for the pay period or periods ending in any calendar month.

The levy shall be a continuing levy until the judgment, interest, and costs thereof are fully satisfied and paid, and in no event may moneys be withheld, by the employer-garnishee from the judgment debtor, in amounts greater than those prescribed by this section. Only one attachment upon the wages of a judgment debtor may be satisfied at one time. Where more than one attachment is issued upon the wages of the same judgment debtor and served upon the same employer-garnishee, the attachment first delivered to the marshal shall have priority, and all subsequent attachments shall be satisfied in the order of priority set forth in section 16–507.

§ 16–573. Employer's duty to withhold and make payments; percentage

(a) Except as provided in subsection (b) of this section, an employer upon whom an attachment is served, and who:

(1) at the time is indebted for wages to an employee who is the judgment debtor named in the attachment; or

(2) becomes so indebted to the judgment debtor in the future—

shall, while the attachment remains a lien upon such indebtedness, withhold and pay to the judgment creditor, or his legal representative, within 15 days after the close of the last pay period of the judgment debtor ending in each calendar month, that percentage of the gross wages payable to the judgment debtor for the pay period or periods ending in such calendar month to which the judgment creditor is entitled under the terms of this section until the attachment is wholly satisfied.

(b) Upon written notice of any court proceeding attacking the attachment or the judgment on which it is based, the employer shall make no further payments to the judgment creditor or his legal representative until receipt of an order of court terminating the proceedings.

(c) Any payments made by an employer-garnishee in conformity with this section shall be a discharge of the liability of the employer to the judgment debtor to the extent of the payment.

(d) Under this section the employer-garnishee shall not withhold or pay over more than 10 per centum of the gross wages payable to the judgment debtor for any pay period ending in any calendar month until the total amount of gross wages paid or payable to the judgment debtor for all pay periods ending in such calendar month equals $200, nor more than 20 per centum of the gross wages in excess of $200 payable to the judgment debtor for any pay period ending in any calendar month until the total amount of gross wages paid or payable to the judgment debtor for all pay periods ending in such calendar month equals $500.

§ 16–574. Judgment creditor to file receipts, in court, of amount collected

(a) The judgment creditor shall:

(1) file with the clerk of the court, every three months after the serving of an attachment upon an employer-garnishee, a receipt showing the amount received and the balance due under the attachment as of the date of filing;

(2) file a final receipt with the court and furnish a copy thereof to the employee-garnishee; and

(3) obtain a vacation of the attachment within 20 days after the attachment has been satisfied.

(b) If the judgment creditor fails to file any of the receipts prescribed by subsection (a) of this section, an interested party may move the court to compel the defaulting judgment creditor to appear in court and make an accounting forthwith. The court may, in its discretion, enter judgment for any damages, including a reasonable attorney's fee suffered by, and tax costs in favor of, the party filing the motion to compel the accounting.

§ 16–575. Judgment against employer-garnishee for failure to pay percentages

If the employer-garnishee fails to pay to the judgment creditor the percentages prescribed in this subchapter of the wages which become payable to the judgment debtor for any pay period, judgment shall be entered against him for an amount equal to the percentages with respect to which the failure occurs.

§ 16–576. Lapse of attachment upon resignation or dismissal of employee

If a judgment debtor resigns or is dismissed from his employment while an attachment upon his wages is wholly or partly unsatisfied, the attachment shall lapse and no further deduction may be made thereon unless the judgment debtor is reinstated or reemployed within 90 days after the resignation or dismissal.

§ 16–577. Applicability of per centum limitations to judgments for support

The per centum limitations prescribed by section 16–572 do not apply in the case of execution upon a judgment, order, or decree of any court of the District of Columbia for the payment of any sum for the support or maintenance of a person's wife, or former wife, or children, and any such execution, judgment, order, or decree shall, in the discretion of the court, have priority over any other execution which is subject to the provisions of this subchapter. In the case of execution upon such a judgment, order, or decree for the payment of such sum for support or maintenance, the limitation shall be 50 per centum of the gross wages due or to become due to any such person for the pay period or periods ending in any calendar month.

§ 16–578. Court of General Sessions judgments; lapse; validity

An attachment issued by the District of Columbia Court of General Sessions upon a judgment of that court duly docketed in the United States District Court for the District of Columbia, and levied within six years from the date of the judgment upon the wages due or to become due to the judgment debtor from the employer-garnishee, shall not lapse or become invalid prior to complete satisfaction solely by reason of the expiration of the period of limitation set forth in section 15–132(a).

§ 16–579. Payments by employer-garnishee where employee has no salary or salary inadequate for services rendered

Where the judgment debtor claims or is proved to be rendering services to or employed by a relative or other person or by a corporation owned or controlled by a relative or other person, without salary or compensation, or at a salary or compensation so inadequate as to satisfy the court that the salary or compensation is merely colorable and designed to defraud or impede the creditors of the debtor, the court may direct the employer-garnishee to make payments on account of the judgment, in installments, based upon a reasonable value of the services rendered by the judgment debtor under his employment or upon the debtor's then earning ability.

§ 16–580. Quashing attachment where judgment obtained to hinder just claims

Where an attachment levied under this subchapter is based upon a judgment obtained by default or consent without a trial upon the merits, the court, upon motion of an interested person, may quash the attachment upon satisfactory proof that the judgment was obtained without just cause and solely for the purpose of preventing or delaying the satisfaction of just claims.

§ 16–581. Rules of procedure

The judges of the District of Columbia Court of General Sessions and of the United States District Court for the District of Columbia shall establish such rules of procedure for their respective courts as may be necessary to effectuate the purposes of this subchapter.

§ 16–582. Attachments to which this subchapter is applicable

This subchapter applies only with respect to attachments upon wages, as defined by section 16–571, issued on or after 60 days from August 4, 1959.

CHAPTER 7—CRIMINAL PROCEEDINGS IN THE COURT OF GENERAL SESSIONS

Sec.

16–701. Rules and regulations.
16–702. Information, prosecution by.
16–703. Process of criminal division; fees.
16–704. Bail; collateral security.
16–705. Jury trial; trial by court.
16–706. Enforcement of judgments; commitment upon non-payment of fine.
16–707. Disposition of fines.
16–708. Penalties for wrongful conversion of forfeitures and fines.
16–709. Executions on forfeited recognizances and judgments.
16–710. Suspension of imposition or execution of sentence.

§ 16–701. Rules and regulations

The District of the Columbia Court of General Sessions may make rules and regulations deemed necessary and proper for conducting business in the criminal division of the court.

§ 16–702. Information, prosecution by

Prosecutions in the criminal division of the District of Columbia Court of General Sessions shall be by information by the proper prosecuting officer.

§ 16–703. Process of criminal division; fees

(a) The criminal division of the District of Columbia Court of General Sessions may issue process for the arrest of persons against whom an information is filed or complaint under oath is made.

(b) Process shall:

(1) be under the seal of the court;

(2) bear teste in the name of a judge of the court; and

(3) be signed by the clerk.

(c) In cases arising out of violations of any of the ordinances or laws of the District, process shall be directed to the Chief of Police, who shall execute the process and make return thereof in like manner as in other cases.

(d) In criminal cases cognizable in the United States District Court for the District of Columbia the process issued by the Court of General Sessions shall be directed to the United States marshal, except in cases of emergency, when it may be directed to the Chief of Police.

(e) For services pursuant to subsection (d) of this section the marshal shall receive the fees prescribed by section 15–709(b)(2).

§ 16–704. Bail; collateral security

(a) A person charged with an offense triable in the criminal division of the Court of General Sessions may give security for his appearance for trial or for further hearing, either by giving bond to the satisfaction of the court or by depositing money as collateral security with the appropriate officer at the court or the station keeper of the police precinct within which he is apprehended. When a sum of money is deposited as collateral security as provided by this section it shall remain, in contemplation of law, the property of the person depositing it until duly forfeited by the court. When forfeited, it shall be, in contemplation of law, the property of the United States of America or of the District of Columbia, according as the charge against the person depositing it is instituted on behalf of the United States or of the District. Every person receiving any sum of money deposited as provided by this section shall be deemed in law the agent of the person depositing it or of the United States or the District, as the case may be, for all purposes of properly preserving and accounting for money.

(b) This section does not affect the ultimate rights under existing law of the Washington Humane Society of the District of Columbia, in or to any forfeitures collected in the criminal division of the Court of General Sessions.

§ 16–705. Jury trial; trial by court

(a) In a criminal prosecution within the jurisdiction of the Court of General Sessions in which, according to the Constitution of the United States, the accused would be entitled to a jury trial, the trial shall be by jury, unless the accused in open court expressly waives trial by jury and requests to be tried by the judge. In the latter case, the trial shall be by the judge, and the judgment and sentence shall have the same force and effect in all respects as if they had been entered and pronounced upon the verdict of a jury.

(b) In any case where the accused would not by force of the Constitution of the United States be entitled to a trial by jury, the trial shall be by the court without a jury, unless it is a case wherein the fine or penalty may be more than $300, or imprisonment as punishment

for the offense may be more than ninety days and the accused demands a trial by jury. In the latter case the trial shall be by jury.

(c) The jury for service in the criminal division of the court shall consist of twelve persons, unless the parties, with the approval of the court and in the manner provided by rules of the court, agree to a number less than twelve.

§ 16–706. Enforcement of judgments; commitment upon nonpayment of fine

The Court of General Sessions may enforce any of its judgments rendered in criminal cases by fine or imprisonment, or both. Except as otherwise provided by law, in any case where the criminal division of the court imposes a fine, the court may, in default of the payment of the fine imposed, commit the defendant for such a term as the court deems right and proper, not to exceed one year.

§ 16–707. Disposition of fines

(a) All fines payable and paid under judgment of the criminal division of the Court of General Sessions shall, upon their payment, immediately become, in contemplation of law, the property of the United States or the District of Columbia, according to the charge upon which the fine may be adjudged. Every person receiving such a fine shall be deemed in law an agent of the United States or the District, as the case may be.

(b) This section does not affect the ultimate rights under existing law of the Washington Humane Society of the District of Columbia, in or to any fines paid in the criminal division of the Court of General Sessions.

§ 16–708. Penalties for wrongful conversion of forfeitures and fines

Whoever, being an agent as contemplated and defined by section 16–704(a), or by section 16–707(a), wrongfully converts to his own use any money received by him as provided therein, is guilty of embezzlement, and shall be fined not more than $5,000 or imprisoned not more than five years, or both.

§ 16–709. Executions on forfeited recognizances and judgments

The Court of General Sessions may issue execution on all recognizances forfeited in its criminal division, upon motion of the prosecuting officer; and all writs of fieri facias or other writs of execution on judgments issued by the criminal division shall be directed to and executed by the United States marshal.

§ 16–710. Suspension of imposition or execution of sentence

In criminal cases in the District of Columbia Court of General Sessions, the court may, upon conviction, suspend the imposition of sentence or impose sentence and suspend the execution thereof, for such time and upon such terms as it deems best, if it appears to the satisfaction of the court that the ends of justice and the best interests of the public and of the defendant would be served thereby. In each case of the imposition of sentence and the suspension of the execution thereof, the court may place the defendant on probation under the control and supervision of a probation officer. The probationer shall be provided by the clerk of the court with a written statement of the terms and conditions of his probation at the time when he is placed thereon. He shall observe the rules prescribed for his conduct by the court and report to the probation officer as directed. A person may not be put on probation without his consent.

CHAPTER 9—DIVORCE, ANNULMENT, SEPARATION, SUPPORT, ETC.

Sec.

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16–903. Decree annulling marriage.
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§ 16–901. Definition

As used in this chapter, "court" means the Domestic Relations Branch of the District of Columbia Court of General Sessions.

§ 16–902. Residence requirements

A decree of nullity of marriage or divorce may not be rendered in favor of anyone who has not been a bona fide resident of the District of Columbia for at least one year next before the application therefor, and a divorce may not be decreed in favor of any person who has not been a bona fide resident of the District for at least two years next before the application therefor for any cause that has occurred out of the District and prior to residence therein.

§ 16–903. Decree annulling marriage

A decree annulling the marriage as illegal and void may be rendered on any of the grounds specified by sections 30–101 and 30–103 as invalidating a marriage.

31 Stat. 1391; 50 Stat. 626.

§ 16–904. Grounds for divorce, legal separation and annulment

(a) A divorce from the bond of marriage or a legal separation from bed and board may be granted for:

(1) adultery;

(2) desertion for two years;

(3) voluntary separation from bed and board for five consecutive years without cohabitation; or

(4) final conviction of a felony involving moral turpitude and sentence for not less than two years to a penal institution that is served in whole or part.

A legal separation from bed and board may also be granted for cruelty; and where a final decree of divorce from bed and board is or has been granted and the separation of the parties continues or has continued for two years after or since date of decree, the decree may be enlarged into a decree of absolute divorce from the bond of marriage upon application of the innocent spouse.

(b) Marriage contracts may be declared void where:

(1) the marriage was contracted while either of the parties thereto had a former wife or husband living, unless the former marriage had been lawfully dissolved;

(2) the marriage was contracted during the lunacy of either party, unless there has been voluntary cohabitation after the lunacy, or was procured by fraud or coercion;

(3) either party was matrimonially incapacitated at the time of marriage and the incapacity has continued; or

(4) either party had not arrived at the age of legal consent to the contract of marriage, unless there has been voluntary cohabitation after coming to legal age, but only on the action of the party not capable of consenting.

§ 16–905. Revocation of decree of divorce from bed and board

The court may revoke its decree of divorce from bed and board at any time, upon the joint application of the parties to be discharged from the operation of the decree.

§ 16–906. Causes for absolute divorce arising after decree for separation

Where a divorce from bed and board has been decreed the court may afterwards decree an absolute divorce between the parties for any cause arising since the first decree and sufficient to entitle the complaining party to the second decree.

§ 16–907. Legitimacy of issue of annulled marriage contracted while another in force

If any marriage is declared by decree to be void because either party has a former wife or husband living, and it appears that the marriage was contracted in good faith by the other party and in ignorance of the obstacle to the marriage, the court shall so find and declare in its decree, and the issue of the marriage shall be deemed to be the legitimate issue of the parent who was capable of contracting.

§ 16–908. Legitimacy of issue of annulled marriage with lunatic

If a marriage is declared null and void because of the idiocy or lunacy of either party at the time of the marriage the issue of the marriage shall be deemed legitimate.

§ 16–909. Legitimacy of issue of divorced marriage

A divorce for a cause provided for by this chapter does not affect the legitimacy of the issue of the marriage dissolved by the divorce, but the legitimacy of the issue, if questioned, shall be tried and determined according to the course of the common law.

§ 16–910. Dissolution of property rights; jurisdiction of court

Upon the entry of a final decree of annulment or absolute divorce, in the absence of a valid antenuptial or postnuptial agreement in relation thereto, all property rights of the parties in joint tenancy or tenancy by the entirety shall stand dissolved and, in the same proceeding in which the decree is entered, the court may award the property to the one lawfully entitled thereto or apportion it in such manner as seems equitable, just, and reasonable.

§ 16–911. Alimony pendente lite; suit money; enforcement; custody of children

During the pendency of an action for divorce, or an action by the husband to declare the marriage null and void, where the nullity is denied by the wife, the court may:

(1) require the husband to pay alimony to the wife for the maintenance of herself and their minor children committed to her care, and suit money, including counsel fees, to enable her to conduct her case, whether she is the plaintiff or the defendant, and enforce any order relating thereto by attachment and imprisonment for disobedience;

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(2) enjoin any disposition of the husband's property to avoid the collection of the allowances so required;

(3) if the husband fails or refuses to pay the alimony or suit money, sequestrate his property and apply the income thereof to such objects; and

(4) determine who shall have the care and custody of infant children pending the proceedings.

§ 16–912. Permanent alimony; enforcement; retention of dower

When a divorce is granted to the wife, the court may decree her permanent alimony sufficient for her support and that of any minor children whom the court assigns to her care, and secure and enforce the payment of the alimony in the manner prescribed by section 16–911, and may, if it seems appropriate, retain to the wife her right of dower in the husband's estate; and the court may, in similar circumstances, retain to the husband his right of dower in the wife's estate.

§ 16–913. Alimony when divorce is granted on husband's application

When a divorce is granted on the application of the husband, the court may require him to pay alimony to the wife, if it seems just and proper.

§ 16–914. Retention of jurisdiction as to alimony and custody of children

After the issuance of a decree of divorce granting alimony and providing for the care and custody of children, the case shall still be considered open for any future orders relating to those matters.

§ 16–915. Restoration of wife's maiden or other previous name

In granting a divorce from the bond of marriage, the court may restore to the wife her maiden or other previous name.

§ 16–916. Maintenance of wife and minor children; enforcement

When a husband fails or refuses to maintain his wife and minor children, if any, although able so to do, the court, on application of the wife, pendente lite and permanently, may decree that he shall pay her, periodically, such sums as would be allowed to her as pendente lite or permanent alimony in case of divorce for the maintenance of herself and the minor children, if any, committed to her care by the court. The court may enforce the payment thereof in the same manner as directed in regard to the payment of permanent alimony.

§ 16–917. Co-respondents as defendants; service of process

In a divorce case where adultery is charged, the person or persons with whom the adultery is charged to have been committed shall be made defendant or defendants and brought in by personal service of process or by publication as in other cases.

§ 16–918. Assignment of counsel in uncontested cases; compensation

In all uncontested divorce cases, and in any other divorce or annulment case where the court deems it necessary or proper, a disinterested attorney shall be assigned by the court to enter his appearance for the defendant and actively defend the cause. The attorney shall receive such compensation for his services as the court determines to be proper, which shall be paid by the parties as the court directs.

§ 16–919. Proof required on default or admission of defendant

A decree for a divorce, or a decree annulling a marriage, may not be rendered on default, without proof; and an admission contained in the answer of the defendant may not be taken as proof of the facts

charged as the ground of the application, but shall be proved by other evidence in all cases.

§ 16–920. Effective date of final decree; contents

A final decree annulling or dissolving a marriage is not effective to annul or dissolve the marriage until the expiration of the time allowed for taking an appeal, and until the final disposition of any appeal taken, and every final decree shall expressly so recite. Every decree for absolute divorce shall contain the date thereof and may not be absolute and take effect until the expiration of six months after its date.

§ 16–921. Validity of marriage, action to determine

When the validity of an alleged marriage is denied by either of the parties thereto the other party may institute an action for affirming the marriage, and upon due proof of the validity thereof the court shall decree it to be valid. The decree shall be conclusive upon all parties concerned.

§ 16–922. Validity of marriages and divorces solemnized or pronounced before January 1, 1902

This chapter does not invalidate any marriage solemnized according to law before January 1, 1902, or any decree or judgment of divorce pronounced before that date.

CHAPTER 11—EJECTMENT AND OTHER REAL PROPERTY ACTIONS

SUBCHAPTER I—EJECTMENT

Sec.

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Subchapter I—Ejectment

§ 16–1101. Parties defendant; joint tenants and tenants in common

(a) A civil action based upon a cause of action in ejectment, may be brought against:

(1) the person actually occupying the premises claimed, either in person or by tenant; or

(2) both the claimant and his tenant, or other occupant claiming under him; or

(3) if the premises are not actually occupied, a person exercising acts of ownership thereon adversely to the plaintiff.

When a lessee is made a defendant at the suit of a party claiming against the title of the lessee's landlord, the landlord may appear and be made a party defendant in the place of his lessee.

Any person claiming to be in possession may, on motion, be admitted to defend the action.

(b) Joint tenants shall sue jointly in ejectment, but tenants in common may sue either jointly or separately, and any number of tenants in common, less than the whole number entitled, may sue jointly in reference to their undivided interests.

§ 16–1102. Failure of tenant to give notice to landlord

If a tenant, on whom a complaint in ejectment is served, fails to give notice thereof, without delay, to his landlord or the agent of the landlord, he shall forfeit and pay to the landlord the value of three years' full rent of the premises, to be recovered by a civil action.

§ 16–1103. Contents of complaint; adverse possession

In his complaint in ejectment, the plaintiff shall:

(1) describe the premises claimed with reasonable certainty; and

(2) set forth distinctly the nature and quantity of the estate claimed by him in the premises.

It is sufficient for the plaintiff to state, in addition, that:

(1) he was possessed of the premises, and while he was so possessed the defendant entered wrongfully into possession thereof, and withholds the possession of the premises from the plaintiff, or wrongfully detains possession; or

(2) the defendant is wrongfully exercising acts of ownership over the premises.

However, except as provided by this chapter, acts of ownership do not amount to an adversary possession, so as to make it necessary for the plaintiff to sue in order to avoid the bar of the statute of limitations.

§ 16–1104. Proof necessary

(a) Except as provided by subsection (b) of this section, in an action of ejectment it is sufficient to entitle the plaintiff to relief to show that he is entitled, as against the defendant, to the immediate possession of the premises claimed, and that the defendant is:

(1) in possession of the premises, and is holding adversely to the plaintiff; or

(2) exercising acts of ownership over the premises, adversely to the plaintiff.

(b) In an action pursuant to this chapter by one or more joint tenants or tenants in common against their cotenants, the plaintiffs shall be required to prove an actual ouster or some other act amounting to a denial of the plaintiff's title and his exclusion from the enjoyment of the property.

§ 16–1105. Legal title in mortgagee or trustee; possession

It is not a bar to the plaintiff's recovery in an action of ejectment that the legal title to the property claimed is outstanding in another as mortgagee or trustee under a mortgage or deed of trust to secure a debt, unless the mortgagee or trustee, or those claiming under him, has taken possession of the premises, or unless the defendant claims under the mortgagor or grantor in the deed of trust.

§ 16–1106. Performance of contract by vendee as precluding vendor from recovery

Where real property has been sold under a written contract executed by the vendor, and there has been such a performance of its terms by the vendee as would entitle him to a decree for a conveyance of the legal title, without condition, the vendor may not recover the property from the vendee.

§ 16–1107. Several judgments against defendants occupying distinct parcels

When it appears on the trial in an action of ejectment that some of the defendants occupy distinct parcels of the property claimed, in severalty, the plaintiff, if entitled to recover, may in the discretion of the court, have several judgments against the respective parties, according to the proof of occupancy.

§ 16–1108. Recovery of less than is claimed

The plaintiff, under a claim to certain described premises, may recover less than the whole property claimed, and, under a claim to an entire property, may recover an undivided part thereof.

§ 16–1109. Recovery of mesne profits and damages; separate count

(a) The plaintiff may embody in his complaint, in a separate count, a claim for the:

(1) mesne profits received by the defendant from the property sued for; or

(2) clear value of the use and occupation of the property sued for—

extending to the time of the verdict, and also damages for waste or injury to the premises during that period.

(b) If the jury find for the plaintiff, they may, at the same time, find and assess the mesne profits, or the value of the use and occupation and the amount of damages, specified by subsection (a) of this section. Except in the case provided for by section 16–1116, there shall be rendered, besides a judgment for the recovery of the property, a judgment against the defendant for the amount so found by the jury.

§ 16–1110. Recovery, by landlord, of furniture, arrears in rent, and damages; separate counts

(a) In an action in ejectment against his tenant, a landlord may embody in his complaint, in separate counts, claims for:

(1) furniture, if leased with the realty;

(2) arrears of rent due at the termination of the tenancy;

(3) double rent in cases authorized by this Code from the termination of the tenancy to the verdict for possession; and

(4) damages for waste or injury to the premises or furniture during the defendant's occupancy of the premises and before commencement of the action.

(b) If the jury find for the landlord, they may, at the same time, find the amounts due for arrears of rent and for double rent and for damages, as provided by subsection (a) of this section, and judgment shall be rendered accordingly.

§ 16–1111. Separate action for rent or damages

The plaintiff in ejectment is not required to join his claim for rent or damages with his claim for the recovery of the land and his omission to do so does not prevent him from bringing his action for rent or damages separately.

§ 16–1112. Expiration of title pending suit; damages

If the title of the plaintiff in ejectment expires after the commencement of his action but before the trial, and but for the expiration he would have been entitled to recover, the verdict shall find the facts, and the plaintiff may recover his damages sustained by the wrongful withholding of the possession.

§ 16–1113. Defense of adverse possession; enclosure

In an action to recover vacant and unimproved lots of ground it is not necessary, in order to maintain the defense of adversary possession, to show that the premises in controversy had been enclosed; but if it appears that the property had been assessed for taxation to the defendant, or those under whom he claims, and that he or they had regularly paid the taxes on the property and were the only persons who had exercised control over the property for a period of fifteen years before the bringing of the action, the facts shall be the equivalent of possession by actual enclosure.

§ 16–1114. Verdict; judgment; costs; future actions

(a) In an action of ejectment, if the plaintiff's title is established by proof, the verdict of the jury shall be generally for the plaintiff as to the whole or part of the property or interest claimed in the complaint, as the case may be. If the plaintiff fails to make satisfactory proof of title, the verdict shall be for the defendant as to the whole or part of the property, as the case may be. The verdict may be for the plaintiff as to part and for the defendant as to other part thereof. Except as provided by this chapter, judgment shall be rendered according to the verdict.

(b) When it appears on the trial that the defendant did not wrongfully enter into possession of the property sued for, or exercise acts of ownership over the same adversely to the plaintiff, the verdict of the jury shall be that the defendant is not guilty. Thereupon, judgment shall be rendered in favor of the defendant against the plaintiff for the costs of the action, but the judgment is not a bar to a future action by the plaintiff against the defendant for the recovery of the property.

§ 16–1115. Conclusiveness of final judgment

A final judgment rendered in an action of ejectment is conclusive as to the title thereby established as between the parties to the action and all persons claiming under them since the commencement of the action.

§ 16–1116. Improvements; notice; good faith; directions to jury; measure of damages

In an action of ejectment, at any time before the trial, the defendant may give notice that if the verdict of the jury is in favor of the plaintiff's title the defendant will claim the benefit of permanent improvements that may have been placed on the property by the defendant or those under whom he claims, and offer evidence at the trial tending to show that he or those under whom he claims had peaceably entered into possession of the premises in controversy under a title which he or they had reason to believe and did believe to be good, and had erected valuable and permanent improvements on the property, which were begun in good faith before the commencement of the action. The court shall then direct the jury, in case they find in favor of the plaintiff's title and also find that the permanent improvements were made by the defendant, or those under whom he claims, under the circumstances described in this section, to assess the:

(1) damages of the plaintiff, being the clear value over and above taxes and necessary expenses of the use and occupation of the property, exclusive of the improvements, during the whole period of the occupation of the property to the date of the verdict, and any damage done to the property, by waste or otherwise, by the parties during the occupation;

(2) present value of any permanent improvements that may have been placed on the premises by the defendant or those under whom he claims;

(3) present value of the property of the plaintiff without and exclusive of the improvements.

§ 16–1117. New trial as to assessment

Either party who feels aggrieved by the assessment provided for by section 16–1116, may, within four days after the verdict, move to set the assessment aside, and the court may, for good cause shown, set the verdict aside and order another jury to be empaneled in the cause to make a new assessment.

§ 16–1118. Judgment for damages in excess of improvements

When the damages of the plaintiff, assessed as provided by section 16–1116, exceed the value of the permanent improvements as ascertained by the jury, the plaintiff shall be entitled to a judgment for the excess in like manner as directed by section 16–1109.

§ 16–1119. Judgment when improvements and damages are equal

When the value of the improvements, ascertained as provided by this chapter, equal but do not exceed the plaintiff's damages, as found by the jury, the plaintiff shall be entitled to judgment only for the recovery of the property sued for and costs.

§ 16–1120. Election of plaintiff if value of improvements exceeds damages

If the value of the improvements referred to in this chapter is found by the jury to exceed the damages of the plaintiff, the plaintiff may elect either to pay to the defendant the amount of the excess or to demand of the defendant the value of the plaintiff's property, without the improvements, as fixed by the jury, and tender to the defendant a deed for the property, with all the plaintiff's right, title, and interest therein.

§ 16–1121. Judgment and writ of possession after payment for improvements

When the plaintiff pays to the defendant, within the time fixed therefor by the court, or, in case of the defendant's refusal to accept the payment, pays into court for the defendant's use the amount of the excess of the value of the improvements over the damages of the plaintiff, the plaintiff shall be entitled forthwith to a judgment and writ of possession.

§ 16–1122. Judgment and writ of possession after tender of deed and defendant's refusal to pay

If the plaintiff tenders to the defendant a deed as provided by section 16–1120 and demands the value of his property without the improvements, as found by the jury, and the defendant fails or refuses to pay the value within the time fixed therefor by the court, the plaintiff shall, in like manner, be entitled to a judgment and writ of possession; and if the plaintiff is a minor, the court may authorize the deed to be executed by his guardian.

§ 16–1123. Judgment for defendant after plaintiff's refusal to pay excess or tender deed

If the plaintiff fails or refuses either to pay the defendant the excess of the value of the improvements over the amount of the plaintiff's damages, or, as provided by the chapter, to tender a deed to the defendant and accept from him the value of the plaintiff's property, exclusive of the improvements, the defendant may pay the value into court for the use of the plaintiff. Thereupon, the defendant shall be entitled to a judgment in his favor, but without costs, which judgment shall be a bar to any future action by the plaintiff against the defendant to recover the property for cause theretofore existing.

§ 16–1124. Ejectment for non-payment of rent; time limitation on relief from judgment; set-off; dismissal upon payment

(a) In a case between landlord and tenant, where one-half year's rent or more is in arrear and unpaid, and the landlord or lessor to whom the rent is due has the right by law, in default of a sufficiency of goods and chattels whereon to distrain for the satisfaction of the rent due, to re-enter for non-payment of the rent, he may, without any formal demand or re-entry, commence a civil action in ejectment for the recovery of the demised premises.

(b) When a judgment is given for the plaintiff in an action pursuant to this section, and execution is had on the judgment, before the rent in arrear and costs of suit are paid, the lease of the property shall cease and be determined, unless the judgment is reversed on appeal or certiorari or, within six months after execution on the judgment, the defendant or a person who has succeeded to his interest, or a mortgagee of the lease or of any part thereof who was not in possession when final judgment was rendered, applies to the court for an order granting equitable relief from the judgment, which is subsequently granted.

(c) When possession of the property recovered has been delivered to the plaintiff under execution issued upon a judgment in an action pursuant to this section, and, in connection with the application for equitable relief from the judgment, the defendant or other person referred to in subsection (b) of this section, has, prior to or at the time of his application, paid or tendered to the plaintiff or his legal representative or successor in interest, or paid into court for the use of the person entitled thereto, the amount of rent in arrear, as stated in the judgment and costs of suit and all damages sustained by the plaintiff, the order

for restoration of possession of the property to the person who made the payment shall provide for setting off the sum that the plaintiff has made, or that he might, without fraud, deceit, or willful neglect, have made, of the property, during his possession, against the rent accruing after the judgment was rendered, and for reimbursement to the applicant of the balance, if any, of the sum paid into court by him, after making the set-off prescribed by this subsection.

(d) At any time before the trial of an action pursuant to this section, the defendant may pay or tender to the plaintiff, or pay into court, the amount of all the rent then in arrear, and costs of suit. Thereupon, the action shall be dismissed.

Subchapter II—Proceedings To Discover the Death of a Tenant for Life

§ 16–1151. Petition by person entitled to claim; form and contents

(a) A person entitled to claim real property, after the death of another person who has a prior estate therein, may, not oftener than once a year, petition the court for an order directing the production of the tenant for life, as prescribed by this subchapter, by a person, named in the petition, against whom a civil action in ejectment to recover the real property can be maintained if the tenant for life is dead, or, if there is no such person, by the guardian, trustee, or other person who has, or is entitled to, the custody of the person of the tenant for life, or the care of his estate.

(b) A petition prescribed by subsection (a) of this section shall be verified by the affidavit of the petitioner, and shall contain an averment that the petitioner has cause to believe that the person, upon whose life the prior estate depends, is dead, and that his or her death is being concealed by the person named in the petition.

§ 16–1152. Order to produce life tenant; service of order

Upon the presentation of the petition and affidavit prescribed by section 16–1151, the court shall issue an order to the person named in the petition to produce and show to the persons named in the order by the petitioner, not exceeding two in number, at such time and place as the court directs, the person upon whose life the prior estate depends. A certified copy of the order shall be served upon the person required to produce the tenant for life in the manner provided by applicable rules of court.

§ 16–1153. Failure to produce as ordered; subsequent proceedings; commissioners; presumption of death; right of possession

(a) If a person upon whom an order, as prescribed by section 16–1152, is served, refuses or neglects to produce the person upon whose life the prior estate depends in the manner provided by the order, the court shall order him to produce the person in court or before commissioners appointed by the court, at such time and place as the court directs. Two of the commissioners shall be nominated by the petitioner, and they shall serve at his expense. A certified copy of the order shall be served upon the person required to produce the tenant for life in the manner provided by applicable rules of court. The commissioners appointed shall make and file with the court a return showing the results of their investigation and their conclusions.

(b) If the person upon whom the second order prescribed by subsection (a) of this section is served refuses or neglects to produce, in court, or before the commissioners, as the case may be, the person

upon whose life the prior estate depends, it shall be presumed that the latter person is dead, and the court shall issue an order permitting the petitioner to take possession of the property, as if that person were actually dead.

§ 16–1154. Investigation outside the District; report to court; presumption of death; right to possession

If before, or at the time of, the presentation of the commissioners' return provided for by section 16–1153, or, where commissioners are not appointed, at any time before a final order is made, the party upon whom the first or second order is served presents to the court presumptive proof, by affidavit, that the person, whose death was in question, is, or lately was, at a place certain, without the District of Columbia, the petitioner, at his own expense, may send one or both of the persons named in the first order to view him. If the person concealing or suspected of concealing the person upon whose life the prior estate depends, or the fact of his death, refuses or neglects to produce him or to procure him to be produced to the personal view of the persons sent for that purpose, the persons sent to view him shall make a true return of the refusal or neglect to the court, and the return shall be filed in the court. Thereupon, it shall be presumed that the tenant for life is dead, and the court shall issue an order permitting the petitioner to take possession of the real property, as if that person were actually dead.

§ 16–1155. Restoration of property to life tenant

The possession of real property that has been awarded to a petitioner pursuant to this subchapter, upon the presumption of the death of the person upon whose life the prior estate depends, shall be restored, by an order of the court, to the person evicted, or to his heirs, or legal representatives, upon the petition of the latter, and proof, to the satisfaction of the court, that the person presumed to be dead is living. The proceedings upon such a petition are the same as those prescribed by this subchapter to be followed upon the petition of the person to whom possession is awarded.

§ 16–1156. Recovery of profits by person evicted

A person evicted, as prescribed by this subchapter, may, when the presumption upon which he is evicted is erroneous, maintain a civil action against the person who has occupied the property, or his executor or administrator, to recover the full profits of the property during the occupation, while the person, upon whose life the prior estate depends, is or was living.

§ 16–1157. Preservation of life tenants' rights if living at time of return

When a guardian, trustee, or other person holding an estate or interest determinable upon the life of another person, shows by affidavit or otherwise, to the satisfaction of the court, that:

(1) he has used his utmost efforts to procure the tenant for life to appear in the court or elsewhere, according to the order of the court;

(2) he can not procure or compel him so to appear; and

(3) the tenant for life is or was living at the time of the return made and filed, as prescribed by this subchapter—

he may continue in the possession of the estate, and receive the rents and profits for and during the infancy of the infant, or for and during the life of any other person on whose life the estate or interest depends.

§ 16–1158. Persons holding over after life estate; damages

A guardian or trustee for an infant, or other person having an estate determinable upon life or lives, who, after the determination of the particular estate or interest, without the express consent of the person or persons who is or are next and immediately entitled thereto, holds over and continues in possession of the real property, is a trespasser. Any person entitled to the real property upon or after the determination of the particular estate or interest, or his executor or administrator, may recover in damages against the person so holding over, or his executor or administrator, the full value of the profits received during the wrongful possession.

CHAPTER 13—EMINENT DOMAIN

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Subchapter I—General Provisions

§ 16–1301. Jurisdiction of District Court

The United States District Court for the District of Columbia has jurisdiction of all proceedings for the condemnation of real property authorized by this chapter, with full power to hear and determine all issues of law and fact that may arise in the proceedings.

§ 16–1302. Assignment of judge for condemnation cases

The chief judge of the United States District Court for the District of Columbia shall assign from time to time, and for such periods as he determines, one of the judges of the court to hear cases involving the condemnation of real property in the District of Columbia. In case of the disability of the judge so assigned, or for any other reason, the chief judge may assign any judge of the Court for service in condemnation cases.

Subchapter II—Real Property for District of Columbia

§ 16–1311. Condemnation proceedings by Board of Commissioners

When real property in the District of Columbia is needed by the Board of Commissioners of the District for sites of schoolhouses, fire or police stations, or for a right of way for sewers, or for any other municipal use authorized by Congress, and it can not be acquired by purchase from the owners thereof at a price satisfactory to the officers of the District authorized to negotiate for the property, a complaint may be filed in the United States District Court for the District of Columbia in the name of the Board for the condemnation of the property or right of way and the ascertainment of its value.

§ 16–1312. Jury; special list; qualifications; procedure for drawing

(a) For the purposes of this subchapter, the jury commission shall:

(1) prepare a special list of persons who have the qualifications of jurors, as prescribed by section 11–2301, and who, in addition, are owners of real property in the District;

(2) from time to time, as may be necessary, write the names contained in the special list on separate and similar pieces of paper, which shall be so folded or rolled that the names can not be seen, and place them in a special box to be provided for the purpose;

(3) thereupon, seal and lock the special box, and, after thoroughly shaking the box, deliver it to the clerk of the United States District Court for the District of Columbia for safekeeping.

The box may not be unsealed or opened except by the jury commission.

(b) From time to time, as ordered by the court, the jury commission shall publicly break the seal of the box provided for by subsection (a) of this section, and proceed to draw therefrom by lot, without previous examination, the names of such number of persons as the court directs, to serve in condemnation proceedings brought pursuant to section 16–1311, and certify the names so drawn to the clerk of the court. At the time of each drawing, there shall be in the box the names of not less than one hundred persons possessing the qualifications prescribed by subsection (a) of this section.

(c) Except as provided by this section, chapter 23 of Title 11, in so far as it may be applicable, governs the qualifications of jurors in cases under section 16–1311 and the duties and conduct of the jury commissioners under this section.

(d) A person who has so served within one year may not serve as a condemnation juror under this section.

§ 16–1313. Selection of jury; oath of jurors

In each action brought pursuant to this subchapter, the court shall appoint, from among the persons whose names are drawn pursuant to section 16–1312, a jury of five capable and disinterested persons, and shall administer to the persons so drawn an oath or affirmation that they:

(1) are not interested in any manner in the real property to be condemned;

(2) are not related to the parties interested in the property; and

(3) without favor or partiality, and to the best of their judgment, will appraise the value of the respective interests of all persons concerned in the property.

§ 16–1314. Declaration of taking; contents; deposit; transfer of title; determination; interest

(a) In an action pursuant to this subchapter, the plaintiffs may file in a cause, with the complaint or at any time before judgment, a declaration of taking, signed by the members of the Board of Commissioners, declaring that the property is thereby taken for use of the District of Columbia. The declaration of taking shall contain or have annexed thereto a—

(1) statement of the authority under which and the public use for which the property is taken;

(2) description of the property taken sufficient for the identification thereof;

(3) statement of the estate or interest in the property taken for public use;

(4) plan showing the property taken; and

(5) statement of the sum of money estimated by the Commissioners to be just compensation for the property taken.

(b) Notwithstanding section 16–1319, upon the filing of the declaration of taking and the deposit in the registry of the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in the declaration, title to the property in fee simple absolute, or such less estate or interest therein as is specified in the declaration, shall vest in the District of Columbia, and the property shall be deemed to be condemned and taken for the use of the District, and the right to just compensation therefor shall vest in the persons entitled thereto. The compensation shall be ascertained and awarded in the proceedings and established by judgment therein, and the judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per centum per annum on the amount finally awarded as the value of the property as of the date of taking, from that date to the date of payment. Interest may not be allowed on as much thereof as has been paid into the registry. A sum so paid into the registry may not be charged with commissions or poundage.

§ 16–1315. Distribution of money deposited on declaration of taking; judgment for deficiency or overpayment; execution

After the filing of the declaration of taking, and the deposit of the money in the registry of the court, as provided for by section 16–1314, the court, upon the application of the parties in interest, may order that the money so deposited, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in the proceeding. Upon the final award of compensation, the court shall enter

judgment for the amount of any deficiency or overpayment in the manner provided by subdivision (j) of rule 71A of the Federal Rules of Civil Procedure. A writ of execution may be issued on the judgment within the same time, and it shall have the same effect as a lien, and shall be executed and returned in the same manner, as if issued on any other judgment.

28 USC app.

§ 16–1316. Time for surrender of possession under declaration of taking; adjustment of charges

Upon the filing of the declaration of taking provided for by 16–1314, the court may fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the plaintiffs. The court may make such orders in respect of incumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as it deems just and equitable.

§ 16–1317. Objections to jurors; appraisement

The court, before accepting the jury in a condemnation proceeding pursuant to this subchapter, shall hear any objections that may be made to any member thereof, and may pass upon any objection, and may excuse any juror or cause any vacancy in the jury, when empaneled, to be filled. After the jury is organized and have viewed and examined the land and premises affected by the condemnation proceeding, they shall proceed, in the presence of the court, to hear and receive any evidence offered or submitted on behalf of the District of Columbia and by any person having an interest in the proceeding. When the hearing is concluded, the jury, or a majority of them, shall return to the court, in writing, their appraisement of the value of the interests of all persons, respectively, in the real property, where the appraisement shall be recorded. In making their decision, the jury shall take into consideration, when a part only is taken, the benefit to the remainder of the tract, and shall give their appraisement accordingly.

§ 16–1318. Objections or exceptions to appraisement; new jury

(a) Objections or exceptions to an appraisement of the jury pursuant to section 16–1317 may be filed within twenty days after the return of the appraisement to the court. The court shall hear and determine any objections or exceptions so filed, and may vacate and set aside the appraisement, in whole or in part, when satisfied that it is unjust or unreasonable. If the appraisement is vacated and set aside, the court shall order the jury commission to draw from the special box the names of as many persons as the court directs, and, from among the persons so drawn, shall thereupon appoint a new jury of five capable and disinterested persons, who shall proceed as in the case of the first jury. The appraisement of the new jury shall be final when confirmed by the court.

(b) When an appraisement is vacated in part, the residue thereof as to the property condemned is not affected thereby.

§ 16–1319. Payment of award; transfer of title

If the appraisement of the jury pursuant to section 16–1317 is not objected to by the parties interested, it shall be confirmed by the court, or, if the appraisement of the new jury is confirmed by the court, the Board of Commissioners shall pay the amount awarded by the jury out of the appropriation made therefor or deposit it in the manner as directed by section 7–215, and thereupon the title to the property condemned shall vest in the District of Columbia.

Stat. 582.

§ 16–1320. Fixing time for return of verdict

In every case involving the condemnation of real property under this subchapter, at the close of the hearing thereof, the court shall fix a time in which the jury shall return its verdict or the report to the court the reasons why the verdict or appraisement can not be returned by the time fixed. The court has discretion to extend the time for the return of the verdict or appraisement.

§ 16–1321. Abandonment of proceedings; liability

In a condemnation proceeding pursuant to this subchapter, it is optional with the Board of Commissioners to abide by the verdict of the jury and occupy the property appraised by them, or, within a reasonable time to be fixed by the court in its order confirming the verdict, to abandon the proceeding. If the proceeding is abandoned, the court shall award to the owner or owners of the property involved therein such sum or sums as will in the opinion of the court reimburse the owner or owners for all reasonable costs and expenses, including reasonable counsel fees, incurred by him or them in the proceeding. The sum or sums so awarded constitute a judgment or judgments against the District of Columbia. An owner is not entitled to the reimbursement in any case where the proceeding is abandoned at the request, or with the consent, of the owner of the property.

Subchapter III—Excess Property for Development of Seat of Government

§ 16–1331. Acquisition of property in excess of needs

In order to promote the orderly and proper development of the seat of government of the United States, the Board of Commissioners of the District of Columbia, and agencies of the United States authorized by law to acquire real property, may acquire, in the public interest, by gift, dedication, exchange, purchase, or condemnation, fee simple title to land, or rights in or on land or easements or restrictions therein, within the District, for public uses, works, and improvements authorized by Congress, in excess of that actually needed for and essential to their usefulness, in order to preserve the view, appearance, light, and air and to enhance their usefulness to prevent the use of private property adjacent to them in such a manner as to impair the public benefit derived from the construction thereof, or to prevent inequities or hardship to the owners of adjacent private property by depriving them of the beneficial use of their property.

§ 16–1332. Sale of excess property; restrictions on use; fair market value; disposition of moneys

(a) The Board of Commissioners of the District of Columbia and agencies of the United States authorized by law to acquire real property may, upon completion of public improvements:

(1) subdivide, and sell, at public or private sale, or exchange, any excess real property acquired pursuant to this subchapter; and

(2) to carry out such purposes, convey any property acquired in excess of that actually needed and which is not essential to the usefulness of the public works—

with such reservations concerning the future use and occupation of the property as, in their discretion, may be necessary to protect the public improvements.

(b) Property sold under this section shall be sold at not less than the fair market value at the time sold, as determined by appraisement of the assessor of the District of Columbia.

(c) Moneys received from sales or transfers of properties pursuant to this subchapter shall be covered into the Treasury of the United States, and where the property sold was acquired under an appropriation authorized for the use of the District of Columbia, moneys received from the sale shall be deposited in the Treasury to the credit of the revenues of the District of Columbia.

§ 16–1333. Notice of sale of excess property

When excess real property is to be sold pursuant to section 16–1332, notice of not less than twenty days before the sale shall be published in a daily newspaper published in the District of Columbia, and notice shall be sent before the sale, by registered mail or by certified mail, to the last-known address of the persons listed on the records of the assessor of the District as the owners of the property abutting on the property to be sold.

§ 16–1334. Retention, for public use, of excess property

When the authorities of the District of Columbia or the United States having jurisdiction of real property, rights, or easements acquired pursuant to this subchapter, elect to retain any of them for the use of the District or the United States, they may use the property, rights or easements for park, playground, highway, or alley purposes, or for any other lawful purpose that they deem advantageous or in the public interest.

§ 16–1335. Availability of appropriations for purchase of excess property

When real property is purchased pursuant to this subchapter in excess of that needed for a particular project or improvement, appropriations available for the payment of the purchase price, costs, and expenses incident to the project or improvement may be used in the payment of the purchase price, costs, and expenses of excess real property purchased in connection with the project or improvement, as provided by this subchapter.

§ 16–1336. Condemnation of excess real property by Board of Commissioners; payment of awards, damages, and costs; no assessments for benefits

(a) When, pursuant to this subchapter, excess real property is condemned by the Board of Commissioners, the condemnation proceedings for the acquisition of the property shall be in accordance with subchapter I of this chapter, sections 7–202 to 7–212, 7–213a, 7–214, 7–215, or sections 7–301 to 7–305, 7–313 to 7–318, 7–320, 7–321 and 7–323.

34 Stat. 151; 65 Stat. 126; 33 Stat. 733.

(b) Appropriations available for the payment of awards, damages, and condemnation proceedings pursuant to subchapter I of this chapter may be used in the payment of awards, damages, and costs in condemnation proceedings under the sections referred to by subsection (a) of this section for the acquisition of excess real property, as provided by this subchapter.

(c) Appropriations available for the payment of awards, damages, and costs in condemnation proceedings pursuant to subchapter I of this chapter or sections 7–301 to 7–305, 7–313 to 7–318, 7–320, 7–321 and 7–323 may be used in the payment of awards, damages, and costs in condemnation proceedings thereunder for the acquisition of excess real property as provided by this subchapter.

(d) In all cases where excess real property is condemned, assessments for benefits may not be levied by the jury in respect to the acquisition of the property.

§ 16–1337. Condemnation of excess real property by United States agencies; payment of awards, damages, and costs

When excess real property is condemned by agencies of the United States, other than the Board of Commissioners of the District of Columbia, as provided by this subchapter, the condemnation proceedings for the acquisition of the property shall be in accordance with subchapter IV of this chapter, or any laws in effect at the time of the commencement of condemnation proceedings for the acquisition of real property in the District of Columbia for the use of the United States.

Appropriations available for the condemnation of property pursuant to subchapter IV of this chapter may be used in the payment of awards, damages, and costs in condemnation proceedings pursuant to that subchapter for the acquisition of excess real property as provided by this subchapter.

§ 16–1338. Construction of subchapter

This subchapter does not repeal any provisions of existing law pertaining to the condemnation or acquisition of streets, alleys, or land, or the law or laws relating to the subdividing of lands in the District of Columbia.

Subchapter IV—Real Property for United States

§ 16–1351. Definition

As used in this subchapter, "acquiring authority" means the head of an executive department or agency of the United States, or other officer of the United States, or board or commission of the United States, authorized by law to acquire real property in the District of Columbia for the construction of public building or work, or for parks, parkways, public playgrounds, or other public purpose.

§ 16–1352. Condemnation proceedings by Attorney General

When, for the purposes specified by section 16–1351, it is deemed necessary or advantageous to do so, the acquiring authority may acquire real property in the District of Columbia in the name of the United States by condemnation under judicial process. The Attorney General of the United States, upon the request of the acquiring authority, shall institute a proceeding for the condemnation of the property in the United States District Court for the District of Columbia.

§ 16–1353. Declaration of taking; contents; deposit; transfer of title; determination; interest

(a) In an action pursuant to this subchapter, the plaintiff may file in the cause, with the complaint or at any time before judgment, a declaration of taking signed by the acquiring authority empowered by law to acquire the property described in the complaint, declaring that the property is thereby taken for the use of the United States. The declaration of taking shall contain or have annexed thereto a—

(1) statement of the authority under which and the public use for which the lands are taken;

(2) description of the lands taken sufficient for the identification thereof;

(3) statement of the estate or interest in the lands taken for public use;

(4) plan showing the lands taken; and

(5) statement of the sum of money estimated by the acquiring authority to be just compensation for the property taken.

93–025 O–64–39

Upon the filing of the declaration of taking and of the deposit in the registry of the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in the declaration, title to the property in fee simple absolute, or such less estate or interest therein as is specified in the declaration, vests in the United States of America, and the property shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation therefor vests in the persons entitled thereto. The compensation shall be ascertained and awarded in the proceedings and established by judgment therein, and the judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per centum per annum on the amount finally awarded as the value of the property as of the date of taking, from that date to the date of payment. Interest may not be allowed on as much thereof as has been paid into the registry. A sum so paid into the registry may not be charged with commissions or poundage.

§ 16–1354. Distribution of money deposited on declaration of taking; judgment for deficiency

After the filing of the declaration of taking, and the deposit of the money in the registry of the court, as provided for by section 16–1353, the court, upon the application of the parties in interest, may order that the money so deposited, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in the proceeding. Upon the final award of compensation, the court shall enter judgment for the amount of any deficiency in the manner provided by rule 71A(j) of the Federal Rules of Civil Procedure.

28 USC app.

§ 16–1355. Time for surrender of possession under declaration of taking; adjustment of charges

Upon the filing of a declaration of taking provided for by section 16–1353, the court may fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the plaintiff. The court may make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as it deems just and equitable.

§ 16–1356. Setting date for trial

In a proceeding pursuant to this subchapter, after all defendants have been served with notice, and there has been return of service, as provided by rule 71A (d) of the Federal Rules of Civil Procedure, and after defendants have appeared or answered in the manner provided by rule 71A (e) thereof, either personally or by their guardians ad litem or other legal representatives, or are in default, the case shall be regarded as ready for trial, and, upon the application of any party to the proceeding, the court shall forthwith set an early date to be fixed by it, not less than ten nor more than twenty days from the date of the application, for the trial of the issues of law and fact raised in the case, and the ascertainment of the compensation or damages to be awarded for the taking of the property to be condemned.

§ 16–1357. Drawing of jurors, and selection of jury; qualifications

When the date for trial has been set, as provided by section 16–1356, the court shall thereupon order the jury commission to draw from the special box provided for by law the names of as many persons, not less than twenty, as the court directs, and to certify the names to the clerk of the United States District Court for the District of Columbia as a panel of prospective jurors. The persons so certified shall be thereupon summoned by the United States marshal for the District of Columbia to appear in the court on the day specially fixed for the trial of the cause. Before selecting or impaneling the jury, the court

may cause a second, third, or other further list of prospective jurors to be drawn, certified and summoned in like manner. From the persons so certified and summoned, the court, after examination on oath and in open court as to their qualifications, shall select and impanel a jury of five capable and disinterested persons who have the qualifications of jurors as prescribed by law for the courts of the District of Columbia, and in addition thereto are real property owners in the District and are not in the service or employment of the United States or of the District of Columbia.

§ 16–1358. Oath of jurors

The jurors selected and impaneled, as provided by section 16–1357, shall take an oath or affirmation, administered by the court, that they:

(1) are not interested in any manner in the property to be condemned;

(2) are not, to their knowledge, related to any person interested in the property; and

(3) will, impartially and to the best of their judgment, ascertain, appraise, and award just compensation for the property to be condemned and taken in the proceeding.

§ 16–1359. Inspection of property by jury; presence of parties

After being selected, impaneled, and sworn, as provided by sections 16–1357 and 16–1358, and before hearing the evidence, the jury, in order to inspect the property to be acquired, shall be taken upon the property by the United States marshal at a time fixed by the court. All parties in interest, their attorneys, and representatives have the right to be present at the inspection.

§ 16–1360. Trial; evidence; measure of compensation

After the inspection provided for by section 16–1359, and the jury has returned to the court, the trial of the cause shall be proceeded with before the court and jury. Any person who has appeared in the cause claiming any right, title, interest, or estate in the land to be taken, or compensation on account of its taking, has the right to submit evidence concerning the value of the property, parcel by parcel, the nature and extent of his right, interest, or estate therein, and the compensation justly due for the taking of the property. A new structure or substantial alteration of a permanent nature, the purpose or natural effect of which is to enhance the value of the property to be taken, erected, or made thereon after the institution of the condemnation proceedings may not be taken into consideration in assessing and awarding compensation for the property. When the property to be valued has been taken by virtue of a declaration of taking, as provided by section 16–1353, it shall be valued for the purposes of compensation as of the date of the taking. When, by act of the owner or other party claiming to be entitled to compensation, the value of the property for the use for which it is to be taken has been diminished, as by cutting trees, excavating, grading, or otherwise altering its physical condition, allowance, if the plaintiff so elects, shall be made in accessing compensation for the diminution in value.

§ 16–1361. Verdict

At the close of the evidence in a proceeding pursuant to this subchapter, the court shall charge the jury and furnish them with a written form to be used in returning their verdict. The members of the jury may separate when not engaged in the consideration of their verdict. When the jury, or a majority thereof, have agreed upon their verdict they shall, through their foreman, so notify the court, which shall thereupon pass an order setting a day for the return of the verdict in open court. The verdict shall be in writing subscribed by the jurors concurring therein, and shall set forth, parcel by parcel, the compensation to be paid for the taking of the lands to be condemned.

§ 16–1362. Fixing date for new trial; new jurors

If a verdict rendered pursuant to section 16–1361, or any award contained therein, is set aside or vacated, the court shall—

(1) grant a new trial with respect to the property as to which the verdict or award is set aside or vacated;

(2) fix a date for the new trial; and

(3) order a new panel of prospective jurors to be drawn, certified, or summoned as provided by section 16–1357.

The court shall then proceed with the cause as if a verdict or award had not been rendered.

§ 16–1363. Judgment

Judgment upon a verdict returned pursuant to section 16–1361 or any award contained therein shall be entered against the United States in favor of the parties entitled for the sums awarded as just compensation, respectively, for the property condemned for the use of the United States.

§ 16–1364. Force and effect of judgment; payment

A final judgment rendered against the United States pursuant to this subchapter has like force and effect as a money judgment rendered against the United States by the Court of Claims in a suit in respect of which the United States has expressly consented to be sued. The amount of the final judgment shall be paid out of any specific appropriation applicable to the case. If a specific appropriation does not exist, the judgment shall be paid in the same manner (except with respect to interest) as judgments rendered by the Court of Claims in cases under its general jurisdiction.

§ 16–1365. Appeal; deficiency judgment

A party aggrieved by a final judgment in a proceeding pursuant to this subchapter may appeal therefrom to the United States Court of Appeals for the District of Columbia Circuit. The appeal, or any bond or undertaking given therein, does not operate to prevent or delay the vesting of title to the property in the United States, but upon the filing of a declaration of taking, or, if a declaration of taking is not filed, upon payment to the party entitled, or deposit in the registry of the court, of the amount awarded by the judgment, title vests in the United States, saving to all parties their right to just compensation. If the compensation finally awarded and adjudged for the property exceeds the amount awarded and adjudged by the judgment appealed from, the court shall enter judgment for the deficiency with interest as provided by this subchapter.

§ 16–1366. Payment of compensation into court; vesting of title

Payment into the registry of the court for the use of the parties entitled of the sum adjudged to be just compensation for the property to be condemned and taken, or for any parcel thereof, or any interest therein, pursuant to this subchapter, constitutes payment of the compensation. Upon the payment, the plaintiff is entitled to an order declaring that the title to the property in respect of which the compensation is so paid is vested in the United States of America. The money so paid into the registry of the court shall be deemed to be vested in the persons owning or interested in the property, according to their respective estates and interest, and the money shall take the place and stand in lieu of the property condemned. The court, upon the application of the plaintiff or of any party in interest, may determine and direct who is entitled to receive payment of the money so paid into the registry, and, in its discretion, order a reference to the auditor of the court or a special master to ascertain the facts on which the determination and direction are to be made.

§ 16–1367. Delivery of possession

Where possession has not been awarded pursuant to a declaration of taking, and the adjudged compensation has been paid into the registry as directed by the judgment of the court and a certified copy of the judgment, with a certificate of the clerk of the court showing the payment, has been served upon the person in possession of the property, he shall, upon demand, deliver possession thereof to the plaintiff. If possession is not delivered when so demanded, the plaintiff may apply to the court without notice, unless the court requires notice to be given, for a writ of assistance, and the court, upon proof of the service of the copy of the final order or judgment and certificate of the clerk showing payment as referred to in this section, shall thereupon cause the writ to be issued, which shall be executed in the same manner as when issued in other cases for the delivery of possession of real property.

§ 16–1368. Additional powers of court

Where the mode or manner of conducting a proceeding pursuant to this subchapter is not expressly provided for by law or rules of court in force under authority of law, the court may make all necessary orders and give all necessary directions to carry into effect the object and intent of this subchapter or any other laws conferring authority to acquire real property for the use of the United States.

CHAPTER 15—FORCIBLE ENTRY AND DETAINER

Sec.

16–1501. Definition; summons.
16–1502. Service of summons.
16–1503. Judgment and execution for possession.
16–1504. Certification to District Court upon plea of title; undertaking.
16–1505. Conclusiveness of judgment.

§ 16–1501. Definition; summons

When a person detains possession of real property without right, or after his right to possession has ceased, the District of Columbia Court of General Sessions, on complaint under oath verified by the person aggrieved by the detention, or by his agent or attorney having knowledge of the facts, may issue a summons to the party complained of to appear and show cause why judgment should not be given against him for the restitution of possession.

§ 16–1502. Service of summons

The summons provided for by section 16–1501 shall be served seven days, exclusive of Sundays and legal holidays, before the day fixed for the trial of the action. If the defendant has left the District of Columbia, or cannot be found, the summons may be served by delivering a copy thereof to the tenant, or by leaving a copy with some person above the age of sixteen years residing on or in possession of the premises sought to be recovered, and if no one is in actual possession of the premises, or residing thereon, by posting a copy of the summons on the premises where it may be conveniently read.

§ 16–1503. Judgment and execution for possession

When, upon a trial in a proceeding pursuant to this chapter, it appears that the plaintiff is entitled to the possession of the premises, judgment and execution for the possession shall be awarded in his favor, with costs; and if the plaintiff becomes nonsuit or fails to prove his right to the possession, the defendant shall have judgment and execution for his costs.

§ 16–1504. Certification to District Court upon plea of title; undertaking

When, upon a trial in a proceeding pursuant to this chapter, the defendant pleads title to the premises, in himself or in another under whom he claims, setting forth the nature of the title, under oath, and enters into an undertaking, with sufficient surety, to be approved by the court, to pay all intervening damages and costs and reasonable intervening rent for the premises, the court shall certify the proceedings to the United States District Court for the District of Columbia, and the proceeding shall be further continued in the District Court according to its rules.

§ 16–1505. Conclusiveness of judgment

A judgment of the District of Columbia Court of General Sessions in a proceeding pursuant to this chapter is not a bar to any afteraction brought by either party, and does not conclude any question of title between them, where title is not pleaded by the defendants.

CHAPTER 17—GAMING TRANSACTIONS

Sec.

16–1701. Invalidity of gaming contracts.
16–1702. Recovery of losses at gaming.
16–1703. Relief from further penalty upon discovery and repayment of losses.
16–1704. Cheating at gambling.

§ 16–1701. Invalidity of gaming contracts

(a) A thing in action, judgment, mortgage, or other security or conveyance made and executed by a person in which any part of the consideration is for money or other valuable thing won by playing at any game whatsoever, or by betting on the sides or hands of persons who play, or for the reimbursement or payment of any money knowingly lent or advanced for the purpose, or lent or advanced at the time and place of the play or bet, to a person so playing or betting or who, during the play, so plays or bets, is void except as provided by subsection (b) of this section.

(b) If the mortgage, security, or other conveyance affects real property, it shall inure to the sole benefit of, and devolve upon, the persons who might have, or be entitled to, the property, as if the person who executed the instrument had died immediately after its execution, or as if the instrument had been made to the persons so entitled after the death of the person who executed it. A grant or conveyance made for the purpose of preventing the real property from coming to, or devolving upon, the persons intended by this section to enjoy the property as herein provided is fraudulent and void.

(c) This section does not affect the validity of negotiable instruments embraced by chapters 1 to 10 of Title 28.

§ 16–1702. Recovery of losses at gaming

A person who, at any time or sitting, by playing at cards, dice or any other game, or by betting on the sides or hands of persons who play, loses to a person so playing or betting, a sum of money, or other valuable thing, amounting to $25 or more, and pays or delivers the money or thing, or any part thereof, may, within three months after the payment or delivery, sue for and recover the money, goods or other valuable thing, so lost and paid or delivered, or any part thereof, or the full value thereof, by a civil action, from the winner thereof, with costs. If the person who loses the money or other thing, does not, within three months actually and bona fide, and without collusion, sue, and with effect prosecute, therefor, any person may sue for, and recover treble the value of the money, goods, chattels and other things, with costs of suit, by a civil action against the winner, one-half to the use of the plaintiff, the remainder to the use of the District of Columbia.

§ 16–1703. Relief from further penalty upon discovery and repayment of losses

Upon the discovery and repayment of the money or other thing to be discovered and repaid as provided by section 16–1702, the person who so discovers and repays shall be acquitted, indemnified, and discharged from any further or other punishment, forfeiture, or penalty, that he may have incurred by the playing for, or winning, the money or other thing so discovered and repaid.

§ 16–1704. Cheating at gambling

Whoever, at any one time or sitting, by fraud or false pretense, while playing at any game, or while having a share in a wager played for, or while betting on the sides or hands of persons who play, wins, or acquires to himself or to any other person, above the sum or value of $25, shall, upon conviction of the offense, forfeit five times the value of the sum of money or other thing so won, and shall be deemed infamous.

The penalty prescribed by this section may be recovered in a civil action by the persons specified by, and in the manner provided by, section 16–1702.

CHAPTER 19—HABEAS CORPUS

Sec.

16–1901. Petition to District Court; issuance of writ.
16–1902. Service of writ; return.
16–1903. Suspected evasion or disobedience of writ; procedure.
16–1904. Forfeiture and penalty for failure to produce.
16–1905. Right to copy of commitment; forfeiture.
16–1906. Inquiry into cause of detention; bail; bond.
16–1907. Traversing return; pleading; witnesses.
16–1908. Right of other persons to writ.
16–1909. Construction of chapter.

§ 16–1901. Petition to District Court; issuance of writ

A person committed, detained, confined, or restrained from his lawful liberty within the District, under any color or pretense whatever, or a person in his behalf, may apply by petition to the United States District Court for the District of Columbia, or a judge thereof, for a writ of habeas corpus, to the end that the cause of the commitment, detainer, confinement, or restraint may be inquired into. The court or the judge applied to, if the facts set forth in the petition make a prima facie case, shall forthwith grant the writ, directed to the officer or other person in whose custody or keeping the party so detained is, returnable forthwith before the court or judge.

§ 16–1902. Service of writ; return

A writ of habeas corpus issued pursuant to this chapter shall be served by delivering it to the officer or other person to whom it is directed, or by leaving it at the prison or place at which the party suing it out is detained. The officer or other person shall forthwith, or within such reasonable time as the court or judge directs:

(1) make return of the writ and cause the person detained to be brought before the court or judge, according to the command of the writ; and

(2) certify the true cause of his detainer or imprisonment, if any, and under what color or pretense he is confined or restrained of his liberty.

§ 16–1903. Suspected evasion or disobedience of writ; procedure

On an application for a writ of habeas corpus, if probable cause is shown for believing that the person charged with confining or

detaining the person applying therefor, or on whose behalf the application is made:

(1) is about to remove the person so detained from the place where he is then detained, for the purpose of evading a writ of habeas corpus, or for other purposes; or

(2) he would evade or not obey a writ of habeas corpus—

the court or judge shall insert in the writ a clause commanding the United States marshal to serve the writ on the person to whom it is directed and cause him immediately to appear before the court or judge, together with the person so confined or detained. Thereupon, the marshal shall immediately carry those persons before the court or judge, and the court or judge shall proceed to inquire into the matter.

§ 16–1904. Forfeiture and penalty for failure to produce

If an officer or other person to whom a writ of habeas corpus is directed neglects or refuses to:

(1) make return of the writ; or

(2) bring the body of the person detained—

according to the command of the writ, he shall forfeit to the person detained the sum of $500, and be liable to attachment and punishment as for a contempt.

§ 16–1905. Right to copy of commitment; forfeiture

A person committed or detained, or a person in his behalf, may demand a true copy of the warrant of commitment or detainer. An officer or other person detaining a person, who refuses or neglects to deliver to him or to a person in his behalf a true copy of the warrant of commitment or detainer, if one exists, within six hours after the demand, shall forfeit to the party so detained the sum of $500.

§ 16–1906. Inquiry into cause of detention; bail; bond

On the return of a writ of habeas corpus issued pursuant to this chapter and the production of the person detained, the court or judge shall immediately inquire into the legality and propriety of the confinement or detention. If it appears that the person is detained without legal warrant or authority, the court or judge shall immediately release or discharge him. If the court or judge deems his detention to be lawful and proper, the court or judge shall remand him to the same custody, or, in a proper case, admit him to bail, if he is confined on a charge of having committed a bailable criminal offense. If he is bailed, the court or judge shall require a sufficient bond or recognizance to answer in the proper court, and transmit it to that court.

§ 16–1907. Traversing return; pleading; witnesses

A person at whose instance or in whose behalf a writ of habeas corpus has been issued may traverse the return thereto, or plead any matters showing that there is not a sufficient legal cause for his confinement or detention. The court or judge may issue process for witnesses or for the production of papers, which shall be served and enforced in like manner as similar process issued in a cause pending in the court, if the court or judge is satisfied as to the materiality of the testimony proposed to be adduced.

§ 16–1908. Right of other persons to writ

A person entitled to the custody of another person, unlawfully confined or detained by a third person, as a parent, guardian, committee, or husband, entitled to the custody of a minor child, ward, lunatic, or wife, upon application to the court or a judge as provided by this chapter, and showing just cause therefor, under oath, is entitled to a writ of habeas corpus, directed to the person confining or detaining, requiring him forthwith to appear and produce before the court

or judge the person so detained, and the same proceedings shall be had in relation thereto as provided for by this chapter. The court or judge, upon hearing the proofs, shall determine which of the contesting parties is entitled to the custody of the person so detained, and commit the custody of the person to the party legally entitled thereto.

§ 16–1909. Construction of chapter

This chapter does not affect any provision of chapter 153 of Title 28, United States Code.

62 Stat. 964.
28 USC 2241-2255.

CHAPTER 21—JOINT CONTRACTS

Sec.

16–2101. Definition of joint and several contracts.
16–2102. Death of party to the contract.
16–2103. Extinguishment or merger of cause of action.
16–2104. Death after action brought; legal representatives.
16–2105. Proof of joint liability unnecessary; judgment.
16–2106. Separate composition or compromise.

§ 16–2101. Definition of joint and several contracts

For the purposes of action thereon, a contract or obligation entered into by two or more persons, whether:

(1) the persons are partners or joint contractors;
(2) the contract is under seal or not;
(3) it is written or verbal; or
(4) it is expressed to be joint and several or not—

is deemed to be joint and several.

§ 16–2102. Death of party to the contract

If a person specified by section 16–2101 dies, his executors, administrators, or heirs are bound by the contract in the same manner and to the same extent as if the contract or obligation were expressed to be joint and several.

§ 16–2103. Extinguishment or merger of cause of action

Where, with respect to a contract specified by section 16–2101, an action is brought against:

(1) all the parties thereto, but service of process is had on some, only, of the defendants; or
(2) some, only, of the parties thereto, and service of process is had on them only—

a judgment against the parties so served does not work an extinguishment or merger of the cause of action on which the judgment is founded as respects the parties not so served. They shall remain liable to be sued separately.

§ 16–2104. Death after action brought; legal representatives

When one of several defendants in an action dies after the commencement of the action, his legal representatives may be made parties to the action as directed by chapter 1 of Title 12.

§ 16–2105. Proof of joint liability unnecessary; judgment

In actions ex contractu against alleged joint debtors it is not necessary for the plaintiff to prove their joint liability as alleged in order to maintain his action. He is entitled to recover, as in actions ex delicto, against such of the defendants as are shown by the evidence to be jointly indebted to him, or against one only, if he alone is shown to be indebted to him, and judgment shall be rendered as if the others had not been joined in the action.

§ 16–2106. Separate composition or compromise

Any one of several joint debtors, when their debt is overdue, may make a separate composition or compromise with their creditors, with the same effect as is provided in the case of parties by chapter 2 of Title 41.

31 Stat. 1414.

CHAPTER 23—JUVENILE COURT PROCEEDINGS

SUBCHAPTER I—JUVENILE DELINQUENCY PROCEEDINGS AND RELATED MATTERS

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Subchapter I—Juvenile Delinquency Proceedings and Related Matters

§ 16–2301. Definitions

As used in this subchapter:

"adult" means a person 18 years of age or older; and

"child" means a person under 18 years of age.

§ 16–2302. Information regarding child; investigation; petition; contents

When a person gives to the Director of Social Work of the Juvenile Court of the District of Columbia, or other officer of the court duly designated as his representative, information in his possession that a child is within the provisions of section 11–1551, a duly designated officer of the court shall make preliminary investigation to determine whether the interests of the public or of the child require that further action be taken, and report his finding, together with a statement of the facts, to the Director of Social Work. When practicable, the in-

quiry shall include a preliminary investigation of the home and environmental situation of the child, his previous history, and the circumstances that were the subject of the information. When the Director of Social Work finds that jurisdiction should be acquired, he shall, after consultation with and approval by the corporation counsel or his assistant assigned to the court, authorize a petition to be filed. Where the Director fails so to find, the person giving information to the Director may present the facts to the corporation counsel or his assistant, who, after investigation by an officer of the court as herein provided, may authorize a petition to be filed. The proceedings shall be entitled, "In the matter of ————, a child under eighteen years of age."

The petition shall be verified by the officer making the investigation, or other person having personal knowledge of the case, and shall allege briefly the facts which bring the child within the provisions of section 11–1551, and shall state the name, age, and residence of

(1) the child;

(2) his parents;

(3) his legal guardian, if there be one;

(4) the person or persons having custody or control of the child; and

(5) the nearest known relative, if no parent or guardian can be found.

When any of the facts herein required are not known by the petitioner the petition shall so state.

§ 16–2303. Summons; notice; custody of child

After a petition has been filed pursuant to section 16–2302, unless the parties hereinafter named voluntarily appear, the court shall issue a summons reciting briefly the substance of the petition, and requiring the person or persons who have custody or control of the child to appear personally and bring the child before the court at a time and place stated. Where the person so summoned is other than the parent or guardian of the child, the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed, by personal service before the hearing, except as hereinafter provided. If the child is married, the other spouse shall also be so notified. Summons may be issued requiring the appearance of any other person whose presence is necessary.

Where it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the court may cause to be endorsed upon the summons an order that the officer serving it shall at once take the child into custody.

§ 16–2304. Service of summons; time of hearing

Service of summons issued pursuant to section 16–2303 shall be made personally by the delivery of a true and attested copy to the person summoned. Where reasonable but unsuccessful efforts have been made to make personal service of summons or notice and it appears that it is impracticable to do so, the court may order service of summons or notice by registered mail to the last-known address or by publication, or both, as it deems necessary. It is sufficient to confer jurisdiction if service is effected at any time before the date fixed in the summons for the return thereof, but, on request of the parent or guardian or person having custody of the child, the hearing on the petition may not take place until three days after service of the summons.

The United States marshal for the District of Columbia or his deputy shall execute the orders and processes of the Court in the same manner as he executes those of the United States District Court for

the District of Columbia, and shall designate at least one of his deputies to serve at the court, where he shall perform such services as the judge requires.

§ 16–2305. Failure to obey summons; contempt; warrant

When a person summoned as provided by sections 16–2303 and 16–2304, without reasonable cause, fails to appear, he may be proceeded against for contempt of court. When the summons can not be served, or the parties served fail to obey it, or the welfare of the child requires that he be brought forthwith into the custody of the court, a warrant may be issued against the parent or guardian or against the child himself.

§ 16–2306. Taking child into custody; release to custody of parent, guardian, custodian, or probation officer; limitation on detention

(a) When an officer takes a child into custody, he shall, unless it is impracticable or has been otherwise ordered by the court, accept the written promise of the parent, guardian, or custodian to bring the child to the court at the time fixed. Thereupon, the child may be released in the custody of a parent, guardian, or custodian. If not so released, the child shall be placed in the custody of a probation officer or other person designated by the court, or taken immediately to the court or to a place of detention provided by the Board of Commissioners of the District of Columbia or its authorized representative, and the officer taking him shall immediately notify the court and shall file a petition when directed to do so by the court.

(b) A child whose custody has been assumed by the court may, pending final disposition of the case, be released by the court in the custody of a parent, guardian, or custodian, or of a probation officer or other person appointed by the court, to be brought before the court at the time designated. When not released as herein provided, the child, pending the hearing of the case, shall be detained in a place of detention provided by the Board of Commissioners of the District of Columbia or its authorized representative, subject to further order of the court.

(c) This subchapter does not forbid a peace officer, police officer, or probation officer from immediately taking into custody a child:

(1) who is found violating a law or ordinance; or

(2) who is reasonably believed to be a fugitive from his parents or from justice; or

(3) whose surroundings are such as to endanger his health, morals, or safety, unless immediate action is taken.

In a case specified by this subsection, the officer taking the child into custody shall immediately report the fact to the court and the case shall then be proceeded with as provided by this subchapter and chapter 15 of Title 11. A child so taken into custody may not be held in a place of detention for a period longer than five days, excluding Sundays and holidays, unless the court orders him detained for a further period.

§ 16–2307. Hearing; exclusion of public; jury trial

The court may conduct a hearing pursuant to this subchapter in an informal manner, and may adjourn the hearing from time to time. The general public shall be excluded from the hearing and only such persons as have a direct interest in the case and their representatives may be admitted except that the judge presiding at the hearing, by rule of court or special order, may admit such other persons as he deems to have a legitimate interest in the case or the work of the court. Cases involving children may be heard separately and apart from the trial of cases against adults. The court shall hear and deter-

mine all cases of children without a jury unless a jury is demanded by the child, his parent, guardian, or the court.

§ 16–2308. Determination and order of the Court

(a) When the court finds that the child comes within the provisions of this subchapter and section 11–1551, it may by order duly entered:

(1) place the child on probation or under supervision in his own home or in the custody of a relative or other fit person, upon such terms as the court determines;

(2) commit the child to the Board of Commissioners of the District of Columbia or its authorized representative; or to the National Training School for Boys if in need of such care as is given in the school; or to a qualified suitable private institution or agency willing and able to assume the education, care, and maintenance of the child without expense to the public; or

(3) make such further disposition of the child as may be provided by law and as the court deems to be best for the best interests of the child.

Paragraphs (1), (2), and (3) of this subsection do not authorize the removal of the child from the custody of his parents unless his welfare and the safety and protection of the public can not be adequately safeguarded without the removal.

(b) In committing a child to custody other than that of its parent, the court may, after giving the parent a reasonable opportunity to be heard, adjudge that the parent shall pay in such manner as the court directs a sum that will cover in whole or in part the support of the child. If the parent willfully fails or refuses to pay the sum, he may be proceeded against as provided by law for cases of desertion or failure to provide subsistence.

(c) When the court commits a child to an institution or agency, it shall transmit with the order of commitment a summary of its information concerning the child.

(d) An adjudication upon the status of a child in the jurisdiction of the court does not operate to impose any of the civil disabilities ordinarily imposed by conviction, and a child is not deemed a criminal by reason of an adjudication. An adjudication is not deemed a conviction of a crime, and a child may not be charged with or convicted of a crime in any court, except as provided by section 11–1553. The disposition made of a child, or evidence given in the court, is not admissible as evidence against the child in any case or proceeding in any other court, and the disposition, or evidence, or adjudication, does not operate to disqualify a child in any future civil-service examination, appointment, or application for public service under either the Government of the United States or of the District of Columbia.

§ 16–2309. Modification or revocation of order; petition; return of child, or other action

An order of commitment or probation made by the court in the case of a child may be modified or revoked by the court from time to time.

A parent, guardian, or next friend of a child who has been committed by the court to the custody of an institution, agency, or person, may at any time file with the court a verified petition, making application for modification or revocation of an order of commitment or probation, stating that the institution, agency, or person has denied application for the release of the child or has failed to act upon the application within a reasonable time. When the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear and determine the question at issue. It may

thereupon order that the child be restored to the custody of its parent or guardian, or be retained in the custody of the institution, agency, or person; and may direct the institution, agency, or person to make such other arrangements for the child's care and welfare as the circumstances of the case require; or the court may make a further order or commitment.

§ 16–2310. Appointment of guardian; custody as between parents

When in the course of a proceeding instituted pursuant to this subchapter it appears to the court that the welfare of a child will be promoted by the appointment of a relative or other suitable individual as guardian of its person, when the child is not committed to an institution or to the custody of an incorporated society, the court has jurisdiction to make the appointment either upon the application of the child or some relative or next friend or upon the court's own motion. The court may issue an order to show cause, which shall be served upon the parent or parents or custodian of the child in such manner and for such time prior to the hearing as the court deems reasonable. In a case arising pursuant to this subchapter, the court may also determine as between parents whether the father or the mother shall have the custody and control of the child.

§ 16–2311. Protection of religious affiliations

In placing a child under guardianship or custody other than that of its parent, the court, when practicable, shall select a person, or an institution or agency governed by persons, of like religious faith as that of the parents of the child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or if the religious faith of the child is not ascertained, then of either of the parents.

§ 16–2312. Physical and mental examinations of children

The court may cause a child coming under its jurisdiction to be examined by a physician, psychiatrist, or psychologist appointed by it.

§ 16–2313. Place of detention of children

(a) Except as provided by subsection (b) of this section, a child may not be placed in or committed to any prison, jail, or lockup, or be taken into custody, detained, or transferred from place to place, where he may be brought in contact or communication with an adult convicted of crime or under arrest and charged with crime.

(b) A child 16 years of age or older, whose habits or conduct are deemed such as to constitute a menace to other children, may, with the consent of a judge or Director of Social Work, be placed in a jail or other place of detention for adults, but in a room or ward separate from adults.

(c) The Board of Commissioners of the District of Columbia or its authorized representative shall make adequate provision for the temporary detention of children within its jurisdiction in a detention home or in boarding homes selected for the purpose.

§ 16–2314. Applicability to adult cases; offenses and penalties; jury trial

(a) All provisions of this subchapter relative to procedure in cases of children so far as practicable apply also to cases against adults arising under section 11–1551, 11–1554, 11–1555, or 11–1556, or any of the sections referred to in section 11–1557, with the consent of the defendant, or when not inconsistent with other provisions of law relating to the conduct of adult cases. Proceedings may be instituted upon complaint of an interested party or upon the court's own motion, and a reasonable opportunity to appear shall be afforded the respondent.

The court may issue a summons, a warrant of arrest, or other process in order to secure or to compel the attendance of a necessary person.

(b) Whoever, by act or omission, willfully causes, encourages, or contributes to a condition which would bring a child within the provisions of section 11–1551 or tends to cause such a condition, is guilty of a misdemeanor, and shall be fined not more than $200 or imprisoned not more than one year, or both. Upon the trial, the court may impose such sentence as the law provides, or may suspend sentence and place on probation, and by order impose upon the adult such duty as is deemed to be for the best interests of the child or other persons concerned. If an adult is charged with an offense for which he is entitled to a trial by jury, he shall be so tried unless he expressly waives his right to jury trial.

§ 16–2315. Finality of judgments

Except as provided by sections 11–741(a)(3), 11–741(b), 17–305(a), 17–306 and 17–307(a), in all cases tried before the court pursuant to this subchapter, the judgment of the court is final.

§ 16–2316. Construction and purpose

Sections 11–1551 to 11–1554, section 11–1583 (a)(1) and (a)(3), section 11–1584, section 11–1586 (a)–(d), and this subchapter shall be liberally construed so that, with respect to each child coming under the court's jurisdiction:

(1) the child shall receive such care and guidance, preferably in his own home, as will serve his welfare and the best interests of the District; and

(2) the child's family ties shall be conserved and strengthened whenever possible, and, except when his welfare or the safety and protection of the public can not be adequately safeguarded without his removal, he may not be removed from the custody of his parents; and

(3) when the child is removed from his own family, the court shall secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given him by his parents.

Subchapter II—Paternity Proceedings

§ 16–2341. Definitions

As used in this subchapter:

"Corporation Counsel" has the meaning prescribed by section 11–1583(b).

"Director of Public Health" means the Board of Commissioners of the District of Columbia or the officer or agency designated by the Board to have jurisdiction of, control, direct, and supervise, matters relating to public health and vital statistics in the District; and

"Metropolitan Police Department" means the Board of Commissioners of the District of Columbia or the agency designated by the Board to serve as the law enforcement agency for the District.

§ 16–2342. Party plaintiff; information

Proceedings pursuant to section 11–1555 and this subchapter shall be instituted in the Juvenile Court of the District of Columbia in the name of the District of Columbia, and prosecution upon information shall be by the Corporation Counsel for the District of Columbia or his assistants.

§ 16–2343. Time of bringing complaint

Proceedings to establish paternity and provide for the support of a child born out of wedlock may be instituted after four months of

pregnancy or within two years after the birth of the child, or within one year after the putative father has ceased making contributions for the support of the child. The time during which the defendant is absent from the jurisdiction shall be excluded from the computation of the time within which complaint may be filed.

§ 16–2344. Commencement of proceeding; complaint

An unmarried woman who is at least four months pregnant or who has been delivered of a child born out of wedlock, or a married woman who is at least four months pregnant with a child, which if born alive, may be born out of wedlock, or who has been delivered of a child born out of wedlock and who was not living with nor cohabiting with her husband during the period of time in which the child could have been conceived, may appear before the Corporation Counsel for the District of Columbia or his assistant at the Juvenile Court and accuse a man of being the father of her child and request his arrest. In case of death, disability, or incompetence of the mother, the complaint may be made by the custodian, guardian, or next friend of the child. The complainant shall be examined under oath by the Corporation Counsel or his assistant to determine the validity of the accusation. If, upon examination, there appears reasonable cause to believe that the accused person is the father of the child in question, the complaint shall be reduced to writing, verified by the complainant, and filed with the clerk of the court. The verified complaint may be introduced in evidence to impeach the complaining witness in any subsequent proceedings therein.

§ 16–2345. Apprehension of accused

Upon the filing of a complaint pursuant to section 16–2344, the case shall be calendared forthwith for preliminary hearing. The clerk of the court shall issue a summons requiring the accused to appear in court on a day certain for that purpose, or, if deemed necessary by the court, a warrant for the arrest of the defendant may be issued, directed to the United States marshal or the Chief of Police or any other member of the Metropolitan Police Department of the District of Columbia, requiring the accused to be arrested and brought before the court.

§ 16–2346. Bond; commitment; right to jury trial

The court may require the person accused to enter into bond with surety in a sum not to exceed $2,500, guaranteeing his appearance on the date set for hearing or trial. If the defendant fails to appear, the security for his appearance shall be forfeited and shall be applied toward the support of the child if so ordered by the court. If the defendant fails to post bond fixed by the court he shall forthwith be committed to the District Jail, there to remain until the date set for hearing, or until he enters into the required bond or otherwise is discharged by due process of law. In all prosecutions under this subchapter, the defendant is entitled to, but may waive, trial by jury. A final hearing may not take place until after the birth of the child.

§ 16–2347. Blood tests

When it is relevant to the prosecution or defense of an illegitimacy action, the court may direct that the mother, child, and the defendant submit to one or more blood tests to determine whether or not the defendant can be excluded as being the father of the child, but the results of the test may be admitted as evidence only in cases where the defendant does not object to its admissibility.

§ 16–2348. Exclusion of public

Upon the trial of proceedings pursuant to this subchapter, the court may exclude the general public, and shall do so at the request of either party.

§ 16–2349. Judgment

(a) PRENATAL AND CONFINEMENT EXPENSES; MAINTENANCE. When the defendant in a proceeding pursuant to this subchapter, in open court acknowledges the paternity of a child born out of wedlock, or when at the trial the finding of the court or jury is against the defendant, the court, in rendering judgment, may enter an order for the payment of the prenatal medical care and costs of the mother's confinement and expenses of childbirth in such amount or amounts as it deems reasonable, commensurate with defendant's ability to pay. The court may also order payments for the maintenance and education of the child, commensurate with defendant's ability to pay, to be made at such periods or intervals as the court directs. The court may order payments to be made by the defendant at a precinct of the Metropolitan Police Department of the District of Columbia. Payments shall continue until the child reaches the age of 16 years, unless, prior thereto, the child is legally adopted.

(b) PETITION FOR MODIFICATION OF JUDGMENT; HEARING. From time to time, the court, after a hearing, may change or modify its order directing the amount that defendant shall pay for the maintenance and support of the child. The hearing shall be held not less than ten days following notice in writing by the clerk of the court to the parties in interest, mailed to or left at their last known place of residence.

(c) DEATH OF CHILD. If a child dies before reaching the age of 16 years, the court upon proof thereof, may order the payment of reasonable funeral expenses, and shall terminate the order for maintenance. Arrears that may be owing at the time of death may be canceled.

§ 16–2350. Support payments

(a) SECURITY; PROBATION; COMMITMENT FOR DEFAULT. The court may require a defendant, against whom a judgment is rendered pursuant to this subchapter, to give security not to exceed $2,500 guaranteeing payments ordered by the court, or may suspend the requirement of security and place the defendant on probation to the court on condition that payments be made as ordered. In default of a payment as ordered, the Court may revoke probation and commit the defendant to jail for a period of not more than one year at any one time. At the expiration of a term of commitment, the court may discharge the defendant, but his liability to make subsequent payments or any payments in arrears at the time of commitment in accordance with the judgment or for commitment for further default is not thereby affected. In lieu of commitment or as a condition of his release from jail, the court may set aside commitment and again place the defendant on probation upon such terms as it directs. The amount of security, if forfeited, shall be disbursed as the court directs.

(b) JUDGMENT FOR ARREARS; EXECUTION. If there is a default of payments as ordered, the court, after notice by registered mail to the defendant at his last-known address, and after hearing, may reduce the amount of arrears to judgment. The court, after the notice and hearing, may reduce to judgment the arrears under any order hereafter entered for the support and maintenance of a child born out of wedlock, or any amounts ordered to be paid by the defendant under this subchapter. When the judgment is docketed in the clerk's office of the United States District Court for the District of Columbia, it has the same force and effect as judgments of that court, and execution thereon may be effected in the same manner as upon judgments of that court.

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§ 16–2351. Voluntary agreement for support; approval; order of court; exclusion of other remedies

The putative father of a child born out of wedlock may enter into an agreement with the mother of the child, or with another person on behalf of the child, for the support and maintenance of the child, and the agreement may be submitted to the court for ratification and approval. Upon ratification and approval, the court shall issue an order incorporating the terms thereof, and payments thereunder may be received and disbursed by the court in the same manner as provided by section 16–2381. The faithful performance under the terms of the agreement bars other remedies of the mother or any other person on behalf of the child for the support of the child, subject to section 16–2349(b).

§ 16–2352. Death of defendant; liability of estate

If the defendant dies after paternity has been established and prior to the time the child reaches the age of 16 years, any sums due and unpaid under an order of the court at the time of his death constitute a valid claim against his estate.

§ 16–2353. New birth record upon marriage of natural parents

When a certified copy of a marriage certificate is submitted to the Director of Public Health, establishing that the previously unwed parents of a child born out of wedlock have intermarried subsequent to the birth of the child and the paternity of the child has been judicially determined or acknowledged by the husband before the Commissioners or their designated agent, or has been acknowledged in an affidavit sworn to by the husband before a judge or the clerk of a court of record, or before an officer of the Armed Forces of the United States authorized to administer oaths, or before a person authorized to administer oaths, and the affidavit is delivered to the Commissioners or their designated agent, a new certificate of birth bearing the original date of birth and the names of both parents shall be issued and substituted for the certificate of birth then on file. The original certificate of birth and all papers pertaining to the issuance of the new certificate shall be placed under seal, and opened for inspection only upon order of the United States District Court for the District of Columbia.

§ 16–2354. Reports to Director of Public Health

(a) Upon entry of a final judgment determining the paternity of a child born out of wedlock, the clerk of the court shall forward a certificate to the Director of Public Health, or his authorized representative in the jurisdiction in which the child was born, giving the name of the person adjudged to be the father of the child.

(b) Upon receipt of the certificate provided by subsection (a) of this section, the Director of Public Health or his authorized representative shall file it with the original birth record, and thereafter may issue a certificate of birth registration including thereon the name of the person adjudged to be the father of the child.

§ 16–2355. Applicability of sections relating to desertion or nonsupport

34 Stat. 86; 44 Stat. 716.

The provisions of sections 22–903 to 22–905, making it a misdemeanor to abandon or willfully neglect to provide for the support and maintenance of minor children in destitute or necessitous circumstances, and providing the proceedings and punishment therefor, also apply to a person who abandons or fails to support his illegitimate child when paternity has been established judicially or when paternity has been directly acknowledged by the putative father under oath, or indirectly acknowledged by voluntarily making contributions to the support of the child.

§ 16–2356. Construction

Section 11–1555, section 11–1583(a)(2), section 11–1586(e), and this subchapter shall be so interpreted as to effectuate the protection and welfare of the child involved in any proceedings thereunder.

Subchapter III—Miscellaneous Provisions

§ 16–2381. Payments for support and maintenance under section 22–903 to 22–905; voluntary payments; disbursement

(a) In all cases arising pursuant to sections 22–903 to 22–905, that, pursuant to section 11–1556, are brought in the Juvenile Court of the District of Columbia, the court may order payments to be made by the defendant, including a defendant to which section 16–2355 relates, at a precinct of the Metropolitan Police Department of the District of Columbia. As used in this subsection, "Metropolitan Police Department" has the same meaning as that prescribed in section 16–2341. 34 Stat. 86; 44 Stat. 716.

(b) The Juvenile Court may accept voluntary payments for the support and maintenance of wife or minor children and disburse the moneys to the persons for whom the contributions are paid, in the same manner as the payments are accepted and disbursed pursuant to sections 22–903 to 22–905.

§ 16–2382. Jury

The jury for service in the Juvenile Court shall consist of twelve persons.

§ 16–2383. Suspension of imposition or execution of sentence

In all cases in the Juvenile Court, the court may, upon conviction, suspend the imposition of sentence or impose sentence and suspend the execution thereof, if it appears to the satisfaction of the court that the ends of justice and the best interests of the public and of the defendant would be served thereby. In the imposition of sentence and the suspension of the execution thereof, the court may place the defendant on probation as provided by section 16–2314, 22–903, or 31–207, as the case may be.

§ 16–2384. Fees prohibited

A fee may not be charged for any service rendered by the clerk of the Juvenile Court or by any officer of the court.

CHAPTER 25—CHANGE OF NAME

Sec.
16–2501. Application; persons who may file.
16–2502. Notice; contents.
16–2503. Decree.

§ 16–2501. Application; persons who may file

Whoever, being a resident of the District and desiring a change of name, may file an application in the United States District Court for the District of Columbia setting forth the reasons therefor and also the name desired to be assumed. If the applicant is an infant, the application shall be filed by his parent, guardian, or next friend.

§ 16–2502. Notice; contents

Prior to a hearing pursuant to this chapter, notice of the filing of the application, containing the substance and prayer thereof, shall be published once a week for three consecutive weeks in a newspaper in general circulation published in the District.

§ 16–2503. Decree

On proof of the notice prescribed by section 16–2502, and upon a showing that the court deems satisfactory, the court may change the name of the applicant according to the prayer of the application.

CHAPTER 27—NEGLIGENCE CAUSING DEATH

Sec.

16–2701. Liability; damages; prior recovery as precluding action.
16–2702. Party plaintiff; statute of limitations.
16–2703. Distribution of damages.

§ 16–2701. Liability; damages; prior recovery as precluding action

When, by an injury done or happening within the limits of the District, the death of a person is caused by the wrongful act, neglect, or default of a person or corporation, and the act, neglect, or default is such as will, if death does not ensue, entitle the person injured, or if the person injured is a married woman, entitle her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation that is liable if death does not ensue is liable to an action for damages for the death, notwithstanding the death of the person injured, even though the death is caused under circumstances that constitute a felony.

The damages shall be assessed with reference to the injury resulting from the act, neglect, or default causing the death, to the spouse and the next of kin of the deceased person; and shall include the reasonable expenses of last illness and burial. Where there is a surviving spouse, the jury shall allocate the portion of its verdict payable to the spouse and next of kin, respectively, according to the finding of damage to the spouse and next of kin. If, in a particular case, the verdict is deemed excessive the trial judge or the United States Court of Appeals for the District of Columbia Circuit, on appeal of the cause, may order a reduction of the verdict. An action may not be maintained pursuant to this chapter if the party injured by the wrongful act, neglect, or default has recovered damages therefor during his life.

§ 16–2702. Party plaintiff; statute of limitations

An action pursuant to this chapter shall be brought by and in the name of the personal representative of the deceased person, and within one year after the death of the person injured.

§ 16–2703. Distribution of damages

The damages recovered in an action pursuant to this chapter, except the amount specified by the verdict or judgment covering the reasonable expenses of last illness and burial, may not be appropriated to the payment of the debts or liabilities of the deceased person, but inure to the benefit of his or her family and shall be distributed to the spouse and next of kin according to the allocation made by the verdict or judgment, or in the absence of an allocation, according to the provisions of the statute of distribution in force in the District.

CHAPTER 29—PARTITION AND ASSIGNMENT OF DOWER

SUBCHAPTER I—PARTITION GENERALLY

Sec.

16–2901. Parties; accounting by tenant in common.

SUBCHAPTER II—ASSIGNMENT OF DOWER; PARTIES TO PARTITION PROCEEDINGS; SALE OF PROPERTY DISCHARGED FROM DOWER OR SPOUSE'S INTESTATE SHARE

16–2921. Appointment of commissioners; cases of partition.
16–2922. Widow or widower of tenant in common.
16–2923. Wife or husband as a party to partition proceeding.
16–2924. Sale of land encumbered by dower; lack of widow's or widower's consent; written consent; portion of proceeds.
16–2925. Sale of indivisible property; discharged from dower or intestate share.

Subchapter I—Partition Generally

§ 16–2901. Parties; accounting by tenant in common

The United States District Court for the District of Columbia may decree a partition of lands, tenements, or hereditaments on the complaint of a tenant in common, claiming by descent or purchase, or of a joint tenant; or when it appears that the property can not be divided without loss or injury to the parties interested, the court may decree a sale thereof and a division of the money arising from the sale among the parties, according to their respective rights.

(b) This section applies to cases where:

(1) all the parties are of full age;

(2) all the parties are infants;

(3) some of the parties are of full age and some are infants;

(4) some or all of the parties are non compos mentis; and

(5) all or any of the parties are non-residents—

and a party, whether of full age, infant, or non compos mentis, may file a complaint pursuant to this section, an infant by his guardian or next friend, and a person non compos mentis by his committee.

(c) In a case of partition, when a tenant in common has received the rents and profits of the property to his own use, he may be required to account to his cotenants for their respective shares of the rents and profits. Amounts found to be due on the accounting may be charged against the share of the party owing them in the property, or its proceeds in case of sale.

(d) This section does not affect section 21–213. 31 Stat. 1203

Subchapter II—Assignment of Dower; Parties to Partition Proceeding; Sale of Property Discharged From Dower or Spouse's Intestate Share

§ 16–2921. Appointment of commissioners; cases of partition

When real property is held by a person or persons, by descent or purchase, in the whole of which a widow or widower is entitled to dower, either the widow or widower or a person entitled to the property or an undivided share therein may apply to the United States District Court for the District of Columbia to have the dower therein assigned. Thereupon, the court shall appoint three commissioners to lay off and assign the dower, if practicable. The report of the commissioners is subject to ratification by the court. In all cases of partition between two or more joint tenants or tenants in common of real property, in the whole of which a widow or widower is entitled to dower, the dower shall be laid off and assigned, in like manner, before the partition is decreed. When an estate of which a woman or man is dowable is entire, and the dower can not be set off therefrom by metes and bounds, it may be assigned by the court as of a third part of the net rents, issues, and profits thereof.

§ 16–2922. Widow or widower of tenant in common

When a widow or widower of a tenant in common of real property is entitled to dower in his or her undivided share of the property, and a partition is decreed between his or her heirs or devisees and the other tenants in common, the dower attaches to, and may, in the manner provided by section 16–2921, be assigned and laid out in, the shares assigned in severalty to the heirs or devisees, and the shares of the other tenants in common shall be assigned to them, respectively, in severalty, free from the dower.

§ 16–2923. Wife or husband as party to partition proceeding

On an application to the District Court to decree a partition of real property between tenants in common, it shall not be necessary to make the wife or husband of any of the persons a party to the proceedings, but the right of dower, or the wife's or husband's intestate share, as the case may be, shall attach to whatever part of the property is assigned in severalty to the wife or husband, and the other parts thereof shall be assigned free of the right of dower or intestate share.

§ 16–2924. Sale of land encumbered by dower; lack of widow's or widower's consent; written consent; portion of proceeds

When a decree is rendered for the sale of real property, in the whole of which a widow or widower is entitled to dower, if she or he will not consent to a sale of the property free of the dower, the District Court may, if it appears advantageous to the parties, cause the dower to be laid off and assigned as provided by this subchapter. If she or he will consent in writing to the sale of the property free of the dower, the court shall order that it be sold free of the dower, and shall allow her or him, in commutation of the dower, such portion of the net proceeds of sale as may be just and equitable, not exceeding one-sixth nor less than one-twentieth, according to the age, health, and condition of the widow or widower.

§ 16–2925. Sale of indivisible property; discharge from dower or intestate share

When real property is decreed to be sold for the purpose of division of the proceeds between tenants in common because the property is incapable of being divided between them in specie, the District Court may decree a sale of the property free and discharged from any right of dower, or from any intestate share of the wife or husband, as the case may be, of any of the parties in her or his undivided share.

CHAPTER 31—PROBATE COURT PROCEEDINGS

Sec.

16–3101. Definition.
16–3102. Settlement of accounts as prima facie evidence only.
16–3103. Summons; failure to appear or give evidence.
16–3104. Sequestration where person fails to appear.
16–3105. Plenary proceeding; refusal to answer as required.
16–3106. Issues to be made up in plenary proceeding; jury; compelling payment of costs.
16–3107. Enforcement of judgments, orders and decrees; application of property sequestrated.
16–3108. Ordering investment of funds; revocation of letters for noncompliance.
16–3109. Compelling performance of duties by executors, administrators, etc.; revocation of letters.
16–3110. Accounting and delivering of property after revocation of letters; compelling performance.
16–3111. Order admitting will to probate as conclusive evidence.
16–3112. Arbitration; exceptions.
16–3113. Costs and execution.

§ 16–3101. Definition

As used in this chapter, "Probate Court" means the United States District Court for the District of Columbia.

§ 16–3102. Settlement of accounts as prima facie evidence only

Except as provided by section 16–3112, in actions:

(1) for an accounting, by legatees or next of kin against executors or administrators, or wards against their guardians; or

(2) to subject the real estate of decedents to the payment of their debts, by creditors against executors or administrators, or against heirs or devisees—

a prior settlement of accounts in the Probate Court is only prima facie evidence as to the correctness of the accounts.

§ 16–3103. Summons; failure to appear or give evidence

A summons issued by the Probate Court to a person concerned in the affairs of a deceased person, or to a witness or other person whose appearance in the court is deemed necessary or proper, is returnable at the discretion of the court. When it is necessary or proper, on the return of the "summoned", and failure of the person to appear, to enforce his appearance, or when a witness before the court refuses to give evidence, the court may exercise its powers of enforcement and punishment as provided by section 401 of Title 18, United States Code, or it may have his estate, or a part thereof attached and sequestered as provided by section 16–3104.

62 Stat. 701.

§ 16–3104. Sequestration where person fails to appear

(a) If two summonses issued to a person by the Probate Court are regularly returned non est by the United States marshal and it is necessary to proceed further to compel the person's attendance, the court may order and issue an attachment against his real and personal property. On return of the attachment, to which a schedule of the attached property, if any, shall be annexed, the court, by order, or commission under seal, may authorize a person or persons to take into his or their care and custody the property returned in the schedule, or a part thereof, and receive the profits thereof, to be accounted for, until the person summoned appears and obeys the order of the court, or until further order. If the marshal or other officer does not deliver the property accordingly, he is liable to be proceeded against as provided by this subsection.

(b) The persons authorized pursuant to subsection (a) of this section to take into their care and custody the property referred to shall first give bond to the United States with such security, and in such penalty, as the court directs. The bond shall be recorded, may be sued on, shall be on a footing with an administration bond, and shall be conditioned for rendering a true account of the estate or property, and of the profits thereof, and to deliver the property according to the order of the court, after deducting such allowance for loss, and such commission, not exceeding 5 per centum of the whole, as the court deems proper.

(c) When the purpose for which property sequestered under this section is answered, the court shall direct that the estate or property, and the profits, after making the deductions authorized by subsection (b) of this section, be restored to the person from whom the care and custody of the property were taken. When the person is dead, the court shall order the property to be delivered to his heirs, devisees or legal representatives, as soon as the purpose of the sequestration is answered, or immediately, on application, and on satisfying the court of the person's right, if the purpose, after the death of the original person, can not be answered.

§ 16–3105. Plenary proceeding; refusal to answer as required

When either of the parties having a contest in the Probate Court requires, the court may direct a plenary proceeding, by bill or petition, to which there shall be an answer, on oath or affirmation. If the party refuses to answer on oath or affirmation, as the case may require, to any matter alleged in the bill or petition, and proper for the court to decide upon, the court may exercise its powers of enforcement and punishment as provided by section 401 of Title 18, United States Code, or it may have his property attached and sequestered as provided by section 16–3104.

§ 16–3106. Issues to be made up in plenary proceeding; jury; compelling payment of costs

In a plenary proceeding provided for by section 16–3105, the Probate Court shall give judgment, or decree upon the bill and answer, or upon bill, answer, depositions, or finding of the jury. In all cases of contest, the court may award costs to the party deemed entitled thereto, and may compel payment by exercising its powers of enforcement and punishment as provided by section 401 of Title 18, United States Code, or by attachment and sequestration of the property as provided by section 16–3104.

62 Stat. 701.

§ 16–3107. Enforcement of judgments, orders and decrees; application of property sequestrated

The Probate Court may enforce its judgments, orders, decrees, and decisions in the manner provided by sections 16–3103 and 16–3104. When a judgment, order, decree, or decision is for the payment of money, the court may apply the property sequestrated to the purpose for which the judgment, order, decree, or decision is given.

§ 16–3108. Ordering investment of funds; revocation of letters for noncompliance

The Probate Court may order an executor, administrator, collector, or guardian, whom it has appointed, to bring into court or invest in securities, to be approved by the court, any funds received by the executor, administrator, collector, or guardian. If the party does not, within a reasonable time, to be fixed by the court, comply with the order, the court may revoke his letters.

§ 16–3109. Compelling performance of duties by executors, administrators, etc.; revocation of letters

The Probate Court may order an executor, administrator, collector, guardian, or testamentary trustee, who appears to be in default in respect to the rendering of an inventory or account or the fulfillment of a duty in the court, to be summoned to appear therein and fulfill his duty in the premises, on pain of revocation of his power to act. On his appearance, the court may make such order as is just. On his failure to appear, after having been duly summoned, the court may revoke his power to act and make such further order and other appointment as justice requires. If the summons to appear is returned by the marshal "not to be found," an alias summons shall be mailed to the last-known post-office address of the fiduciary or served upon his attorney of record, if he is within the jurisdiction of the court. On the failure of the fiduciary to appear, the court may revoke his power to act and make such further order and other appointment as justice requires.

§ 16–3110. Accounting and delivering of property after revocation of letters; compelling performance

When the Probate Court revokes letters testamentary or of administration, collection, or guardianship, the party whose letters are revoked shall render forthwith an account of his administration or guardianship up to the period of the rendition of the account and deliver and turn over to the person appointed in his place all the estate, money, and effects remaining in his hands that were received and held by him by virtue of his appointment so revoked. All moneys in the hands of an executor, administrator, or collector realized by him by the sale of the specific property are unadministered assets and shall be turned over in like manner. The court may direct the bond of the executor, administrator, or collector whose letters are revoked to be put in suit for the use of the new administrator or collector appointed in his place.

§ 16–3111. Order admitting will to probate as conclusive evidence

With respect to the trial of issues in the Probate Court, including the taking and use of testimony of non-resident witnesses, the Federal Rules of Civil Procedure, unless otherwise provided by law, are applicable thereto. A final order or decree admitting a will to probate, unless and until it is reversed, is conclusive evidence of the validity of the will in a collateral proceeding in which the will is brought into question, and a transcript of the record of the will, and of the decree admitting it to probate, is sufficient proof thereof. 28 USC app.

§ 16–3112. Arbitration; exceptions

The Probate Court may, with the consent in writing of both parties, arbitrate between a complainant and an executor or administrator, or between an executor or administrator and a person against whom the estate represented by him has a claim, or, with like consent, may refer the matter in dispute to an arbitrator. If reserved by the parties in their submission, exception as to matters of law may be filed to the award of the arbitrator, and the court may confirm or overrule the award. The award when confirmed is conclusive between the parties.

§ 16–3113. Costs and execution

The Probate Court may render judgment for costs against the unsuccessful party in any proceeding conducted in the court, and issue execution therefor.

CHAPTER 33—QUIETING TITLE OBTAINED BY ADVERSE POSSESSION

Sec.

16–3301. Complaint; allegations; parties; service; decree.

§ 16–3301. Complaint; allegations; parties; service; decree

When title to real property in the District of Columbia has become vested in a person by adverse possession, the holder thereof may file a complaint in the United States District Court for the District of Columbia to have the title perfected. In the complaint, it is sufficient to allege that the plaintiff holds the title to the property, and that it has vested in him, or in himself and in those under whom he claims, by adverse possession. In the action, it is not necessary to make any person a party defendant except those persons who appear to have a claim or title adverse to that of the plaintiff. Upon the trial of the cause, proof of the facts showing title in the plaintiff by adverse possession entitles him to a decree of the court declaring his title by adverse possession, and a copy of the decree may be entered of record in the office of the Recorder of Deeds for the District.

(b) In an action pursuant to this section, if process is returned not to be found, notice by publication may be substituted as in the case of nonresident defendants. Subject to subsection (c) of this section, if it is known whether one who, if living, would be an adverse party, is living or dead, or, in the case of a decedent, whether he died testate or left heirs, or his heirs or devisees are unknown, the cause may be proceeded with pursuant to section 13–341.

(c) The rights of infants or others under legal disability shall be saved for a period of two years after the removal of their disabilities, but the entire period during which they shall be preserved may not exceed twenty-two years from the time they accrued, either in the plaintiff or in the persons under whom he claims.

CHAPTER 35—QUO WARRANTO

Sec.
16–3501. Persons against whom issued; civil action.
16–3502. Parties who may institute; ex rel. proceedings.
16–3503. Refusal of Attorney General or United States attorney to act; procedure.
16–3504. Allegations in petition of relator claiming office.
16–3505. Notice to defendant.
16–3506. Proceedings on default.
16–3507. Pleading; jury trial.
16–3508. Verdict and judgment.
16–3509. Usurping corporate franchise; judgment.
16–3510. Proceedings against corporate directors and trustees; judgment and order; enforcement.
16–3511. Recovery of damages from usurper; limitation.

§ 16–3501. Persons against whom issued; civil action

A quo warranto may be issued from the United States District Court for the District of Columbia in the name of the United States against—

(1) a person who usurps, intrudes into, or unlawfully holds or exercises within the District a franchise or public office, civil or military, or an office in a domestic corporation; or

(2) one or more persons who act as a corporation within the District without being duly authorized, or exercise within the District corporate rights, privileges, or franchises not granted them by law in force in the District.

The proceedings shall be deemed a civil action.

§ 16–3502. Parties who may institute; ex rel. proceedings

The Attorney General or the United States attorney may institute a proceeding pursuant to this chapter on his own motion, or on the relation of a third person. The writ may not be issued on the relation of a third person except by leave of the court, to be applied for by the relator, by a petition duly verified, setting forth the grounds of the application, or until the relator files a bond with sufficient surety, to be approved by the clerk of the court, in such penalty as the court prescribes, conditioned for the payment by him of all costs incurred in the prosecution of the writ if costs are not recovered from and paid by the defendant.

§ 16–3503. Refusal of Attorney General or United States attorney to act; procedure

If the Attorney General or United States attorney refuses to institute a quo warranto proceeding on the request of a person interested, the interested person may apply to the court by certified petition for leave to have the writ issued. When, in the opinion of the court, the reasons set forth in the petition are sufficient in law, the writ shall be allowed to be issued by any attorney, in the name of the United States, on the relation of the interested person, on his compliance with the condition prescribed by section 16–3502 as to security for costs.

§ 16–3504. Allegations in petition of relator claiming office

When a quo warranto proceeding is against a person for usurping an office, on the relation of a person claiming the same office, the relator shall set forth in his petition the facts upon which he claims to be entitled to the office.

§ 16–3505. Notice to defendant

On the issuing of a writ of quo warranto the court may fix a time within which the defendant may appear and answer the writ. When the defendant can not be found in the District, the court may direct notice to be given to him by publication as in other cases of proceedings

against nonresident defendants, and upon proof of publication, if the defendant does not appear, judgment may be rendered as if he had been personally served.

§ 16–3506. Proceedings on default

If the defendant does not appear as required by a writ of quo warranto, after being personally served, the court may proceed to hear proof in support of the writ, and render judgment accordingly.

§ 16–3507. Pleading; jury trial

In a quo warranto proceeding, the defendant may demur or plead specially or plead "not guilty" as the general issue, and the United States may reply as in other actions of a civil character. Issues of fact shall be tried by a jury if either party requests it. Otherwise they shall be determined by the court.

§ 16–3508. Verdict and judgment

Where a defendant in a quo warranto proceeding is found by the jury to have usurped or intruded into or unlawfully held or exercised an office or franchise, the verdict shall be that he is guilty of the act or acts in question, and judgment shall be rendered that he be ousted and excluded therefrom and that the relator recover his costs.

§ 16–3509. Usurping corporate franchise; judgment

Where a quo warranto proceeding is against persons acting as a corporation without being legally incorporated, the judgment against the defendants shall be that they be perpetually restrained and enjoined from the commission or continuance of the acts complained of.

§ 16–3510. Proceedings against corporate directors and trustees; judgment and order; enforcement

Where a quo warranto proceeding is against a director or trustee of a corporation and the court finds that at his election either illegal votes were received or legal votes rejected, or both, sufficient to change the result if the error is corrected, the court may render judgment that the defendant be ousted, and that the relator, if entitled to be declared elected, be admitted to the office, and the court may issue an order to the proper parties, being officers or members of the corporation, to admit him to the office. The judgment may require the defendant to deliver to the relator all books, papers, and other things in his custody or control pertaining to the office, and obedience to judgment may be enforced by attachment.

§ 16–3511. Recovery of damages from usurper; limitation

At any time within a year after a judgment in a quo warranto proceeding, the relator may bring an action against the party ousted and recover the damages sustained by the relator by reason of the ousted party's usurpation of the office to which the relator was entitled.

CHAPTER 37—REPLEVIN

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

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16–3702. Form of complaint.
16–3703. Affidavit; contents.
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SUBCHAPTER II—REPLEVIN IN COURT OF GENERAL SESSIONS

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16–3740. Judgment for defendant and determination of damages.

Subchapter I—General Provisions

§ 16–3701. Demand prior to action; costs

In an action of replevin brought to recover personal property to which the plaintiff is entitled, that is alleged to have been wrongfully taken by or to be in the possession of and wrongfully detained by the defendant, it is not necessary to demand possession of the property before bringing the action; but the costs of the action may be awarded as the court orders.

§ 16–3702. Form of complaint

A complaint in replevin shall be in the following or equivalent form:

"The plaintiff sues the defendant for (wrongly taking and detaining) (unjustly detaining) the plaintiff's goods and chattels, to-wit: (describe them) of the value of ——— dollars. And the plaintiff claims that the same be taken from the defendant and delivered to him; or, if they are eloigned, that he may have judgment of their value and all mesne profits and damages, which he estimates at ——— dollars, besides costs.".

§ 16–3703. Affidavit; contents

At the time of filing a complaint in replevin, the plaintiff, his agent, or attorney shall file an affidavit stating that—

(1) according to affiant's information and belief, the plaintiff is entitled to recover possession of chattels proposed to be replevied, being the same described in the complaint;

(2) the defendant has seized and detained or detains the chattels; and

(3) the chattels were not subject to the seizure or detention and were not taken upon a writ of replevin between the parties.

§ 16–3704. Undertaking to abide judgment of the court

At the time of filing a complaint in replevin, the plaintiff shall enter into an undertaking by himself or his agent with surety, approved by the clerk, to abide by and perform the judgment of the court.

§ 16–3705. Failure of officer to obtain possession; procedure

When the officer's return of a writ of replevin issued pursuant to this subchapter is that he has served the defendant with copies of the complaint, affidavit, and summons, but that he could not obtain possession of the goods and chattels sued for, the plaintiff may prosecute the action for the value of the property and damages for detention, or he may renew the writ in order to obtain possession of the goods and chattels themselves.

§ 16–3706. Publication against defendant

When the officer's return of a writ of replevin is that he has taken possession of the goods and chattels sued for, but indicates that personal service on the defendant could not be made, the court, subject to the provisions of section 13–340 as to mailing notice, may order that the defendant appear to the action by a fixed day. The plaintiff shall cause notice of the order to be given by publication in a newspaper published in the District at least three times, the first publication to be at least twenty days before the day fixed for the defendant's appearance.

§ 16–3707. Default

If, after notice as provided by section 16–3706, the defendant fails to appear, the court may proceed as in case of default after personal service.

§ 16–3708. Motion for return of property; procedure; objection to sufficiency of security

(a) On the taking possession of the goods and chattels by the marshal by virtue of a writ of replevin, the defendant may, on one day's notice to the plaintiff or his attorney, move for a return of the property to his possession. Thereupon, the court may inquire into the circumstances and manner of the defendant's obtaining possession of the property, and, if it seems just, may order the property to be returned to the possession of the defendant, to abide the final judgment in the action. The court may require the defendant to enter into an undertaking with surety or sureties, similar to that required of the plaintiff upon the commencement of the action. In such case, the court shall render judgment against the surety or sureties, as well as against the defendant.

(b) When it appears that the possession of the property was forcibly or fraudulently obtained by the defendant, or that the possession, being first in the plaintiff, was procured or retained by the defendant without authority from the plaintiff, the court may refuse to order the return of the property to the possession of the defendant. The defendant may also, on similar notice, object to the sufficiency of the security in the undertaking of the plaintiff, and the court may require additional security, in default of which the property shall be returned to the defendant, but the action may proceed as if the property had not been taken.

§ 16–3709. Notice to officer of intention to move for return; duty of officer; time of motion

If the defendant in an action of replevin notifies the officer taking possession of the property, in writing, of his intention to make either of the motions specified by section 16–3708, the officer shall retain possession of the property until the motion is disposed of, if the motion is filed and notice given, as provided by section 16–3708, to the plaintiff or his attorney, within two days thereafter.

§ 16–3710. Determination and measure of plaintiff's damages

Whether, in an action of replevin, the defendant answers and the issue thereon joined is found against him, or judgment is rendered against him on proper motion under rules of court, or he makes default after personal service or publication, the plaintiff's damages shall be ascertained by the jury trying the issue, where one is joined, or by a jury of inquest, where jury trial had been waived or there is no issue of fact, and the damages shall be the full value of the goods, if eloigned by the defendant, including, in every case, the loss sustained by the plaintiff by reason of the detention, and the judgment shall be rendered for the plaintiff accordingly.

§ 16–3711. Judgment for defendant and determination of damages

When, in an action of replevin, the issue is found for the defendant, or the plaintiff dismisses or fails to prosecute his suit, or judgment is rendered against the plaintiff on proper motion under rules of court, the judgment shall be that the goods, if delivered to the plaintiff, be returned to the defendant with damages for their detention, or, on failure, that the defendant recover against the plaintiff and his surety the damages sustained by him. The damages shall be assessed by the jury trying the issue; or, where jury trial had been waived, or judgment is rendered against the plaintiff prior to trial on proper motion under rules of court, or he dismisses or fails to prosecute his suit, by a jury of inquest.

§ 16–3712. Verdict where goods are eloigned

If the defendant in an action of replevin has eloigned the things sued for, the court may instruct the jury, if they find for the plaintiff, to assess such damages as may compel the defendant to return the things.

§ 16–3713. Judgment where goods are eloigned

The judgment in a case where the defendant has eloigned the goods sued for, shall be that the plaintiff recover against the defendant the value of the goods as found and the damages so assessed, to be discharged by the return of the things, within ten days after the judgment, with damages for detention, which the jury shall also assess.

Subchapter II—Replevin in Court of General Sessions

§ 16–3731. Jurisdiction; form of complaint

The District of Columbia Court of General Sessions may issue a writ of replevin when a plaintiff files a complaint in replevin, in the following or an equivalent form:

"The plaintiff sues the defendant for wrongfully taking and detaining (or wrongfully detaining) the plaintiff's, goods and chattels, to wit (here describe them), of the value of ——— dollars. And the plaintiff claims that the same may be taken and delivered to him, or, if they are eloigned, that he may have judgment for their value and all mesne profits and damages, which he estimates at ——— dollars, besides costs."

§ 16–3732. Affidavits; contents

At the time of filing a complaint pursuant to section 16–3731, the plaintiff, his agent, or attorney shall file an affidavit stating that—

(1) according to affiant's information and belief, the plaintiff is entitled to recover possession of the chattels described in the complaint;

(2) the defendant has seized and detains or detains the chattels;

(3) the chattels were not subject to the seizure or detention, and were not taken under a writ of replevin between the parties; and

(4) the chattels are not of the value of more than $10,000.

§ 16–3733. Undertaking to abide judgment of the Court

At the time of filing a complaint pursuant to section 16–3731, the plaintiff shall enter into an undertaking, with surety approved by the court, submitting to the jurisdiction of the court, to abide by and perform the judgment of the court.

§ 16–3734. Failure of officer to obtain possession

When the officer's return of a writ of replevin issued pursuant to this subchapter is that he has served the defendant with copies of the complaint, affidavit, and summons, but that he could not obtain possession of the goods and chattels sued for, the plaintiff may prosecute the action for the value of the property and damages for the detention, not to exceed in all $10,000 or he may renew the writ, in order to obtain possession of the goods and chattels themselves.

§ 16–3735. Publication against defendant

When the officer's return of a writ of replevin issued pursuant to this subchapter is that he has taken possession of the goods and chattels sued for, but that the defendant is not to be found, the court, subject to section 13–340 as to mailing notice, may order that the defendant appear to the action by a fixed day, and cause notice of the order to be given by publication in a newspaper published in the District at least three times, the first publication to be at least twenty days before the day fixed for defendant's appearance.

§ 16–3736. Default

If, after notice as provided by section 16–3735, the defendant fails to appear, the court may proceed, as in the case of default after personal service, to render judgment for the property in favor of the plaintiff.

§ 16–3737. Retention of property by marshal; sufficiency of undertaking, quashing writ, and return of property

Property taken by the marshal under a writ of replevin issued pursuant to this subchapter shall be retained by him for three days, exclusive of Sundays and legal holidays, before delivering it to the plaintiff, in order that the defendant or other persons claiming an interest in the property may present objections to the court to the sufficiency of the security on the undertaking or the jurisdiction of the court. If the court deems the undertaking insufficient, it may direct the marshal to retain the property for a further short time, to be designated by the court, until an undertaking to be approved by it is filed, in default of which the marshal shall return the property to the person from whom it was taken. If it appears to the court that the property is of the value of over $10,000, the court shall quash the writ of replevin and direct the property to be returned to the party out of whose possession it was taken.

§ 16–3738. Motion for return of property; procedure; objection to sufficiency of security

Section 16–3708 is also applicable to actions of replevin brought pursuant to this subchapter.

§ 16–3739. Determination and measure of plaintiff's damages

Whether, in an action of replevin pursuant to this subchapter, the defendant answers and the issue thereon joined is found against him, or judgment is rendered against him on proper motion under rules of court, or he makes default after personal service, the plaintiff's damages shall be the full value of the goods, not to exceed $10,000, if eloigned by the defendant, and damages for the detention thereof, and judgment shall be rendered for the plaintiff accordingly.

§ 16–3740. Judgment for defendant and determination of damages

If the issue in an action of replevin pursuant to this subchapter is found for the defendant, or the plaintiff dismisses or fails to prosecute his suit, or judgment is rendered against plaintiff on proper motion under rules of court, the judgment shall be that the goods, if delivered to the plaintiff, be returned to the defendant, with damages for their detention, or, on failure, that the defendant recover from the plaintiff and his surety the damages sustained by him.

CHAPTER 39—SMALL CLAIMS AND CONCILIATION PROCEDURE IN COURT OF GENERAL SESSIONS

Sec.

16–3901. Practice; applicability of other laws and rules of court.
16–3902. Commencement of action; form of statement; preparation by clerk; notice and service; costs; default; memorandum to plaintiff.
16–3903. Fees and costs; waiver.
16–3904. Set-off or counterclaim; pleading; retention of jurisdiction.
16–3905. Jury trial; demand; assignment to regular branch.
16–3906. Pre-trial settlement; trial; procedure; default; dismissal or nonsuit; other disposition.
16–3907. Judgment; stay; installment payments; enforcement.
16–3908. Judgment for wages; oral examination; payment.
16–3909. Award of costs.
16–3910. Other rights of judgment creditor.

§ 16–3901. Practice; applicability of other laws and rules of court

All provisions of law relating to the District of Columbia Court of General Sessions and the rules of court apply to the practice in the Small Claims and Conciliation Branch of the court as far as they may be made applicable and are not in conflict with this chapter or chapter 13 of Title 11, or with the rules prescribed pursuant to section 13–101(c). In case of conflict, this chapter and chapter 13 of Title 11 and the rules so prescribed control.

§ 16–3902. Commencement of action; form of statement; preparation by clerk; notice and service; costs; default; memorandum to plaintiff

(a) Actions shall be commenced in the Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions by the filing of a statement of claim, in concise form and free of technicalities. The plaintiff or his agent shall verify the statement of claim by oath or affirmation in the form herein provided, or its equivalent, and shall affix his signature thereto. The clerk of the Branch shall, at the request of an individual, prepare the statement of claim and other papers required to be filed in an action in the Branch, but his services are not available to a corporation, partnership, or association, in the preparation of the statements or other papers. A copy of the statement of claim and verification shall be made a part of the notice to be served upon the defendant named therein. The mode of service shall be by the United States marshal, as provided by law, or by registered mail or by certified mail with return receipt, or by a person not a party to or otherwise interested in the action especially appointed by the judge for that purpose.

(b) When notice is to be served by registered mail or by certified mail, the clerk shall inclose a copy of the statement of claim, verification, and notice in an envelope addressed to the defendant, prepay the postage with funds obtained from plaintiff, and mail the papers forthwith, noting on the records the day and hour of mailing. When the receipt is returned, the clerk shall attach it to the original statement of claim, and it constitutes prima facie evidence of service upon the defendant.

(c) When notice is served by a private individual, as provided by subsection (a) of this section, he shall make proof of service by affidavit before the clerk, showing the time and place of the service.

(d) When notice is served by the marshal, or by registered mail or by certified mail, the actual cost of service is taxable as costs. When notice is served by an individual, the cost of service, if any, is not taxable as costs.

(e) The statement of claim, verification, and notice shall be in the following or equivalent form:

DISTRICT OF COLUMBIA COURT OF GENERAL SESSIONS

SMALL CLAIMS AND CONCILIATION BRANCH

(Location of room in courthouse) (Address of court)

Washington, D.C.

_____ Plaintiff	
_____ Address	No. _____
vs.	
_____ Defendant	

STATEMENT OF CLAIM

(Here the plaintiff, or at his request the clerk, will insert a statement of the plaintiff's claim, and the original, to be filed with the clerk, may, if action is on a contract, express or implied, be verified by the plaintiff or his agent, as follows:)

DISTRICT OF COLUMBIA, *ss:*

_____ being first duly sworn on oath says the foregoing is a just and true statement of the amount owing by defendant to plaintiff, exclusive of all set-offs and just grounds of defense.

_____.
Plaintiff (or agent)

Subscribed and sworn to before me this ——— day of———, 19———.

_____.
Clerk (or notary public)

NOTICE

To: _____
Defendant

_____
Home address

_____
Business address

You are hereby notified that _____ has made a claim and is requesting judgment against you in the sum of _____ dollars ($_____), as shown by the foregoing statement. The Court will hold a hearing upon this claim on _____ at ——— m. in the Small Claims and Conciliation Branch (address of Court).

You are required to be present at the hearing in order to avoid a judgment by default.

If you have witnesses, books, receipts, or other writings bearing on this claim, you should bring them with you at the time of the hearing.

If you wish to have witnesses summoned, see the clerk at once for assistance.

If you admit the claim, but desire additional time to pay, you must come to the hearing in person and state the circumstances to the court.

You may come with or without an attorney.

[SEAL]

_____
Clerk of the Small Claims and Conciliation Branch, Court of General Sessions.

(f) The foregoing verification entitles the plaintiff to a judgment by default, without further proof, upon failure of defendant to appear, if the claim of the plaintiff is for a liquidated amount. If the amount is unliquidated, the plaintiff shall be required to present proof of his claim.

(g) The clerk shall furnish the plaintiff with a memorandum of the day and hour set for the hearing, not less than 5 nor more than 15 days from the date of the filing of the action. Where, in a case controlled by another statute, a greater or lesser time for hearing is specified by the other statute, that specified time is controlling. All actions filed in the Branch shall be made returnable therein.

§ 16–3903. Fees and costs; waiver

The fee for issuing summons and copies, trial, judgment, and satisfaction in an action in the Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions shall be not more than $1. Other fees shall be as the court prescribes. The judge sitting in the Branch may waive the prepayment of costs or the payment of costs accruing during the action upon the sworn statement of the plaintiff or upon other satisfactory evidence of his inability to pay the costs. When costs are so waived the notation to be made on the records of the Branch shall be "Prepayment of costs waived," or "Costs waived." The term "pauper" or "in forma pauperis" may not be employed in the Branch. If a party fails to pay accrued costs, though able to do so, the judge may deny him the right to file a new case in the Branch while the costs remain unpaid, and likewise deny him the right to proceed further in any case pending in the Branch.

§ 16–3904. Set-off or counterclaim; pleading; retention of jurisdiction

If the defendant, in an action pursuant to this chapter, asserts a set-off or counterclaim, the judge may require a formal plea of set-off to be filed, or may waive the requirement. If the plaintiff requires time to prepare his defense against the counterclaim or set-off, the judge may continue the case for that purpose. When the set-off or counterclaim is for more than the jurisdictional limit of the Small Claims and Conciliation Branch as provided by section 11–1341 but within the jurisdictional limit of the court as provided by section 11–961, the action shall nevertheless remain in the Branch and be tried therein in its entirety.

§ 16–3905. Jury trial; demand; assignment to regular branch

In a case filed or pending in the Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions in which a party entitled to a trial by jury files a demand therefor, the case shall be assigned to and tried in the regular branch of the civil division of the Court under the procedure provided for jury trials.

§ 16–3906. Pre-trial settlement; trial; procedure; default; dismissal or nonsuit; other disposition

(a) On the return day specified by subsection (g) of section 16–3902, or at such later time as the judge sets, the trial shall be had. Immediately prior to the trial of a case pursuant to this chapter, the judge shall make an earnest effort to settle the controversy by conciliation. If he fails to induce the parties to settle their differences without a trial, he shall proceed with the hearing on the merits pursuant to subsection (b) of this section.

(b) The parties and witnesses shall be sworn. The judge shall conduct the trial in such manner as to do substantial justice between the parties according to the rules of substantive law, and is not bound by the statutory provisions or rules of practice, procedure, pleading, or evidence, except provisions relating to privileged communications.

(c) If the defendant fails to appear, judgment shall be entered for the plaintiff by default as provided by section 16–3902(f), or under rules of court, or on ex-parte proof. If the plaintiff fails to appear, the action may be dismissed for want of prosecution, or a nonsuit may be ordered, or defendant may proceed to a trial on the merits, or the case may be continued or returned to the files for further proceedings on a later date, as the judge directs. If both parties fail to appear, the judge may return the case to the files, or order the action dismissed for want of prosecution, or make any other just and proper disposition thereof, as justice requires.

§ 16–3907. Judgment; stay; installment payments; enforcement

When judgment is to be rendered in an action pursuant to this chapter and the party against whom it is to be entered requests it, the judge shall inquire fully into his earnings and financial status and may stay the entry of judgment, and stay execution, except in cases involving wage claims, and order partial payments in such amounts, over such periods, and upon such terms, as seems just in the circumstances and as will assure a definite and steady reduction of the judgment until it is finally and completely satisfied. Upon a showing that the party has failed to meet an instalment payment without just excuse, the stay of execution shall be vacated. When a stay of execution has not been ordered or when a stay of execution has been vacated as provided by this section, the party in whose favor the judgment has been entered may avail himself of all remedies otherwise available in the District of Columbia Court of General Sessions for the enforcement of the judgment.

§ 16–3908. Judgment for wages; oral examination; payment

When a judgment rendered in an action pursuant to this chapter is founded in whole or in part on a claim for wages or personal services, the judge shall, upon motion of the party obtaining judgment, order the appearance of the party against whom the judgment has been entered, but not more often than once each week for four weeks, for oral examination under oath as to his financial status and his ability to pay the judgment, and the judge shall make such supplementary orders as seems just and proper to effectuate the payment of the judgment upon reasonable terms.

§ 16–3909. Award of costs

In an action pursuant to this chapter, the award of costs is in the discretion of the judge, who may include therein the reasonable cost of bonds and undertakings, and other reasonable expenses incident to the action, incurred by either party.

§ 16–3910. Other rights of judgment creditor

Except as otherwise provided by this chapter, or in the rules prescribed pursuant to section 13–101(c), a party obtaining a judgment in the Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions is entitled to the same remedies, processes, costs, and benefits as are given or inure to other judgment creditors in the court.

CHAPTER 41—SURETIES

Sec.

16–4101. Relief from suretyship; counter security, or bond; removal of officer or fiduciary from office.
16–4102. Subrogation of surety satisfying judgment.

§ 16–4101. Relief from suretyship; counter security, or bond; removal of officer or fiduciary from office

When the surety, or his personal representatives, of an officer, commissioner, receiver, or trustee appointed under a decree of court and required to give bond apprehends himself to be in danger of suffering from the suretyship, and petitions the court to be relieved from the suretyship, or that the court require the officer, commissioner, receiver, or trustee to give counter security, the court may, on reasonable notice to the trustee or other officer, require him to give counter security or to give a new bond in the same manner as if none had been given by him. If he fails to do so by a day named, the court may remove him from his office or trust and appoint a new trustee or other officer in his stead to complete the duties of his office or trust, and may thereupon, order him to deliver over to his successor all the trust property, including moneys, books, papers, bonds, notes, and evidences of debt, and may compel compliance with the order by attachment.

§ 16–4102. Subrogation of surety satisfying judgment

Where a person recovers a judgment or money decree against the principal debtor and a surety or indorser, and the judgment is satisfied by the surety or indorser, the latter may have the judgment or money decree entered by the clerk to his use and have execution in his own name against the principal, and where a judgment or money decree is rendered against several sureties and one of them satisfies the whole debt, the surety satisfying the judgment may have the judgment or decree entered to his use, have execution against each of the other sureties in the judgment or decree for a proportionate part of the debt so paid by him. On the motion of the surety so paying the entire debt and notice to the other sureties, the court may determine for what amount execution shall issue against each of the other sureties.

TITLE 17—REVIEW

CHAPTER Sec.

1. UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT 17–101
8. DISTRICT OF COLUMBIA COURT OF APPEALS 17–301

CHAPTER 1—UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

Sec.

17–101. Appeal from District of Columbia Court of Appeals; filing, form and contents of petition.
17–102. Procedure, generally, on appeal from District of Columbia Court of Appeals; record; rules of court.
17–103. Time for petitioning for allowance of appeal from District of Columbia Court of Appeals.
17–104. Determination of appeal from District of Columbia Court of Appeals.

§ 17–101. Appeal from District of Columbia Court of Appeals; filing, form and contents of petition

The petition for the allowance of an appeal from a judgment of the District of Columbia Court of Appeals shall be in writing and shall be filed with the clerk of the United States Court of Appeals for the District of Columbia Circuit. The contents of the petition shall conform with requirements that the United States Court of Appeals prescribes by rule.

§ 17–102. Procedure, generally, on appeal from District of Columbia Court of Appeals; record; rules of court

The United States Court of Appeals for the District of Columbia Circuit may prescribe rules governing the:

(1) practice and procedure on petitions specified by section 17–101; and

(2) preparation of, and time for filing, the transcript of the record in such cases—

and may generally regulate all matters relating to appeals in such cases.

§ 17–103. Time for petitioning for allowance of appeal from District of Columbia Court of Appeals

Petitions for the allowance of appeals from judgments of the District of Columbia Court of Appeals shall, in each case, be filed, as provided by this chapter, within ten days after entry of the judgment from which an appeal is desired.

§ 17–104. Determination of appeal from District of Columbia Court of Appeals

If the United States Court of Appeals for the District of Columbia Circuit allows an appeal pursuant to section 11–321 and this chapter, it shall review the record on appeal, and shall affirm, modify, vacate, set aside, or reverse the judgment, and may remand the cause and direct the entry of such appropriate judgment or order, or require such further proceedings to be had, as is just in the circumstances.

CHAPTER 3—DISTRICT OF COLUMBIA COURT OF APPEALS

Sec.

17–301. Applications for allowance of appeals from certain Court of General Sessions judgments; hearing; effect of denial.
17–302. Regulations of appeals; record; costs.
17–303. Appeals from administrative orders and decisions; petition; record; procedure.
17–304. Stay upon application for review of, or pending appeal from, administrative order or decision.
17–305. Scope of review.
17–306. Determination of appeals.
17–307. Time for taking or applying for allowance of appeals.

§ 17–301. Applications for allowance of appeals from certain Court of General Sessions judgments; hearing; effect of denial

(a) The application for the allowance of an appeal from a judgment of the Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions, or from a judgment of the criminal division of that court where the penalty imposed is less than $50, provided for by section 11–741(c), shall be on a standard form, in simple language, prescribed by the Court of General Sessions. If the appellant is not represented by counsel, the clerk of the Court of General Sessions shall prepare the application in his behalf.

(b) The application provided for by subsection (a) of this section shall be filed in the District of Columbia Court of Appeals within the time limit prescribed by section 17–307(b), and shall be promptly presented by the clerk of that court to the chief judge and the associate judges thereof for their consideration. When any one of them is of the opinion that the appeal should be allowed, the appeal shall be recorded as granted, and the case set down for hearing on appeal. It shall be given a preferred status on the calendar, and heard in the same manner as other appeals in the court. When all the judges are of the opinion that an appeal should be denied, the denial shall stand as an affirmance of the judgment of the trial court, and there shall be no further appeal.

§ 17–302. Regulation of appeals; record; costs

The District of Columbia Court of Appeals may regulate, generally, all matters relating to appeals, whether in the District of Columbia Court of Appeals or in the court below. It may prescribe by rules what

part of the proceedings in the court below shall constitute the record on appeal, and may require that the original papers, instead of copies thereof, be sent to it. It may not require that the record or briefs on appeal be printed. If they are printed, the cost of printing may not be taxed as costs in the case.

§ 17–303. Appeals from administrative orders and decisions; petition; record; procedure

(a) An appeal from an order or decision of an administrative agency, as provided for by section 11–742, is commenced by filing in the District of Columbia Court of Appeals, within the time prescribed pursuant to section 17–307(a), the written petition for review provided by section 11–742(c). Upon the filing of the petition, the clerk of the court shall forthwith, by mail, serve a copy thereof upon the agency affected by the petition. After receipt of the copy of the petition, the agency shall certify and file in the court the original papers comprising the record or any supplementary record, or certified copies of the papers. Upon the filing of the papers, the clerk shall immediately notify the petitioner of the filing.

(b) The District of Columbia Court of Appeals may by rule prescribe:

(1) the form and contents of the petition provided for by this section; and

(2) the time within which the agency affected by the petition shall certify and file the original papers or certified copies thereof as provided by this section—

and regulate generally all matters relating to proceedings on an appeal referred to in this section.

§ 17–304. Stay upon application for review of, or pending appeal from, administrative order or decision

(a) An application for review, or pendency of an appeal, provided for by section 17–303, does not operate as a stay of the order or decision from which the appeal is taken:

(1) in any case where, under existing law, a stay may not be granted; or

(2) in any other case unless so ordered by the Board of Commissioners of the District of Columbia, or by the District of Columbia Court of Appeals as provided by subsection (b) of this section.

(b) For good cause shown, and upon such conditions as may be required and to the extent necessary to prevent irreparable injury, the court may take appropriate and necessary action to preserve the status or rights pending conclusion of the review proceedings provided for by section 17–303.

§ 17–305. Scope of review

(a) In considering an order or judgment of a lower court or any of its branches, brought before it for review, the District of Columbia Court of Appeals shall review the record on appeal. When the issues of fact were tried by jury, the court shall review the case only as to matters of law. When the case was tried without a jury, the court may review both as to the facts and the law, but the judgment may not be set aside except for errors of law unless it appears that the judgment is plainly wrong or without evidence to support it.

(b) The District of Columbia Court of Appeals shall hear and determine appeals from orders or decisions of administrative agencies upon the record of proceedings before the appropriate agency to be certified to the court under rules or instructions as the court from time to time prescribes. In such cases, it shall limit its review to those issues

of law or fact that are subject to review on appeal under applicable provisions of existing law. If there is no statutory limitation, the court shall determine the appeal by rules of law which define the scope and limitations of review of administrative proceedings. Under the rules, by way of elaboration and not limitation, the court may:

(1) as far as necessary to decision and where presented to decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of any agency action; and

(2) hold unlawful and set aside agency action findings and conclusions found to be:

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitation, or short of statutory right;

(D) without observance of procedure required by law;

(E) unsupported by substantial evidence or facts in the record of the proceedings before the court; or

(F) unwarranted by the facts.

In making the determinations as provided by this subsection, the court shall take account of prejudicial error.

§ 17–306. Determination of appeals

The District of Columbia Court of Appeals may affirm, modify, vacate, set aside or reverse any order or judgment of a court or any branch thereof, or any order or decision of an administration agency, lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate order, judgment, or decision, or require such further proceedings to be had, as is just in the circumstances.

§ 17–307. Time for taking or applying for allowance of appeals

(a) Except as provided by subsection (b) of this section, the time during which an appeal may be taken pursuant to section 11–741 or 11–742 may be fixed by rules of the District of Columbia Court of Appeals.

(b) Applications for the allowance of appeals from judgments of the Small Claims and Conciliation Branch of the District of Columbia Court of General Sessions, and from judgments in the criminal division of that court where the penalty imposed is less than $50, specified by section 11–741(c), shall, in each case, be filed in the District of Columbia Court of Appeals within three days from the date of judgment.

SEC. 2. The seventh sentence of section 38 of the Act of February 27, 1929 (ch. 352, 45 Stat. 1338; D.C. Code, 1961 ed., sec. 2–129), as amended by section 32(b) of the Act of June 25, 1948, and by section 127 of the Act of May 24, 1949 (ch. 139, 63 Stat. 107), is amended to read as follows: "On the petition of an applicant to whom a license or registration has been denied by the commission by virtue of this section, the action of the commission may be reviewed by the District of Columbia Court of Appeals in the manner provided by sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code."

SEC. 3. Section 7 of the Act of March 2, 1929 (ch. 540, 45 Stat. 1520; D.C. Code, 1961 ed., sec. 2–406), as amended by section 32(b) of the Act of June 25, 1948, and by section 127 of the Act of May 24, 1949, is amended (1) by striking out the colon preceding the second

proviso, and in lieu thereof inserting a period; and (2) by striking out the second proviso and in lieu thereof inserting the following: "On the petition of an applicant to whom registration or reregistration has been denied by the nurses' examining board, the action of the board may be reviewed by the District of Columbia Court of Appeals in the manner provided by sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code.".

SEC. 4. (a) The fourth paragraph of section 7 of the Act of May 7, 1906 (ch. 2084, 34 Stat. 177; D.C. Code, 1961 ed., sec. 2–606), as amended by section 3 of the Act of March 4, 1927, and by section 32(a)(b) of the Act of June 25, 1948, as amended by section 127 of the Act approved May 24, 1949, is amended to read as follows:

"The board shall make a written report of its findings after such hearing, which report, with a transcript of the entire record of the proceedings, shall be filed with the Commissioners of the District of Columbia, and, if the board's finding is adverse to the person seeking reissuance of his license or permit, the license or permit shall stand revoked and annulled at the expiration of thirty days from the filing of the report, unless a petition for review is filed in the District of Columbia Court of Appeals, and a stay is granted, in the manner provided by sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code."

(b) Section 7 of the Act of May 7, 1906 (ch. 2084, 34 Stat. 177; D.C. Code, 1961 ed., sec. 2–606), is further amended by striking out the fifth paragraph thereof.

SEC. 5. The third sentence of section 10 of the Act of February 1, 1907 (ch. 442, 34 Stat. 873; D.C. Code, 1961 ed., sec. 2–810), is amended to read as follows: "Appeal from the decision of the board may be taken to the District of Columbia Court of Appeals, as provided by section 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code. The Commissioners of the District of Columbia, the board of review, and the board of examiners in veterinary medicine shall not, nor shall any of them, be required to pay costs, or give bond or security on appeal, or other proceeding in any court of the District of Columbia growing out of any official duty imposed on them, or any of them, by this Act.".

SEC. 6. Section 28 of the Act of December 13, 1924 (ch. 9, 43 Stat. 717; D.C. Code, 1961 ed., sec. 2–1028), as amended by section 1 of the Act of May 29, 1928, is amended to read as follows:

"SEC. 28. The proceedings for the annulment of registration, that is, the revocation of a certificate, shall be begun by filing written charges against the accused with the Board of Examiners and Registrars of Architects by the Board itself or by a complainant. A copy of the charges, together with a notice of the time and place of hearing, shall be served on the accused at least thirty calendar days in advance of the hearing, which shall be postponed if necessary to give the requisite notice. Where personal services can not be made within the District of Columbia, service may be made by publication or personal service in accordance with such rules as the Board adopts, following generally and in principle the provisions of sections 13–336 to 13–338 and 13–340 of the District of Columbia Code. At the hearing, the accused may be represented by counsel, may introduced evidence, and may examine and cross-examine witnesses. The secretary of the Board may administer oaths. The Board shall make a written report of its findings, which report, with a transcript of the entire record of the proceedings, shall be filed with the Commissioners of the District of Columbia, and, if the Board's finding is adverse to the accused, his certificate of registration shall stand revoked and annulled at the expiration of thirty days from the filing of the report, unless a peti-

tion for review is filed in the District of Columbia Court of Appeals, and a stay is granted, in the manner provided by sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code.

SEC. 7. The second paragraph of section 10 of the Act of June 7, 1938 (ch. 322, 52 Stat. 622; D.C. Code, 1961 ed., sec. 2–1110), as amended by section 32(b) of the Act of June 25, 1948, as amended by section 127 of the Act of May 24, 1949, is amended to read as follows:

"An appeal may be taken from the action of the Board to the District of Columbia Court of Appeals in the manner provided by sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code.".

SEC. 8. Section 13(a) of the Act of March 3, 1925 (ch. 443, 43 Stat. 1125; D.C. Code, 1961 ed., sec. 40–302), as amended by section 3 of the Act of July 3, 1926, sections 2 and 4 of the Act of February 27, 1931, and the Act of May 15, 1936, is amended (1) by striking out the fourth proviso in the first sentence (being the last proviso in that sentence); (2) by striking out the colon preceding that proviso, and in lieu thereof inserting a period; (3) by striking out the second sentence, and in lieu thereof inserting: "An individual whose permit is denied, suspended, or revoked by the commissioners or their agent may, if application for a review by the commissioners of an order for revocation or suspension is not filed, or if an application for review by them is filed, after the commissioners' decision on the review, petition the District of Columbia Court of Appeals for a review of the order or decision in the manner provided by sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code.".

SEC. 9. (a) Section 9 of the Act of August 25, 1937 (ch. 760, 50 Stat. 794; D.C. Code, 1961 ed., sec. 45–1409), as amended by section 32(b) of the Act of June 25, 1948, as amended by section 127 of the Act of May 24, 1949; and as further amended by the Act of June 11, 1960 (Pub. L. 86–507, § 1(50), 74 Stat. 203), is amended by striking out the ninth and tenth sentences of the first paragraph thereof, and in lieu thereof inserting the following: "A final decision or determination of the Commission denying, suspending, or revoking a license may be reviewed in the District of Columbia Court of Appeals in the manner provided by sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code.".

(b) Section 9 of the Act of August 25, 1937 (ch. 760, 50 Stat. 794; D.C. Code, 1961 ed., sec. 45–1409), as amended, is further amended by striking out the second paragraph thereof.

SEC. 10. The first paragraph of paragraph 42 of section 7 of the Act of July 1, 1902 (ch. 1352, 32 Stat. 628; D.C. Code, 1961 ed., sec. 47–2101, first par.), as amended by the Act of July 1, 1932, is amended (1) by striking out the colon preceding the proviso therein and the sentence following immediately thereafter, and in lieu thereof inserting a period, and (2) by striking out the proviso therein, and in lieu thereof inserting: "A person whose application for a license is denied, or whose license is revoked or suspended by the commissioners may obtain a review of the action of the commissioners in the District of Columbia Court of Appeals in the manner provided by sections 11–742, 17–303, 17–304, 17–305(b), 17–306 and 17–307 of the District of Columbia Code.".

SEC. 11. (a) Section 1 of the Act of July 16, 1912 (ch. 235, 37 Stat. 192; D.C. Code, 1961 ed., secs. 11–755c, 22–1101, 22–2722), as amended by section 32(b) of the Act of June 25, 1948, as amended by section 127 of the Act of May 24, 1949, is amended to read as follows:

"Whoever is convicted of an affray or of keeping a bawdy or disorderly house in the District shall be fined not more than $500 or imprisoned not more than one year, or both.".

(b) Section 2 of the Act of July 16, 1912 (ch. 235, 37 Stat. 193, D.C. Code 1961 ed., secs. 11–755d, 22–507), as amended by section 32(b) of the Act of June 25, 1948, as amended by section 127 of the Act of May 24, 1949; and as amended by section 212 of the Act approved June 29, 1953, is amended to read as follows:

"SEC. 2. Whoever is convicted in the District of threats to do bodily harm shall be fined not more than $500 or imprisoned not more than six months, or both, and, in addition thereto or in lieu thereof, may be required to give bond to keep the peace for a period not exceeding one year.".

SEC. 12. Section 5 of the Act of June 21, 1870 (ch. 135, 16 Stat. 158; D.C. Code, 1961 ed., sec. 32–205), is amended to read as follows:

"SEC. 5. Members of the Metropolitan Police force of the District of Columbia, upon application of a member of the Washington Humane Society who has viewed a violation of a law or regulation of the District for the prevention of cruelty to animals, shall arrest the offending party without a warrant, and take him before the District of Columbia Court of General Sessions for trial. Proper evidence of membership to a police officer shall be the exhibition of a badge or certificate of membership in the Society.".

SEC. 13. Section 93 of the Act of March 3, 1901 (ch. 854, 31 Stat. 1203; D.C. Code, 1961 ed., secs. 16–1301, 21–213), as amended by the Act of June 30, 1902 (ch. 1329, 32 Stat. 523), is amended to read as follows:

"SEC. 93. If a contract has been made for the sale of lands, tenements, or hereditaments by a person or persons interested therein jointly or in common with an infant, idiot, or person non compos mentis, for and in behalf of all the persons so interested, which the court, upon a hearing and examination of all the circumstances, considers to be for the interest and advantage both of the infant, idiot, or person non compos mentis and of the other person or persons interested therein to be confirmed, the court may confirm the contract and order a deed to be executed according thereto; and all sales and deeds made in pursuance of the order shall be sufficient in law to transfer the estate and interest of the infant, idiot, or person non compos mentis in the property.".

SEC. 14. If any part of Part II of the District of Columbia Code, as set out in section 1 of this Act, is held invalid, the remainder of Part II shall not be affected thereby.

SEC. 15. An inference of a legislative construction may not be drawn by reason of the subchapter, chapter, or title in Part II of the District of Columbia Code, as set out in section 1 of this Act, in which any section is placed, or by reason of the catchlines used.

SEC. 16. Chapter 11 of Title 11 of the District of Columbia Code, as set out in section 1 of this Act, does not divest the United States District Court for the District of Columbia of jurisdiction and power to consider, and to enter and enforce judgments, orders, and decrees in any action, application, or proceeding, as described in section 11–1141 of the Code, filed in the District Court prior to the effective date of section 105 of the Act of April 11, 1956 (ch. 204, 70 Stat. 112), to the same extent as if chapter 11 had not been enacted.

SEC. 17. (a) Part II of the District of Columbia Code, set out in section 1 of this Act, with respect to the organization of each of the several courts and their divisions and branches therein provided for,

is a continuation of existing law, and the tenure of the judges, officers, and employees thereof, in office on January 1, 1964, is not affected by its enactment, but each of them shall continue to serve in the same capacity under the appropriate provisions of Part II, as set out in section 1 of this Act, pursuant to his prior appointment. Loss of rights, interruption of jurisdiction, or prejudice to matters pending in any of those courts on the effective date this Act shall not result from its enactment.

(b) The judge of the juvenile court of the District of Columbia who, on March 9, 1962, was occupying the position of judge created by the Juvenile Court Act of the District of Columbia, approved June 1, 1938, shall continue in office and shall be deemed to be occupying one of the three positions of judge provided for by section 19 of that Act, as amended by the first section of Public Law 87–413, until the term for which he was appointed expires and his successor is duly appointed and qualified. He shall be entitled to compensation in accordance with the provisions of section 19 of the Juvenile Court Act of the District of Columbia as amended by the first section of Public Law 87–413.

52 Stat. 596.

76 Stat. 398.

(c) Wherever in any law of the United States reference is made to the judge of the juvenile court of the District of Columbia the reference shall be construed to mean any judge of that court.

SEC. 18. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of Part II, District of Columbia Code, as set out in section 1 of this Act.

Appropriation.

SEC. 19. The following British statutes, heretofore classified to Part II of the District of Columbia Code, 1961 edition, under the authority of section 1 of the Act approved March 3, 1901 (chapter 854, 31 Stat. 1189; D.C. Code 1961 ed., sec. 49–301), have no further force and effect, as such, in the District of Columbia:

(1) 9 Henry III (1225), chapter 8, sections 1, 2, 3, 4 (D.C. Code, 1961 ed., secs. 15–213, 16–2003 to 16–2005);

(2) 13 Edward I (1285), chapter 31 (D.C. Code, 1961 ed., sec. 11–321);

(3) 14 Edward III (1340), chapter 6, section 1 (D.C. Code, 1961 ed., sec. 13–304);

(4) 36 Edward III (1362), chapter 15, section 1 (D.C. Code, 1961 ed., sec. 13–201);

(5) 17 Richard II (1393), chapter 6, section 1 (D.C. Code, 1961 ed., sec. 13–219);

(6) 11 Henry IV (1409), chapter 3, section 1 (D.C. Code, 1961 ed., sec. 13–307);

(7) 9 Henry V (1421), chapter 4, section 1 (D.C. Code, 1961 ed., sec. 13–305);

(8) 4 Henry VI (1425), chapter 3, section 1 (D.C. Code, 1961 ed., sec. 13–306);

(9) 8 Henry VI (1429), chapter 12, sections 2, 4 (D.C. Code, 1961 ed., secs. 13–308 to 13–310);

(10) 8 Henry VI (1429), chapter 15, section 1 (D.C. Code, 1961 ed., sec. 13–311);

(11) 4 Henry VII (1487), chapter 20 (D.C. Code, 1961 ed., sec. 13–220);

(12) 23 Henry VIII (1531), chapter 15, section 1 (D.C. Code, 1961 ed., sec. 11–1517);

(13) 18 Elizabeth (1576), chapter 14, sections 1, 2 (D.C. Code, 1961 ed., sec. 13–314);

(14) 27 Elizabeth (1585), chapter 5, sections 1, 2 (D.C. Code, 1961 ed., secs. 13–206, 13–207);

(15) 4 James I (1606), chapter 3, section 2 (D.C. Code, 1961 ed., sec. 11–1517);

(16) 21 James I (1623), chapter 13, sections 2, 3 (D.C. Code, 1961 ed., sec. 13–315);

(17) 16 Charles II (1664), chapter 7, sections 2, 3 (D.C. Code, 1961 ed., secs. 16–706, 16–707);

(18) 16 and 17 Charles II (1664), chapter 8, sections 1, 2, 5 (D.C. Code, 1961 ed., secs. 13–316, 13–317);

(19) 29 Charles II (1676), chapter 3, sections 14, 15, 16 (D.C. Code, 1961 ed., secs. 15–104, 15–207);

(20) 29 Charles II (1676), chapter 7, section 6 (D.C. Code, 1961 ed., sec. 13–102);

(21) 8 and 9 William and Mary (1697), chapter 11, sections 1, 8 (D.C. Code, 1961 ed., secs. 11–1518, 13–205, 15–111);

(22) 4 Anne (1705), chapter 16, sections 1, 2, 4, 7, 11, 12, 27 (D.C. Code 1961 ed., secs. 13–206, 13–210, 13–212, 13–218, 13–318, 13–319, 16–101);

(23) 6 Anne (1707), chapter 18, sections 1, 2, 3, 4, 5 (D.C. Code, 1961 ed., secs. 16–527 to 16–531);

(24) 9 Anne (1710), chapter 14, sections 1, 2, 4, 5, 8 (D.C. Code, 1961 ed., secs. 16–701 to 16–705);

(25) 9 Anne (1710), chapter 20, section 7 (D.C. Code, 1961 ed., sec. 13–320);

(26) 5 George I (1718), chapter 13, section 1 (D.C. Code, 1961 ed., sec. 13–312);

(27) 4 George II (1731), chapter 26, section 1 (D.C. Code, 1961 ed., sec. 13–202);

(28) 4 George II (1731), chapter 28, sections 2, 3, 4 (D.C. Code, 1961 ed., secs. 16–532 to 16–534);

(29) 6 George II (1733), chapter 14, section 5 (D.C. Code, 1961 ed., sec. 13–203); and

(30) 11 George II (1738), chapter 19, section 12 (D.C. Code, 1961 ed., sec. 16–502).

Effective date.

SEC. 20. This Act shall take effect on January 1, 1964.

Repeals.

SEC. 21. (a) The sections of the Revised Statutes of the District of Columbia, and Acts or parts of Acts, enumerated in the schedule below, are hereby repealed. Any rights or liabilities existing under the statutes or parts thereof so repealed, and any cases, actions or proceedings instituted under, or growing out of, any of the statutes or parts thereof so repealed, are not affected by the repeal. However, laws becoming effective after August 10, 1963, and inconsistent with this Act, shall supersede it to the extent of the inconsistency.

(b) If any section of the Revised Statutes of the District of Columbia, or act, or part of an act, listed in the schedule below, has been repealed heretofore, the fact of its being listed in the schedule below shall not be construed as a revival thereof or as a recognition or acknowledgment that the section, act, or part of an act was in force at the time of the specific repeal effected by this section.

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1898—June 8	394	[12] 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11	30	434-437	11-501, 14-404

[1] This section was not actually set out as text in D. C. Code, 1961 ed., § 501, cited above, but was cited, thereto, perhaps as one of the historical sources thereof.

[2] The text of this act was not actually set out in any of the sections of D. C. Code, 1961 ed., cited above, but such act was set out in notes under, or cited in the credits to, each such section.

[3] This section was not actually set out as text in D. C. Code, 1961 ed., § 11-501, cited above, but was cited thereto, perhaps as one of the historical sources thereof.

[4] Only the proviso in the first paragraph on this page.

[5] Only the provisions commencing on this page and ending on page 254 which strike out section 763 of the Revised Statutes of the District of Columbia and substitute a new section so numbered.

[6] As added by act Feb. 18, 1909, ch. 146, 35 Stat. 629 (636).

[7] The text of this act was not actually set out in any of the sections of D. C. Code, 1961 ed., cited above, but such act was set out in notes under, or cited in the credits to, each such section.

[8] This section was not actually set out as text in D. C. Code, 1961 ed., § 11-204, cited above, but was cited thereto, perhaps as one of the historical sources thereof.

[9] This section was not actually set out as text in D. C. Code, 1961 ed., § 11-206, cited above, but was cited thereto, perhaps as one of the historical sources thereof.

[10] This section was not actually set out as text in D. C. Code, 1961 ed., § 11-204, cited above, but was cited thereto, perhaps as one of the historical sources thereof.

[11] This section was not actually set out as text in D. C. Code, 1961 ed., § 11-206, cited above, but was cited thereto, perhaps as one of the historical sources thereof.

[12] No part of this act was actually set out as text in any section of D. C. Code, 1961 ed., but the act was cited in its entirety to the credits of section 11-501 thereof, cited above, and section 10 of the act was cited to section 14-404 thereof, cited above, perhaps as historical sources of those sections.

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[13] As added by act May 19, 1922, ch. 194, 42 Stat. 543.
[14] As added by act Feb. 26, 1927, ch. 220, 44 Stat. 1249.

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[15] All provisions of this section not heretofore repealed by act July 1, 1902, ch. 1352, § 1, 32 Stat. 590 (609).
[16] As added by act Apr. 19, 1920, ch. 153, 41 Stat. 555 (565).
[17] As enacted by act Aug. 7, 1935, ch. 453, § 1, 49 Stat. 539.
[18] As added by act Aug. 7, 1935, ch. 453, § 3, 49 Stat. 540.

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[20] As added by act Aug. 4, 1959, Pub. L. 86-130, § 1, 73 Stat. 276.

[21] The provisions on this page amending sections 12, 13, 26, 29, 33 and 35 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1191, 1192, 1194, 1195).

[22] The provisions on this page amending sections 42 and 51 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1196, 1198).

[23] The provisions on this page and page 523 amending section 65 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1200).

[24] The provisions on this page amending section 72 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1201).

[25] The provisions on this page amending sections 102 and 104 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1205, 1206).

[26] The provisions on this page and page 524 amending section 108 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1206).

[27] The provisions on this page amending sections 110 and 111 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1207).

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[25] The provisions on this page amending section 119 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1208).

[26] The provisions on this page and page 526 amending section 121 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1209).

[30] The provisions on this page amending sections 129, 142, 143 and 144 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1211, 1214).

[31] The provisions on this page amending sections 174, 175, 177 and 190 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1218, 1219, 1221)

[33] The provisions on this page amending sections 224, 237 and 254 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1224, 1228, 1230).

[33] The provisions on this page amending sections 399, 412, 454, 455, 457, 466 and 491 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1252, 1254, 1261, 1262, 1263, 1266).

[34] The provisions on this page amending section 934 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1341).

[35] The provisions on this page amending sections 963, 975, 977, 984, 989 and 992 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1345, 1346, 1347, 1348).

[36] The provisions on this page and page 538 amending section 995 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1348).

[37] The provisions on this page amending sections 1000, 1003 and 1004 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1349, 1350).

[38] The provisions on this page and pages 539 and 540 amending section 1058 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1354).

[39] The provisions on this page amending sections 1060, 1062, 1065, 1067, 1079 and 1082 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1356, 1357, 1359).

[40] The provisions on this page amending sections 1084, 1085, 1088, 1091 and 1101 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1359, 1360, 1361).

[41] The provisions on this page and page 542 amending section 1111 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1364).

[42] The provisions on this page amending sections 1212, 1214, 1265, 1266, 1267 and 1268 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1381, 1389).

[43] The provisions on this page amending sections 1276, 1298, 1299, 1302 and 1532 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1390, 1394, 1418).

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[44] The provisions on this page amending sections 1535, 1537, 1542, 1551, 1552, 1554, 1557 and 1563 of act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (1419, 1420, 1421, 1422).

[45] Only the paragraph on this page, reading as follows: "And hereafter there shall be paid to witnesses in cases in the police court of the District of Columbia, not exceeding seventy-five cents per diem for each day of attendance, to be allowed only in the discretion of the court."

[46] As added by act June 1, 1938, ch. 309, 52 Stat. 596.

[47] As amended by acts June 1, 1938, ch. 309, 52 Stat. 596–603; July 2, 1940, ch. 525, 54 Stat. 735; Aug. 3, 1951, ch. 291, § 4, 65 Stat. 154; June 12, 1952, ch. 417, §§ 1, 2, 66 Stat. 134; July 11, 1955, ch. 302, § 4, 69 Stat. 270.

[48] As added June 1, 1938, ch. 309, 52 Stat. 596 (603).

[49] As added June 1, 1938, ch. 309, 52 Stat. 596 (603), and amended June 12, 1952, ch. 417, § 3, 66 Stat. 134.

[50] As added by act June 1, 1938, ch. 309, 52 Stat. 596 (603).

[51] As added by act June 1, 1938, ch. 309, 52 Stat. 596 (603, 604). While it was the intent to repeal this section by act May 24, 1949, ch. 139, § 142, 63 Stat. 110, that act repealed section "33" of the act of June 1, 1938, which was not correct.

[52] As added by act June 1, 1938, ch. 309, 52 Stat. 596 (604).

[53] As added by act June 1, 1938, ch. 309, 52 Stat. 596 (604, 605).

[54] As added by act June 1, 1938, ch. 309, 52 Stat. 596 (605).

[55] As added by act Mar. 9, 1962, Public Law 87–413, § 5, 76 Stat. 22.

[56] The first full paragraph on this page.

[57] The proviso in the second paragraph on this page.

[58] The two provisos on this page.

[59] The second proviso on this page.

[60] The proviso in the first full paragraph on this page.

[61] The proviso in the third paragraph under the heading "For Courts and Prisons" on this page.

[62] The proviso in the sixth full paragraph on this page.

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Date	Chapter	Section	Volume	Page	
1920—Apr. 19	153	[63] 1 (part)	41	555–561, 563–567, 569	11–312, 11–514, 11–735, 11–746, 11–1301 to 11–1304, 11–1401 to 11–1407, 11–1409 to 11–1413, 13–108, 13–204, 13–214 to 13–216, 14–302, 14–406, 16–301, 16–311, 16–421, 16–604, 16–607
1921—Mar. 3	125	1 to 11, inclusive, 13	41	1310–1313	11–701, 11–702, 11–706, 11–707, 11–715, 11–716, 11–717, 11–718 to 11–721, 11–724, 11–725, 11–726, 11–729 to 11–731, 11–733, 11–734, 11–755 notes, 11–756 note
1923—Mar. 4	278		42	1506	13–214
1924—Dec. 13	8		43	713	11–1207
1925—Mar. 3	443	3, 4, 5	43	1119–1121	11–601, 11–621, 11–623, 11–715a, 11–716a, 11–1407
1926—Apr. 3	103		44	234	11–312
June 14	577		44	741	11–1407
July 3	784		44	892	11–1407
1928—Apr. 6	325		45	410	11–1509
May 15	568	3	45	534	16–333
May 21	659 (part)		45	[64] 671	11–211
Dec. 20	41		45	1056	10–301
1929—Mar. 1	416	1 to 26, inclusive	45	1415–1422	16–619 to 16–644
Do	439		45	1437–1439	16–601 to 16–604, 16–606 to 16–611
1930—June 19	537		46	785	11–301
1932—Feb. 11	39		47	48	14–309
1933—Feb. 28	138		47	1370	12–208
1935—Apr. 11	57	1 to 5, inclusive, 7, 8	49	152–154	16–612 to 16–618
Aug. 7	453	2	49	539	16–401
Do	453	4	49	540	16–421
Aug. 22	604		49	681	11–716a
Do	605		49	682	11–1420
1938—Mar. 5	43	1 to 19, inclusive, 21	52	103–107	11–801 to 11–820
May 31	290	5	52	584	11–301
1939—Apr. 5	37	8 (a)	53	567	16–312
Do	37	8 (b)	53	567	15–305
July 15	281	1 (part)	53	[65] 1009	11–1519
July 26	367		53	1107	11–330
1940—June 12	333	1 (part)	54	[66] 311	11–1519
1941—Dec. 15	574		55	801	11–401
1942—Apr. 1	207	1 to 14, inclusive	56	190–197	Note prec. 11–750, 11–751, 11–751 note, 11–752 to 11–754, 11–755, 11–756, 11–771, 11–772 to 11–776

[63] The provisions of this section amending act Mar. 3, 1901, ch. 854, 31 Stat. 1189 (D. C. Code), as follows: amending sections 20, 35, 65, 105, 126, 198 to 209, inclusive, 218, 219; adding section 219a; amending sections 220, 445, 455, 485, 491h; adding section 983a; amending section 1064; and adding sections 1073b and 1535a to 1535d inclusive.

[64] The proviso in the second paragraph on this page.

[65] The first proviso on this page.

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1944—June 28	300	16	58	533	11-1519
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1945—June 30	209	1 (part)	59	[67] 281	11-1521
1946—July 9	544	1 (part)	60	[68] 510	11-1521
Aug. 7	792		60	889	19-403
Aug. 8	881		60	931	11-1401
1947—May 15	56		61	92	11-914
July 11	228		61	312	16-610
July 18	267		61	381	11-754b
1948—June 19	507	1, 2	62	487	16-1201, 16-1203
Do	508	1	62	487	12-101
June 24	609		62	579	14-302
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Do	139	140	63	109	11-1502
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Do	230		63	214	13-108
June 21	233		63	215	16-416
July 28	369	2, 3	63	482, 483	11-753, 11-771
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Oct. 25	706	1, 2, 3	63	887	11-752, 11-753, 11-771
1951—Jan. 11	1225	2 to 19, inclusive.	64	1240-1243	11-951, 11-951 note, 11-952 to 11-967
1952—Mar. 14	104	1	66	24	11-1509
Apr. 15	206	1	66	59	15-403
1953—June 18	128	1	67	65	11-757, 11-968
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1954—June 8	272	1 to 17, inclusive.	68	241-246	16-208 to 16-224
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1955—July 11	302	1, 2	69	290	11-753, 11-771
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1956—Apr. 11	204	101 to 106, 107 (a) (b), 108 to 114, inclusive.	70	111-113	11-752, 11-758 to 11-770, 16-210, 16-220, 16-416
July 26	744	1	70	676	11-756

[67] The first proviso on this page.
[68] The second proviso on this page.

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1959—Aug. 4		2	73	277	15-304
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Sept. 9	86-241		73	473	11-762
1960—June 11	86-507	1 (46)	74	203	11-805
		1 (47)	74	203	16-613
1961—Sept. 6	87-203		75	470	11-804
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Aug. 24	87-596	1 (a)	76	398	11-752
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Do	87-596	2 (b)	76	398	11-920
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Oct. 23	87-873	2	76	1171	11-755
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					11-771a
1963—July 8	88-60	2, 3	77	77	11-755, 11-756
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Do	88-60	5	77	78	11-520a, 11-771a
Aug. 5	88-85	1, 2	77	117	11-805

Approved December 23, 1963.

Public Law 88-242

JOINT RESOLUTION

December 30, 1963
[S. J. Res. 113]

To authorize the President to issue annually a proclamation designating the first week in March of each year as "Save Your Vision Week".

Save Your Vision Week.
Annual proclamation, authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue annually a proclamation designating the first week in March of each year as "Save Your Vision Week", and inviting the Governors and mayors of State and local governments of the United States to issue similar proclamations. The President is further requested to consider including in such proclamation an invitation calling upon the press, radio, television, and other communications media, the health care professions and all other agencies and individuals concerned with programs for the improvement of vision to unite during such week in public activities to impress upon the people of the United States the importance of vision to their own welfare and that of our country, and to urge their support of programs to improve and protect the vision of Americans.

Approved December 30, 1963.

Public Law 88-243

December 30, 1963
[H. R. 5338]

AN ACT

To enact the Uniform Commercial Code for the District of Columbia, and for other purposes.

District of Columbia. Uniform Commercial Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Uniform Commercial Code is enacted as Subtitle I of Title 28 of the District of Columbia Code, in which it shall be designated "Subtitle I—Uniform Commercial Code", and may be cited as "D.C. Code, § —", as follows:

SUBTITLE I—UNIFORM COMMERCIAL CODE

ARTICLE	SECTION
1. GENERAL PROVISIONS	28: 1—101
2. SALES	28: 2—101
3. COMMERCIAL PAPER	28: 3—101
4. BANK DEPOSITS AND COLLECTIONS	28: 4—101
5. LETTERS OF CREDIT	28: 5—101
6. BULK TRANSFERS	28: 6—101
7. WAREHOUSE RECEIPTS, BILLS OF LADING AND OTHER DOCUMENTS OF TITLE	28: 7—101
8. INVESTMENT SECURITIES	28: 8—101
9. SECURED TRANSACTIONS; SALES OF ACCOUNTS, CONTRACT RIGHTS AND CHATTEL PAPER	28: 9—101
10. CONSTRUCTION WITH OTHER LAWS	28:10—101

ARTICLE I—GENERAL PROVISIONS

PART 1—SHORT TITLE, CONSTRUCTION, APPLICATION AND SUBJECT MATTER

Sec.

28:1—101. Short title.
28:1—102. Purposes; rules of construction; variation by agreement.
28:1—103. Supplementary general principles of law applicable.
28:1—104. Construction against implicit repeal.
28:1—105. Territorial application of this subtitle; parties' power to choose applicable law.
28:1—106. Remedies to be liberally administered.
28:1—107. Waiver or renunciation of claim or right after breach.
28:1—108. Severability.
28:1—109. Section captions.

PART 2—GENERAL DEFINITIONS AND PRINCIPLES OF INTERPRETATION

28:1—201. General definitions.
28:1—202. Prima facie evidence by third party documents.
28:1—203. Obligation of good faith.
28:1—204. Time; reasonable time; "seasonably".
28:1—205. Course of dealing and usage of trade.
28:1—206. Statute of frauds for kinds of personal property not otherwise covered.
28:1—207. Performance or acceptance under reservation of rights.
28:1—208. Option to accelerate at will.

PART 1—SHORT TITLE, CONSTRUCTION, APPLICATION AND SUBJECT MATTER

§ 28:1—101. Short title

This subtitle shall be known and may be cited as Uniform Commercial Code. Citation of title.

§ 28:1—102. Purposes; rules of construction; variation by agreement

(1) This subtitle shall be liberally construed and applied to promote its underlying purposes and policies.

(2) Underlying purposes and policies of this subtitle are

(a) to simplify, clarify and modernize the law governing commercial transactions;

(b) to permit the continued expansion of commercial practices through custom, usage and agreement of the parties;

(c) to make uniform the law among the various jurisdictions.

(3) The effect of provisions of this subtitle may be varied by agreement, except as otherwise provided in this subtitle and except that the obligations of good faith, diligence, reasonableness and care prescribed by this subtitle may not be disclaimed by agreement but the parties may by agreement determine the standards by which the performance of such obligations is to be measured if such standards are not manifestly unreasonable.

(4) The presence in certain provisions of this subtitle of the words "unless otherwise agreed" or words of similar import does not imply that the effect of other provisions may not be varied by agreement under subsection (3).

(5) In this subtitle unless the context otherwise requires

(a) words in the singular number include the plural, and in the plural include the singular;

(b) words of the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender may refer to any gender.

§ 28:1—103. Supplementary general principles of law applicable

Unless displaced by the particular provisions of this subtitle, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause shall supplement its provisions.

§ 28:1—104. Construction against implicit repeal

This subtitle being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

§ 28:1—105. Territorial application of this subtitle; parties' power to choose applicable law

(1) Except as provided hereafter in this section, when a transaction bears a reasonable relation to the District and also to a state or nation the parties may agree that the law either of the District or of such state or nation shall govern their rights and duties. Failing such agreement this subtitle applies to transactions bearing an appropriate relation to the District.

(2) Where one of the following provisions of this subtitle specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. Section 28:2—402.

Applicability of the article on bank deposits and collections. Section 28:4—102.

Bulk transfers subject to the article on bulk transfers. Section 28:6—102.

Applicability of the article on investment securities. Section 28:8—106.

Policy and scope of the article on secured transactions. Sections 28:9—102 and 28:9—103.

§ 28:1—106. Remedies to be liberally administered

(1) The remedies provided by this subtitle shall be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special nor penal damages may be had except as specifically provided in this subtitle or by other rule of law.

(2) Any right or obligation declared by this subtitle is enforceable by action unless the provision declaring it specifies a different and limited effect.

§ 28:1—107. Waiver or renunciation of claim or right after breach

Any claim or right arising out of an alleged breach can be discharged in whole or in part without consideration by a written waiver or renunciation signed and delivered by the aggrieved party.

§ 28:1—108. Severability

If any provision or clause of this subtitle or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this subtitle which can be given effect without the invalid provision or application, and to this end the provisions of this subtitle are declared to be severable.

§ 28:1—109. Section captions

Section captions are parts of this subtitle.

PART 2—GENERAL DEFINITIONS AND PRINCIPLES OF INTERPRETATION

§ 28:1—201. General definitions

Subject to additional definitions contained in the subsequent articles of this subtitle which are applicable to specific articles or parts thereof, and unless the context otherwise requires, in this subtitle:

(1) "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, set-off, suit in equity and any other proceedings in which rights are determined.

(2) "Aggrieved party" means a party entitled to resort to a remedy.

(3) "Agreement" means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this subtitle (sections 28:1—205 and 2—208). Whether an agreement has legal consequences is determined by the provisions of this subtitle, if applicable; otherwise by the law of contracts (section 28:1—103). (Compare "Contract".)

(4) "Bank" means any person engaged in the business of banking.

(5) "Bearer" means the person in possession of an instrument, document of title, or security payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of transporting or forwarding goods, and includes an airbill. "Airbill" means a document serving for air transportation as a bill of lading does for marine or rail transportation, and includes an air consignment note or air waybill.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the triers of fact that the existence of the fact is more probable than its non-existence.

(9) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him is in violation of the ownership rights or security interest of a third party in the goods buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous": A term or clause is conspicuous when it is so written that a reasonable person against whom it is to operate ought to have noticed it. A printed heading in capitals (as: NON-NEGOTIABLE BILL OF LADING) is conspicuous. Language in the body of a form is "conspicuous" if it is in larger or other contrasting type or color. But in a telegram any stated term is "conspicuous". Whether a term or clause is "conspicuous" or not is for decision by the court.

(11) "Contract" means the total legal obligation which results from the parties' agreement as affected by this subtitle and any other applicable rules of law. (Compare "Agreement".)

(12) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity and an executor or administrator of an insolvent debtor's or assignor's estate.

(13) "Defendant" includes a person in the position of defendant in a cross-action or counterclaim.

(14) "Delivery" with respect to instruments, documents of title, chattel paper or securities means voluntary transfer of possession.

(14a) "District" means the District of Columbia; and "state" includes the District.

(15) "Document of title" includes bill of lading, dock warrant, dock receipt, warehouse receipt or order for the delivery of goods, and also any other document which in the regular course of business or financing is treated as adequately evidencing that the person in possession of it is entitled to receive, hold and dispose of the document and the goods it covers. To be a document of title a document must purport to be issued by or addressed to a bailee and purport to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

(16) "Fault" means wrongful act, omission or breach.

(17) "Fungible" with respect to goods or securities means goods or securities of which any unit is, by nature or usage of trade, the equivalent of any other like unit. Goods which are not fungible shall be deemed fungible for the purposes of this subtitle to the extent that under a particular agreement or document unlike units are treated as equivalents.

(18) "Genuine" means free of forgery or counterfeiting.

(19) "Good faith" means honesty in fact in the conduct or transaction concerned.

(20) "Holder" means a person who is in possession of a document of title or an instrument or an investment security drawn, issued or indorsed to him or to his order or to bearer or in blank.

(21) To "honor" is to pay or to accept and pay, or where a credit so engages to purchase or discount a draft complying with the terms of the credit.

(22) "Insolvency proceedings" includes any assignment for the benefit of creditors or other proceedings intended to liquidate or rehabilitate the estate of the person involved.

(23) A person is "insolvent" who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due or is insolvent within the meaning of the federal bankruptcy law.

(24) "Money" means a medium of exchange authorized or adopted by a domestic or foreign government as a part of its currency.

(25) A person has "notice" of a fact when

(a) he has actual knowledge of it; or

(b) he has received a notice or notification of it; or

(c) from all the facts and circumstances known to him at the time in question he has reason to know that it exists.

A person "knows" or has "knowledge" of a fact when he has actual knowledge of it. "Discover" or "learn" or a word or phrase of similar import refers to knowledge rather than to reason to know. The time and circumstances under which a notice or notification may cease to be effective are not determined by this subtitle.

(26) A person "notifies" or "gives" a notice or notification to another by taking such steps as may be reasonably required to inform the other in ordinary course whether or not such other actually comes to know of it. A person "receives" a notice or notification when

(a) it comes to his attention; or

(b) it is duly delivered at the place of business through which the contract was made or at any other place held out by him as the place for receipt of such communications.

(27) Notice, knowledge or a notice or notification received by an organization is effective for a particular transaction from the time when it is brought to the attention of the individual conducting that transaction, and in any event from the time when it would have been brought to his attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless such information is part of his regular duties or unless he has reason to know of the transaction and that the transaction would be materially affected by the information.

(28) "Organization" includes a corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(29) "Party", as distinct from "third party", means a person who has engaged in a transaction or made an agreement within this subtitle.

(30) "Person" includes an individual or an organization (see section 28:1—102).

(31) "Presumption" or "presumed" means that the trier of fact must find the existence of the fact presumed unless and until evidence is introduced which would support a finding of its nonexistence.

(32) "Purchase" includes taking by sale, discount, negotiation, mortgage, pledge, lien, issue or re-issue, gift or any other voluntary transaction creating an interest in property.

(33) "Purchaser" means a person who takes by purchase.

(34) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to tribunal.

(35) "Representative" includes an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate, or any other person empowered to act for another.

(36) "Rights" includes remedies.

(37) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer (section 28:2–401) is limited in effect to a reservation of a "security interest". The term also includes any interest of a buyer of accounts, chattel paper, or contract rights which is subject to article 9. The special property interest of a buyer of goods on identification of such goods to a contract for sale under section 28:2—401 is not a "security interest", but a buyer may also acquire a "security interest" by complying with article 9. Unless a lease or consignment is intended as security, reservation of title thereunder is not a "security interest" but a consignment is in any event subject to the provisions on consignment sales (section 28:2—326). Whether a lease is intended as security is to be determined by the facts of each case; however, (a) the inclusion of an option to purchase does not of itself make the lease one intended for security, and (b) an agreement that upon compliance with the terms of the lease the lessee shall become or has the option to become the owner of the property for no additional consideration or for a nominal consideration does make the lease one intended for security.

(38) "Send" in connection with any writing or notice means to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and in the case of an instrument to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances. The receipt of any writing or notice within the time at which it would have arrived if properly sent has the effect of a proper sending.

(39) "Signed" includes any symbol executed or adopted by a party with present intention to authenticate a writing.

(40) "Surety" includes guarantor.

(41) "Telegram" includes a message transmitted by radio, teletype, cable, any mechanical method of transmission, or the like.

(42) "Term" means that portion of an agreement which relates to a particular matter.

(43) "Unauthorized" signature or indorsement means one made without actual, implied or apparent authority and includes a forgery.

(44) "Value". Except as otherwise provided with respect to negotiable instruments and bank collections (sections 28:3—303, 28:4—208 and 28:4—209) a person gives "value" for rights if he acquires them

(a) in return for a binding commitment to extend credit or for the extension of immediately available credit whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection; or

(b) as security for or in total or partial satisfaction of a pre-existing claim; or

(c) by accepting delivery pursuant to a pre-existing contract for purchase; or

(d) generally, in return for any consideration sufficient to support a simple contract.

(45) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

(46) "Written" or "writing" includes printing, typewriting or any other intentional reduction to tangible form.

§ 28:1—202. Prima facie evidence by third party documents

A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party shall be prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.

§ 28:1—203. Obligation of good faith

Every contract or duty within this subtitle imposes an obligation of good faith in its performance or enforcement.

§ 28:1—204. Time; reasonable time; "seasonably"

(1) Whenever this subtitle requires any action to be taken within a reasonable time, any time which is not manifestly unreasonable may be fixed by agreement.

(2) What is a reasonable time for taking any action depends on the nature, purpose and circumstances of such action.

(3) An action is taken "seasonably" when it is taken at or within the time agreed or if no time is agreed at or within a reasonable time.

§ 28:1—205. Course of dealing and usage of trade

(1) A course of dealing is a sequence of previous conduct between the parties to a particular transaction which is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.

(2) A usage of trade is any practice or method of dealing having such regularity of observance in a place, vocation or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage are to be proved as facts. If it is established that such a usage is embodied in a written trade code or similar writing the interpretation of the writing is for the court.

(3) A course of dealing between parties and any usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware give particular meaning to and supplement or qualify terms of an agreement.

(4) The express terms of an agreement and an applicable course of dealing or usage of trade shall be construed wherever reasonable as consistent with each other; but when such construction is unreasonable express terms control both course of dealing and usage of trade and course of dealing controls usage of trade.

(5) An applicable usage of trade in the place where any part of performance is to occur shall be used in interpreting the agreement as to that part of the performance.

(6) Evidence of a relevant usage of trade offered by one party is not admissible unless and until he has given the other party such notice as the court finds sufficient to prevent unfair surprise to the latter.

§ 28:1—206. Statute of frauds for kinds of personal property not otherwise covered

(1) Except in the cases described in subsection (2) of this section a contract for the sale of personal property is not enforceable by way of action or defense beyond five thousand dollars in amount or value of remedy unless there is some writing which indicates that a contract for sale has been made between the parties at a defined or stated price, reasonably identifies the subject matter, and is signed by the party against whom enforcement is sought or by his authorized agent.

(2) Subsection (1) of this section does not apply to contracts for the sale of goods (section 28:2—201) nor of securities (section 28:8—319) nor to security agreements (section 28:9—203).

§ 28:1—207. Performance or acceptance under reservation of rights

A party who with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice", "under protest" or the like are sufficient.

§ 28:1—208. Option to accelerate at will

A term providing that one party or his successor in interest may accelerate payment or performance or require collateral or additional collateral "at will" or "when he deems himself insecure" or in words of similar import shall be construed to mean that he shall have power to do so only if he in good faith believes that the prospect of payment or performance is impaired. The burden of establishing lack of good faith is on the party against whom the power has been exercised.

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PART 1—SHORT TITLE, GENERAL CONSTRUCTION AND SUBJECT MATTER

§ 28:2—101. Short title

This article shall be known and may be cited as Uniform Commercial Code—Sales. Citation of article.

§ 28:2—102. Scope; certain security and other transactions excluded from this article

Unless the context otherwise requires, this article applies to transactions in goods; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this article impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.

§ 28:2—103. Definitions and index of definitions

(1) In this article unless the context otherwise requires

(a) "Buyer" means a person who buys or contracts to buy goods.

(b) "Good faith" in the case of a merchant means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.

(c) "Receipt" of goods means taking physical possession of them.

d) "Seller" means a person who sells or contracts to sell goods.

(2) Other definitions applying to this article or to specified parts thereof, and the sections in which they appear are:

"Acceptance". Section 28:2—606.
"Banker's credit". Section 28:2—325.
"Between merchants". Section 28:2—104.
"Cancellation". Section 28:2—106(4).
"Commercial unit". Section 28:2—105.
"Confirmed credit". Section 28:2—325.
"Conforming to contract". Section 28:2—106.

(2) Other definitions applying to this article, etc.—Continued
"Contract for sale". Section 28:2—106.
"Cover". Section 28:2—712.
"Entrusting". Section 28:2—403.
"Financing agency". Section 28:2—104.
"Future goods". Section 28:2—105.
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"Identification". Section 28:2—501.
"Installment contract". Section 28:2—612.
"Letter of Credit". Section 28:2—325.
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"Merchant". Section 28:2—104.
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"Present sale". Section 28:2—106.
"Sale". Section 28:2—106.
"Sale on approval". Section 28:2—326.
"Sale or return". Section 28:2—326.
"Termination". Section 28:2—106.

(3) The following definitions in other articles apply to this article:
"Check". Section 28:3—104.
"Consignee". Section 28:7—102.
"Consignor". Section 28:7—102.
"Consumer goods". Section 28:9—109.
"Dishonor". Section 28:3—507.
"Draft". Section 28:3—104.

(4) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

§ 28:2—104. Definitions: "merchant"; "between merchants"; "financing agency"

(1) "Merchant" means a person who deals in goods of the kind or otherwise by his occupation holds himself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his employment of an agent or broker or other intermediary who by his occupation holds himself out as having such knowledge or skill.

(2) "Financing agency" means a bank, finance company or other person who in the ordinary course of business makes advances against goods or documents of title or who by arrangement with either the seller or the buyer intervenes in ordinary course to make or collect payment due or claimed under the contract for sale, as by purchasing or paying the seller's draft or making advances against it or by merely taking it for collection whether or not documents of title accompany the draft. "Financing agency" includes also a bank or other person who similarly intervenes between persons who are in the position of seller and buyer in respect to the goods (section 28:2—707).

(3) "Between merchants" means in any transaction with respect to which both parties are chargeable with the knowledge or skill of merchants.

§ 28:2—105. Definitions: transferability; "goods"; "future" goods; "lot"; "commercial unit"

(1) "Goods" means all things (including specially manufactured goods) which are movable at the time of identification to the contract for sale other than the money in which the price is to be paid, investment securities (article 8) and things in action. "Goods" also includes the unborn young of animals and growing crops and other identified things attached to realty as described in the section on goods to be severed from realty (section 28:2—107).

(2) Goods must be both existing and identified before any interest in them can pass. Goods which are not both existing and identified are "future" goods. A purported present sale of future goods or of any interest therein operates as a contract to sell.

(3) There may be a sale of a part interest in existing identified goods.

(4) An undivided share in an identified bulk of fungible goods is sufficiently identified to be sold although the quantity of the bulk is not determined. Any agreed proportion of such a bulk or any quantity thereof agreed upon by number, weight or other measure may to the extent of the seller's interest in the bulk be sold to the buyer who then becomes an owner in common.

(5) "Lot" means a parcel or a single article which is the subject matter of a separate sale or delivery, whether or not it is sufficient to perform the contract.

(6) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of sale and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article (as a machine) or a set of articles (as a suite of furniture or an assortment of sizes) or a quantity (as a bale, gross, or carload) or any other unit treated in use or in the relevant market as a single whole.

§ 28:2—106. Definitions: "contract"; "agreement"; "contract for sale"; "sale"; "present sale"; "conforming" to contract; "termination"; "cancellation"

(1) In this article unless the context otherwise requires "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (section 28:2—401). A "present sale" means a sale which is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

(3) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On "termination" all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination" except that the cancelling party also retains any remedy for breach of the whole contract or any unperformed balance.

§ 28:2—107. Goods to be severed from realty: recording

(1) A contract for the sale of timber, minerals or the like or a structure or its materials to be removed from realty is a contract for the sale of goods within this article if they are to be severed by the seller but until severance a purported present sale thereof which is not effective as a transfer of an interest in land is effective only as a contract to sell.

(2) A contract for the sale apart from the land of growing crops or other things attached to realty and capable of severance without material harm thereto but not described in subsection (1) is a contract for the sale of goods within this article whether the subject matter is to be severed by the buyer or by the seller even though it forms part of the realty at the time of contracting, and the parties can by identification effect a present sale before severance.

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(3) The provisions of this section are subject to any third party rights provided by the law relating to realty records, and the contract for sale may be executed and recorded as a document transferring an interest in land and shall then constitute notice to third parties of the buyer's rights under the contract for sale.

PART 2—FORM, FORMATION AND READJUSTMENT OF CONTRACT

§ 28:2—201. Formal requirements; statute of frauds

(1) Except as otherwise provided in this section a contract for the sale of goods for the price of $500 or more is not enforceable by way of action or defense unless there is some writing sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by his authorized agent or broker. A writing is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this paragraph beyond the quantity of goods shown in such writing.

(2) Between merchants if within a reasonable time a writing in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) against such party unless written notice of objection to its contents is given within ten days after it is received.

(3) A contract which does not satisfy the requirements of subsection (1) but which is valid in other respects is enforceable.

(a) if the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; or

(b) if the party against whom enforcement is sought admits in his pleading, testimony or otherwise in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) with respect to goods for which payment has been made and accepted or which have been received and accepted (section 28:2—606).

§ 28:2—202. Final written expression: parol or extrinsic evidence

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a writing intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented

(a) by course of dealing or usage of trade (section 28:1—205) or by course of performance (section 28:2—208); and

(b) by evidence of consistent additional terms unless the court finds the writing to have been intended also as a complete and exclusive statement of the terms of the agreement.

§ 28:2—203. Seals inoperative

The affixing of a seal to a writing evidencing a contract for sale or an offer to buy or sell goods does not constitute the writing a sealed instrument and the law with respect to sealed instruments does not apply to such a contract or offer.

§ 28:2—204. Formation in general

(1) A contract for sale of goods may be made in any manner sufficient to show agreement, including conduct by both parties which recognizes the existence of such a contract.

(2) An agreement sufficient to constitute a contract for sale may be found even though the moment of its making is undetermined.

(3) Even though one or more terms are left open a contract for sale does not fail for indefiniteness if the parties have intended to make a contract and there is a reasonably certain basis for giving an appropriate remedy.

§ 28:2—205. Firm offers

An offer by a merchant to buy or sell goods in a signed writing which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed three months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

§ 28:2—206. Offer and acceptance in formation of contract

(1) Unless otherwise unambiguously indicated by the language or circumstances

(a) an offer to make a contract shall be construed as inviting acceptance in any manner and by any medium reasonable in the circumstances;

(b) an order or other offer to buy goods for prompt or current shipment shall be construed as inviting acceptance either by a prompt promise to ship or by the prompt or current shipment of conforming or non-conforming goods, but such a shipment of non-conforming goods does not constitute an acceptance if the seller seasonably notifies the buyer that the shipment is offered only as an accommodation to the buyer.

(2) Where the beginning of a requested performance is a reasonable mode of acceptance an offeror who is not notified of acceptance within a reasonable time may treat the offer as having lapsed before acceptance.

§ 28:2—207. Additional terms in acceptance or confirmation

(1) A definite and seasonable expression of acceptance or a written confirmation which is sent within a reasonable time operates as an acceptance even though it states terms additional to or different from those offered or agreed upon, unless acceptance is expressly made conditional on assent to the additional or different terms.

(2) The additional terms are to be construed as proposals for addition to the contract. Between merchants such terms become part of the contract unless:

(a) the offer expressly limits acceptance to the terms of the offer;

(b) they materially alter it; or

(c) notification of objection to them has already been given or is given within a reasonable time after notice of them is received.

(3) Conduct by both parties which recognizes the existence of a contract is sufficient to establish a contract for sale although the writings of the parties do not otherwise establish a contract. In such case the terms of the particular contract consist of those terms on which the writings of the parties agree, together with any supplementary terms incorporated under any other provisions of this subtitle.

§ 28:2—208. Course of performance or practical construction

(1) Where the contract for sale involves repeated occasions for performance by either party with knowledge of the nature of the performance and opportunity for objection to it by the other, any course of performance accepted or acquiesced in without objection shall be relevant to determine the meaning of the agreement.

(2) The express terms of the agreement and any such course of performance, as well as any course of dealing and usage of trade, shall be construed whenever reasonable as consistent with each other; but when such construction is unreasonable, express terms shall control course of performance and course of performance shall control both course of dealing and usage of trade (section 28:1—205).

(3) Subject to the provisions of the next section on modification and waiver, such course of performance shall be relevant to show a waiver or modification of any term inconsistent with such course of performance.

§ 28:2—209. Modification, rescission and waiver

(1) An agreement modifying a contract within this article needs no consideration to be binding.

(2) A signed agreement which excludes modification or rescission except by a signed writing cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

(3) The requirements of the statute of frauds section of this article (section 28:2—201) must be satisfied if the contract as modified is within its provisions.

(4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3), it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required by any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

§ 28:2—210. Delegation of performance; assignment of rights

(1) A party may perform his duty through a delegate unless otherwise agreed or unless the other party has a substantial interest in having his original promisor perform or control the acts required by the contract. No delegation of performance relieves the party delegating of any duty to perfom or any liability for breach.

(2) Unless otherwise agreed all rights of either seller or buyer can be assigned except where the assignment would materially change the duty of the other party, or increase materially the burden or risk imposed on him by his contract, or impair materially his chance of obtaining return performance. A right to damages for breach of the whole contract or a right arising out of the assignor's due performance of his entire obligation can be assigned despite agreement otherwise.

(3) Unless the circumstances indicate the contrary a prohibition of assignment of "the contract" is to be construed as barring only the delegation to the assignee of the assignor's performance.

(4) An assignment of "the contract" or of "all my rights under the contract" or an assignment in similar general terms is an assignment of rights and unless the language or the circumstances (as in an assignment for security) indicate the contrary, it is a delegation of performance of the duties of the assignor and its acceptance by the assignee constitutes a promise by him to perform those duties. This

promise is enforceable by either the assignor or the other party to the original contract.

(5) The other party may treat any assignment which delegates performance as creating reasonable grounds for insecurity and may without prejudice to his rights against the assignor demand assurances from the assignee (section 28:2—609).

PART 3—GENERAL OBLIGATION AND CONSTRUCTION OF CONTRACT

§ 28:2—301. General obligations of parties

The obligation of the seller is to transfer and deliver and that of the buyer is to accept and pay in accordance with the contract.

§ 28:2—302. Unconscionable contract or clause

(1) If the court as a matter of law finds the contract or any clause of the contract to have been unconscionable at the time it was made the court may refuse to enforce the contract, or it may enforce the remainder of the contract without the unconscionable clause, or it may so limit the application of any unconscionable clause as to avoid any unconscionable result.

(2) When it is claimed or appears to the court that the contract or any clause thereof may be unconscionable the parties shall be afforded a reasonable opportunity to present evidence as to its commercial setting, purpose and effect to aid the court in making the determination.

§ 28:2—303. Allocation or division of risks

Where this article allocates a risk or a burden as between the parties "unless otherwise agreed", the agreement may not only shift the allocation but may also divide the risk or burden.

§ 28:2—304. Price payable in money, goods, realty, or otherwise

(1) The price can be made payable in money or otherwise. If it is payable in whole or in part in goods each party is a seller of the goods which he is to transfer.

(2) Even though all or part of the price is payable in an interest in realty the transfer of the goods and the seller's obligations with reference to them are subject to this article, but not the transfer of the interest in realty or the transferor's obligations in connection therewith.

§ 28:2—305. Open price term

(1) The parties if they so intend can conclude a contract for sale even though the price is not settled. In such a case the price is a reasonable price at the time for delivery if

(a) nothing is said as to price; or

(b) the price is left to be agreed by the parties and they fail to agree; or

(c) the price is to be fixed in terms of some agreed market or other standard as set or recorded by a third person or agency and it is not so set or recorded.

(2) A price to be fixed by the seller or by the buyer means a price for him to fix in good faith.

(3) When a price left to be fixed otherwise than by agreement of the parties fails to be fixed through fault of one party the other may at his option treat the contract as cancelled or himself fix a reasonable price.

(4) Where, however, the parties intend not to be bound unless the price be fixed or agreed and it is not fixed or agreed there is no contract. In such a case the buyer must return any goods already received or if unable so to do must pay their reasonable value at the time of

delivery and the seller must return any portion of the price paid on account.

§ 28:2—306. Output, requirements and exclusive dealings

(1) A term which measures the quantity by the output of the seller or the requirements of the buyer means such actual output or requirements as may occur in good faith, except that no quantity unreasonably disproportionate to any stated estimate or in the absence of a stated estimate to any normal or otherwise comparable prior output or requirements may be tendered or demanded.

(2) A lawful agreement by either the seller or the buyer for exclusive dealing in the kind of goods concerned imposes unless otherwise agreed an obligation by the seller to use best efforts to supply the goods and by the buyer to use best efforts to promote their sale.

§ 28:2—307. Delivery in single lot or several lots

Unless otherwise agreed all goods called for by a contract for sale must be tendered in a single delivery and payment is due only on such tender but where the circumstances give either party the right to make or demand delivery in lots the price if it can be apportioned may be demanded for each lot.

§ 28:2—308. Absence of specified place for delivery

Unless otherwise agreed

(a) the place for delivery of goods is the seller's place of business or if he has none his residence; but

(b) in a contract for sale of identified goods which to the knowledge of the parties at the time of contracting are in some other place, that place is the place for their delivery; and

(c) documents of title may be delivered through customary banking channels.

§ 28:2—309. Absence of specific time provisions; notice of termination

(1) The time for shipment or delivery or any other action under a contract if not provided in this article or agreed upon shall be a reasonable time.

(2) Where the contract provides for successive performances but is indefinite in duration it is valid for a reasonable time but unless otherwise agreed may be terminated at any time by either party.

(3) Termination of a contract by one party except on the happening of an agreed event requires that reasonable notification be received by the other party and an agreement dispensing with notification is invalid if its operation would be unconscionable.

§ 28:2—310. Open time for payment or running of credit; authority to ship under reservation

Unless otherwise agreed

(a) payment is due at the time and place at which the buyer is to receive the goods even though the place of shipment is the place of delivery; and

(b) if the seller is authorized to send the goods he may ship them under reservation, and may tender the documents of title, but the buyer may inspect the goods after their arrival before payment is due unless such inspection is inconsistent with the terms of the contract (section 28:2—513); and

(c) if delivery is authorized and made by way of documents of title otherwise than by subsection (b) then payment is due at the time and place at which the buyer is to receive the documents regardless of where the goods are to be received; and

(d) where the seller is required or authorized to ship the goods on credit the credit period runs from the time of shipment but post-dating the invoice or delaying its dispatch will correspondingly delay the starting of the credit period.

§ 28:2—311. Options and cooperation respecting performance

(1) An agreement for sale which is otherwise sufficiently definite (subsection (3) of section 28:2—204) to be a contract is not made invalid by the fact that it leaves particulars of performance to be specified by one of the parties. Any such specification must be made in good faith and within limits set by commercial reasonableness.

(2) Unless otherwise agreed specifications relating to assortment of the goods are at the buyer's option and except as otherwise provided in subsections (1) (c) and (3) of section 28:2—319 specifications or arrangements relating to shipment are at the seller's option.

(3) Where such specification would materially affect the other party's performance but is not seasonably made or where one party's cooperation is necessary to the agreed performance of the other but is not seasonably forthcoming, the other party in addition to all other remedies

(a) is excused for any resulting delay in his own performance; and

(b) may also either proceed to perform in any reasonable manner or after the time for a material part of his own performance treat the failure to specify or to cooperate as a breach by failure to deliver or accept the goods.

§ 28:2—312. Warranty of title and against infringement; buyer's obligation against infringement

(1) Subject to subsection (2) there is in a contract for sale a warranty by the seller that

(a) the title conveyed shall be good, and its transfer rightful; and

(b) the goods shall be delivered free from any security interest or other lien or encumbrance of which the buyer at the time of contracting has no knowledge.

(2) A warranty under subsection (1) will be excluded or modified only by specific language or by circumstances which give the buyer reason to know that the person selling does not claim title in himself or that he is purporting to sell only such right or title as he or a third person may have.

(3) Unless otherwise agreed a seller who is a merchant regularly dealing in goods of the kind warrants that the goods shall be delivered free of the rightful claim of any third person by way of infringement or the like but a buyer who furnishes specifications to the seller must hold the seller harmless against any such claim which arises out of compliance with the specifications.

§ 28:2—313. Express warranties by affirmation, promise, description, sample

(1) Express warranties by the seller are created as follows:

(a) Any affirmation of fact or promise made by the seller to the buyer which relates to the goods and becomes part of the basis of the bargain creates an express warranty that the goods shall conform to the affirmation or promise.

(b) Any description of the goods which is made part of the basis of the bargain creates an express warranty that the goods shall conform to the description.

(c) Any sample or model which is made part of the basis of the bargain creates an express warranty that the whole of the goods shall conform to the sample or model.

(2) It is not necessary to the creation of an express warranty that the seller use formal words such as "warrant" or "guarantee" or that he have a specific intention to make a warranty, but an affirmation merely of the value of the goods or a statement purporting to be merely the seller's opinion or commendation of the goods does not create a warranty.

§ 28:2—314. Implied warranty: merchantability; usage of trade

(1) Unless excluded or modified (section 28:2—316), a warranty that the goods shall be merchantable is implied in a contract for their sale if the seller is a merchant with respect to goods of that kind. Under this section the serving for value of food or drink to be consumed either on the premises or elsewhere is a sale.

(2) Goods to be merchantable must be at least such as

(a) pass without objection in the trade under the contract description; and

(b) in the case of fungible goods, are of fair average quality within the description; and

(c) are fit for the ordinary purposes for which such goods are used; and

(d) run, within the variations permitted by the agreement, of even kind, quality and quantity within each unit and among all units involved; and

(e) are adequately contained, packaged, and labeled as the agreement may require; and

(f) conform to the promises or affirmations of fact made on the container or label if any.

(3) Unless excluded or modified (section 28:2—316), other implied warranties may arise from course of dealing or usage of trade.

§ 28:2—315. Implied warranty: fitness for particular purpose

Where the seller at the time of contracting has reason to know any particular purpose for which the goods are required and that the buyer is relying on the seller's skill or judgment to select or furnish suitable goods, there is unless excluded or modified under the next section an implied warranty that the goods shall be fit for such purpose.

§ 28:2—316. Exclusion or modification of warranties

(1) Words or conduct relevant to the creation of an express warranty and words or conduct tending to negate or limit warranty shall be construed wherever reasonable as consistent with each other; but subject to the provisions of this article on parol or extrinsic evidence (section 28:2—202) negation or limitation is inoperative to the extent that such construction is unreasonable.

(2) Subject to subsection (3), to exclude or modify the implied warranty of merchantability or any part of it the language must mention merchantability and in case of a writing must be conspicuous, and to exclude or modify any implied warranty of fitness the exclusion must be by a writing and conspicuous. Language to exclude all implied warranties of fitness is sufficient if it states, for example, that "There are no warranties which extend beyond the description on the face hereof."

(3) Notwithstanding subsection (2)

(a) unless the circumstances indicate otherwise, all implied warranties are excluded by expressions like "as is", "with all faults" or other language which in common understanding calls the buyer's attention to the exclusion of warranties and makes plain that there is no implied warranty; and

(b) when the buyer before entering into the contract has examined the goods or the sample or model as fully as he desired or has refused to examine the goods there is no implied warranty with regard to defects which an examination ought in the circumstances to have revealed to him; and

(c) an implied warranty can also be excluded or modified by course of dealing or course of performance or usage of trade.

(4) Remedies for breach of warranty can be limited in accordance with the provisions of this article on liquidation or limitation of damages and on contractual modification of remedy (sections 28:2—718 and 28:2—719).

§ 28:2—317. Cumulation and conflict of warranties express or implied

Warranties whether express or implied shall be construed as consistent with each other and as cumulative, but if such construction is unreasonable the intention of the parties shall determine which warranty is dominant. In ascertaining that intention the following rules apply:

(a) Exact or technical specifications displace an inconsistent sample or model or general language of description.

(b) A sample from an existing bulk displaces inconsistent general language of description.

(c) Express warranties displace inconsistent implied warranties other than an implied warranty of fitness for a particular purpose.

§ 28:2—318. Third party beneficiaries of warranties express or implied

A seller's warranty whether express or implied extends to any natural person who is in the family or household of his buyer or who is a guest in his home if it is reasonable to expect that such person may use, consume or be affected by the goods and who is injured in person by breach of the warranty. A seller may not exclude or limit the operation of this section.

§ 28:2—319. F.O.B. and F.A.S. terms

(1) Unless otherwise agreed the term F.O.B. (which means "free on board") at a named place, even though used only in connection with the stated price, is a delivery term under which

(a) when the term is F.O.B. the place of shipment, the seller must at that place ship the goods in the manner provided in this article (section 28:2—504) and bear the expense and risk of putting them into the possession of the carrier; or

(b) when the term is F.O.B. the place of destination, the seller must at his own expense and risk transport the goods to that place and there tender delivery of them in the manner provided in this article (section 28:2—503);

(c) when under either (a) or (b) the term is also F.O.B. vessel, car or other vehicle, the seller must in addition at his own expense and risk load the goods on board. If the term is F.O.B. vessel the buyer must name the vessel and in an appropriate case the seller must comply with the provisions of this article on the form of bill of lading (section 28:8—323).

(2) Unless otherwise agreed the term F.A.S. vessel (which means "free alongside") at a named port, even though used only in connection with the stated price, is a delivery term under which the seller must

(a) at his own expense and risk deliver the goods alongside the vessel in the manner usual in that port or on a dock designated and provided by the buyer; and

(b) obtain and tender a receipt for the goods in exchange for which the carrier is under a duty to issue a bill of lading.

(3) Unless otherwise agreed in any case falling within subsection (1) (a) or (c) or subsection (2) the buyer must seasonably give any needed instructions for making delivery, including when the term is F.A.S. or F.O.B. the loading berth of the vessel and in an appropriate case its name and sailing date. The seller may treat the failure of needed instructions as a failure of cooperation under this article (section 28:2—311). He may also at his option move the goods in any reasonable manner preparatory to delivery or shipment.

(4) Under the term F.O.B. vessel or F.A.S. unless otherwise agreed the buyer must make payment against tender of the required documents and the seller may not tender nor the buyer demand delivery of the goods in substitution for the documents.

§ 28:2—320. C.I.F. and C. & F. terms

(1) The term C.I.F. means that the price includes in a lump sum the cost of the goods and the insurance and freight to the named destination. The term C. & F. or C.F. means that the price so includes cost and freight to the named destination.

(2) Unless otherwise agreed and even though used only in connection with the stated price and destination, the term C.I.F. destination or its equivalent requires the seller at his own expense and risk to

(a) put the goods into the possession of a carrier at the port for shipment and obtain a negotiable bill or bills of lading covering the entire transportaiton to the named destination; and

(b) load the goods and obtain a receipt from the carrier (which may be contained in the bill of lading) showing that the freight has been paid or provided for; and

(c) obtain a policy or certificate of insurance, including any war risk insurance, of a kind and on terms then current at the port of shipment in the usual amount, in the currency of the contract, shown to cover the same goods covered by the bill of lading and providing for payment of loss to the order of the buyer or for the account of whom it may concern; but the seller may add to the price the amount of the premium for any such war risk insurance; and

(d) prepare an invoice of the goods and procure any other documents required to effect shipment or to comply with the contract; and

(e) forward and tender with commercial promptness all the documents in due form and with any indorsement necessary to perfect the buyer's rights.

(3) Unless otherwise agreed the term C. & F. or its equivalent has the same effect and imposes upon the seller the same obligations and risks as a C.I.F. term except the obligation as to insurance.

(4) Under the term C.I.F. or C. & F. unless otherwise agreed the buyer must make payment against tender of the required documents and the seller may not tender nor the buyer demand delivery of the goods in substitution for the documents.

§ 28:2—321. C.I.F. or C. & F.: "net landed weights"; "payment on on arrival"; warranty of condition on arrival

Under a contract containing a term C.I.F. or C. & F.

(1) Where the price is based on or is to be adjusted according to "net landed weights", "delivered weights", "out turn" quantity or quality or the like, unless otherwise agreed the seller must reasonably estimate the price. The payment due on tender of the documents called for by the contract is the amount so estimated, but after final adjustment of the price a settlement must be made with commercial promptness.

(2) An agreement described in subsection (1) or any warranty of quality or condition of the goods on arrival places upon the seller the risk of ordinary deterioration, shrinkage and the like in transportation but has no effect on the place or time of identification to the contract for sale or delivery or on the passing of the risk of loss.

(3) Unless otherwise agreed where the contract provides for payment on or after arrival of the goods the seller must before payment allow such preliminary inspection as is feasible; but if the goods are lost delivery of the documents and payment are due when the goods should have arrived.

§ 28:2—322. Delivery "ex-ship"

(1) Unless otherwise agreed a term for delivery of goods "ex-ship" (which means from the carrying vessel) or in equivalent language is not restricted to a particular ship and requires delivery from a ship which has reached a place at the named port of destination where goods of the kind are usually discharged.

(2) Under such a term unless otherwise agreed

(a) the seller must discharge all liens arising out of the carriage and furnish the buyer with a direction which puts the carrier under a duty to deliver the goods; and

(b) the risk of loss does not pass to the buyer until the goods leave the ship's tackle or are otherwise properly unloaded.

§ 28:2—323. Form of bill of lading required in overseas shipment; "overseas"

(1) Where the contract contemplates overseas shipment and contains a term C.I.F. or C. & F. or F.O.B. vessel, the seller unless otherwise agreed must obtain a negotiable bill of lading stating that the goods have been loaded on board or, in the case of a term C.I.F. or C. & F., received for shipment.

(2) Where in a case within subsection (1) a bill of lading has been issued in a set of parts, unless otherwise agreed if the documents are not to be sent from abroad the buyer may demand tender of the full set; otherwise only one part of the bill of lading need be tendered. Even if the agreement expressly requires a full set

(a) due tender of a single part is acceptable within the provisions of this article on cure of improper delivery (subsection (1) of section 28:2—508); and

(b) even though the full set is demanded, if the documents are sent from abroad the person tendering an incomplete set may nevertheless require payment upon furnishing an indemnity which the buyer in good faith deems adequate.

(3) A shipment by water or by air or a contract contemplating such shipment is "overseas" insofar as by usage of trade or agreement it is subject to the commercial, financing or shipping practices characteristic of international deep water commerce.

§ 28:2—324. "No arrival, no sale" term

Under a term "no arrival, no sale" or terms of like meaning, unless otherwise agreed,

(a) the seller must properly ship conforming goods and if they arrive by any means he must tender them on arrival but he assumes no obligation that the goods will arrive unless he has caused the non-arrival; and

(b) where without fault of the seller the goods are in part lost or have so deteriorated as no longer to conform to the contract or arrive after the contract time, the buyer may proceed as if there had been casualty to identified goods (section 28:2—613).

§ 28:2—325. "Letter of credit" term; "confirmed credit"

(1) Failure of the buyer seasonably to furnish an agreed letter of credit is a breach of the contract for sale.

(2) The delivery to seller of a proper letter of credit suspends the buyer's obligation to pay. If the letter of credit is dishonored, the seller may on seasonable notification to the buyer require payment directly from him.

(3) Unless otherwise agreed the term "letter of credit" or "banker's credit" in a contract for sale means an irrevocable credit issued by a financing agency of good repute and, where the shipment is overseas, of good international repute. The term "confirmed credit" means that the credit must also carry the direct obligation of such an agency which does business in the seller's financial market.

§ 28:2—326. Sale on approval and sale or return; consignment sales and rights of creditors

(1) Unless otherwise agreed, if delivered goods may be returned by the buyer even though they conform to the contract, the transaction is

(a) a "sale on approval" if the goods are delivered primarily for use, and

(b) a "sale or return" if the goods are delivered primarily for resale.

(2) Except as provided in subsection (3), goods held on approval are not subject to the claims of the buyer's creditors until acceptance; goods held on sale or return are subject to such claims while in the buyer's possession.

(3) Where goods are delivered to a person for sale and such person maintains a place of business at which he deals in goods of the kind involved, under a name other than the name of the person making delivery, then with respect to claims of creditors of the person conducting the business the goods are deemed to be on sale or return. The provisions of this subsection are applicable even though an agreement purports to reserve title to the person making delivery until payment or resale or uses such words as "on consignment" or "on memorandum". However, this subsection is not applicable if the person making delivery

(a) complies with an applicable law providing for a consignor's interest or the like to be evidenced by a sign, or

(b) establishes that the person conducting the business is generally known by his creditors to be substantially engaged in selling the goods of others, or

(c) complies with the filing provisions of the article on secured transactions (article 9).

(4) Any "or return" term of a contract for sale is to be treated as a separate contract for sale within the statute of frauds section of this article (section 28:2—201) and as contradicting the sale aspect of the contract within the provisions of this article on parol or extrinsic evidence (section 28:2—202).

§ 28:2—327. Special incidents of sale on approval and sale or return

(1) Under a sale on approval unless otherwise agreed

(a) although the goods are identified to the contract the risk of loss and the title do not pass to the buyer until acceptance; and

(b) use of the goods consistent with the purpose of trial is not acceptance but failure seasonably to notify the seller of election to return the goods is acceptance, and if the goods conform to the contract acceptance of any part is acceptance of the whole; and

(c) after due notification of election to return, the return is at the seller's risk and expense but a merchant buyer must follow any reasonable instructions.

(2) Under a sale or return unless otherwise agreed

(a) the option to return extends to the whole or any commercial unit of the goods while in substantially their original condition, but must be exercised seasonably; and

(b) the return is at the buyer's risk and expense.

§ 28:2—328. Sale by auction

(1) In a sale by auction if goods are put up in lots each lot is the subject of a separate sale.

(2) A sale by auction is complete when the auctioneer so announces by the fall of the hammer or in other customary manner. Where a bid is made while the hammer is falling in acceptance of a prior bid the auctioneer may in his discretion reopen the bidding or declare the goods sold under the bid on which the hammer was falling.

(3) Such a sale is with reserve unless the goods are in explicit terms put up without reserve. In an auction with reserve the auctioneer may withdraw the goods at any time until he announces completion of the sale. In an auction without reserve, after the auctioneer calls for bids on an article or lot, that article or lot cannot be withdrawn unless no bid is made within a reasonable time. In either case a bidder may retract his bid until the auctioneer's announcement of completion of the sale, but a bidder's retraction does not revive any previous bid.

(4) If the auctioneer knowingly receives a bid on the seller's behalf or the seller makes or procures such a bid, and notice has not been given that liberty for such bidding is reserved, the buyer may at his option avoid the sale or take the goods at the price of the last good faith bid prior to the completion of the sale. This subsection shall not apply to any bid at a forced sale.

PART 4—TITLE, CREDITORS AND GOOD FAITH PURCHASERS

§ 28:2—401. Passing of title; reservation for security; limited application of this section

Each provision of this article with regard to the rights, obligations and remedies of the seller, the buyer, purchasers or other third parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this article and matters concerning title become material the following rules apply:

(1) Title to goods cannot pass under a contract for sale prior to their identification to the contract (section 28:2—501), and unless otherwise explicitly agreed the buyer acquires by their identification a special property as limited by this subtitle. Any retention or reservation by the seller of the title (property) in goods shipped or delivered to the buyer is limited in effect to a reservation of a security interest. Subject to these provisions and to the provisions of the article on secured transactions (article 9), title to goods passes from the seller to the buyer in any manner and on any conditions explicitly agreed on by the parties.

(2) Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes his performance with reference to the physical delivery of the goods, despite any reservation of a security interest and even though a document of title is to be

delivered at a different time or place; and in particular and despite any reservation of a security interest by the bill of lading

(a) if the contract requires or authorizes the seller to send the goods to the buyer but does not require him to deliver them at destination, title passes to the buyer at the time and place of shipment; but

(b) if the contract requires delivery at destination, title passes on tender there.

(3) Unless otherwise explicitly agreed where delivery is to be made without moving the goods,

(a) if the seller is to deliver a document of title, title passes at the time when and the place where he delivers such documents; or

(b) if the goods are at the time of contracting already identified and no documents are to be delivered, title passes at the time and place of contracting.

(4) A rejection or other refusal by the buyer to receive or retain the goods, whether or not justified, or a justified revocation of acceptance revests title to the goods in the seller. Such revesting occurs by operation of law and is not a "sale".

§ 28:2—402. Rights of seller's creditors against sold goods

(1) Except as provided in subsections (2) and (3), rights of unsecured creditors of the seller with respect to goods which have been identified to a contract for sale are subject to the buyer's rights to recover the goods under this article (sections 28:2—502 and 28:2—716).

(2) A creditor of the seller may treat a sale or an identification of goods to a contract for sale as void if as against him a retention of possession by the seller is fraudulent under any rule of law of the state where the goods are situated, except that retention of possession in good faith and current course of trade by a merchant-seller for a commercially reasonable time after a sale or identification is not fraudulent.

(3) Nothing in this article shall be deemed to impair the rights of creditors of the seller

(a) under the provisions of the article on secured transactions (article 9); or

(b) where identification to the contract or delivery is made not in current course of trade but in satisfaction of or as security for a pre-existing claim for money, security or the like and is made under circumstances which under any rule of law of the state where the goods are situated would apart from this article constitute the transaction a fraudulent transfer or voidable preference.

§ 28:2—403. Power to transfer; good faith purchase of goods; "entrusting"

(1) A purchaser of goods acquires all title which his transferor had or had power to transfer except that a purchaser of a limited interest acquires rights only to the extent of the interest purchased. A person with voidable title has power to transfer a good title to a good faith purchaser for value. When goods have been delivered under a transaction of purchase the purchaser has such power even though

(a) the transferor was deceived as to the identity of the purchaser, or

(b) the delivery was in exchange for a check which is later dishonored, or

(c) it was agreed that the transaction was to be a "cash sale", or

(d) the delivery was procured through fraud punishable as larcenous under the criminal law.

(2) Any entrusting of possession of goods to a merchant who deals in goods of that kind gives him power to transfer all rights of the entruster to a buyer in ordinary course of business.

(3) "Entrusting" includes any delivery and any acquiescence in retention of possession regardless of any condition expressed between the parties to the delivery or acquiescence and regardless of whether the procurement of the entrusting or the possessor's disposition of the goods have been such as to be larcenous under the criminal law.

(4) The rights of other purchasers of goods and of lien creditors are governed by the articles on secured transactions (article 9), bulk transfers (article 6) and documents of title (article 7).

PART 5—PERFORMANCE

§ 28:2—501. Insurable interest in goods; manner of identification of goods

(1) The buyer obtains a special property and an insurable interest in goods by identification of existing goods as goods to which the contract refers even though the goods so identified are non-conforming and he has an option to return or reject them. Such identification can be made at any time and in any manner explicitly agreed to by the parties. In the absence of explicit agreement identification occurs

(a) when the contract is made if it is for the sale of goods already existing and identified;

(b) if the contract is for the sale of future goods other than those described in paragraph (c), when goods are shipped, marked or otherwise designated by the seller as goods to which the contract refers;

(c) when the crops are planted or otherwise become growing crops or the young are conceived if the contract is for the sale of unborn young to be born within twelve months after contracting or for the sale of crops to be harvested within twelve months or the next normal harvest season after contracting whichever is longer.

(2) The seller retains an insurable interest in goods so long as title to or any security interest in the goods remains in him and where the identification is by the seller alone he may until default or insolvency or notification to the buyer that the identification is final substitute other goods for those identified.

(3) Nothing in this section impairs any insurable interest recognized under any other statute or rule of law.

§ 28:2—502. Buyer's right to goods on seller's insolvency

(1) Subject to subsection (2) and even though the goods have not been shipped a buyer who has paid a part or all of the price of goods in which he has a special property under the provisions of the immediately preceding section may on making and keeping good a tender of any unpaid portion of their price recover them from the seller if the seller becomes insolvent within ten days after receipt of the first installment on their price.

(2) If the identification creating his special property has been made by the buyer he acquires the right to recover the goods only if they conform to the contract for sale.

§ 28:2—503. Manner of seller's tender of delivery

(1) Tender of delivery requires that the seller put and hold conforming goods at the buyer's disposition and give the buyer any notification reasonably necessary to enable him to take delivery. The manner, time and place for tender are determined by the agreement and this article, and in particular

(a) tender must be at a reasonable hour, and if it is of goods they must be kept available for the period reasonably necessary to enable the buyer to take possession; but

(b) unless otherwise agreed the buyer must furnish facilities reasonably suited to the receipt of the goods.

(2) Where the case is within the next section respecting shipment tender requires that the seller comply with its provisions.

(3) Where the seller is required to deliver at a particular destination tender requires that he comply with subsection (1) and also in any appropriate case tender documents as described in subsections (4) and (5) of this section.

(4) Where goods are in the possession of a bailee and are to be delivered without being moved

(a) tender requires that the seller either tender a negotiable document of title covering such goods or procure acknowledgement by the bailee of the buyer's right to possession of the goods; but

(b) tender to the buyer of a non-negotiable document of title or of a written direction to the bailee to deliver is sufficient tender unless the buyer seasonably objects, and receipt by the bailee of notification of the buyer's rights fixes those rights as against the bailee and all third persons; but risk of loss of the goods and of any failure by the bailee to honor the non-negotiable document of title or to obey the direction remains on the seller until the buyer has had a reasonable time to present the document or direction, and a refusal by the bailee to honor the document or to obey the direction defeats the tender.

(5) Where the contract requires the seller to deliver documents

(a) he must tender all such documents in correct form except as provided in this article with respect to bills of lading in a set (subsection (2) of section 28: 2—323); and

(b) tender through customary banking channels is sufficient and dishonor of a draft accompanying the documents constitutes non-acceptance or rejection.

§ 28:2—504. Shipment by seller

Where the seller is required or authorized to send the goods to the buyer and the contract does not require him to deliver them at a particular destination, then unless otherwise agreed he must

(a) put the goods in the possession of such a carrier and make such a contract for their transportation as may be reasonable having regard to the nature of the goods and other circumstances of the case; and

(b) obtain and promptly deliver or tender in due form any document necessary to enable the buyer to obtain possession of the goods or otherwise required by the agreement or by usage of trade; and

(c) promptly notify the buyer of the shipment.

Failure to notify the buyer under paragraph (c) or to make a proper contract under paragraph (a) is a ground for rejection only if material delay or loss ensues.

§ 28:2—505. Seller's shipment under reservation

(1) Where the seller has identified goods to the contract by or before shipment:

(a) his procurement of a negotiable bill of lading to his own order or otherwise reserves in him a security interest in the goods. His procurement of the bill to the order of a financing agency or of the buyer indicates in addition only the seller's expectation of transferring that interest to the person named.

(b) a non-negotiable bill of lading to himself or his nominee reserves possession of the goods as security but except in a case of conditional delivery (subsection (2) of section 28:2—507) a non-negotiable bill of lading naming the buyer as consignee reserves no security interest even though the seller retains possession of the bill of lading.

(2) When shipment by the seller with reservation of a security interest is in violation of the contract for sale it constitutes an improper contract for transportation within the preceding section but impairs neither the rights given to the buyer by shipment and identification of the goods to the contract nor the seller's powers as a holder of a negotiable document.

§ 28:2—506. Rights of financing agency

(1) A financing agency by paying or purchasing for value a draft which relates to a shipment of goods acquires to the extent of the payment or purchase and in addition to its own rights under the draft and any document of title securing it any rights of the shipper in the goods including the right to stop delivery and the shipper's right to have the draft honored by the buyer.

(2) The right to reimbursement of a financing agency which has in good faith honored or purchased the draft under commitment to or authority from the buyer is not impaired by subsequent discovery of defects with reference to any relevant document which was apparently regular on its face.

§ 28:2—507. Effect of seller's tender; delivery on condition

(1) Tender of delivery is a condition to the buyer's duty to accept the goods and, unless otherwise agreed, to his duty to pay for them. Tender entitles the seller to acceptance of the goods and to payment according to the contract.

(2) Where payment is due and demanded on the delivery to the buyer of goods or documents of title, his right as against the seller to retain or dispose of them is conditional upon his making the payment due.

§ 28:2—508. Cure by seller of improper tender or delivery; replacement

(1) Where any tender or delivery by the seller is rejected because non-conforming and the time for performance has not yet expired, the seller may seasonably notify the buyer of his intention to cure and may then within the contract time make a conforming delivery.

(2) Where the buyer rejects a non-conforming tender which the seller had reasonable grounds to believe would be acceptable with or without money allowance the seller may if he seasonably notifies the buyer have a further reasonable time to substitute a conforming tender.

§ 28:2—509. Risk of loss in the absence of breach

(1) Where the contract requires or authorizes the seller to ship the goods by carrier

(a) if it does not require him to deliver them at a particular destination, the risk of loss passes to the buyer when the goods are duly delivered to the carrier even though the shipment is under reservation (section 28:2—505); but

(b) if it does require him to deliver them at a particular destination and the goods are there duly tendered while in the possession of the carrier, the risk of loss passes to the buyer when the goods are there duly so tendered as to enable the buyer to take delivery.

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(2) Where the goods are held by a bailee to be delivered without being moved, the risk of loss passes to the buyer

(a) on his receipt of a negotiable document of title covering the goods; or

(b) on acknowledgment by the bailee of the buyer's right to possession of the goods; or

(c) after his receipt of a non-negotiable document of title or other written direction to deliver, as provided in subsection (4)(b) of section 28:2—503.

(3) In any case not within subsection (1) or (2), the risk of loss passes to the buyer on his receipt of the goods if the seller is a merchant; otherwise the risk passes to the buyer on tender of delivery.

(4) The provisions of this section are subject to contrary agreement of the parties and to the provisions of this article on sale on approval (section 28:2—327) and on effect of breach on risk of loss (section 28:2—510).

§ 28:2—510. Effect of breach on risk of loss

(1) Where a tender or delivery of goods so fails to conform to the contract as to give a right of rejection the risk of their loss remains on the seller until cure or acceptance.

(2) Where the buyer rightfully revokes acceptance he may to the extent of any deficiency in his effective insurance coverage treat the risk of loss as having rested on the seller from the beginning.

(3) Where the buyer as to conforming goods already identified to the contract for sale repudiates or is otherwise in breach before risk of their loss has passed to him, the seller may to the extent of any deficiency in his effective insurance coverage treat the risk of loss as resting on the buyer for a commercially reasonable time.

§ 28:2—511. Tender of payment by buyer; payment by check

(1) Unless otherwise agreed tender of payment is a condition to the seller's duty to tender and complete any delivery.

(2) Tender of payment is sufficient when made by any means or in any manner current in the ordinary course of business unless the seller demands payment in legal tender and gives any extension of time reasonably necessary to procure it.

(3) Subject to the provisions of this subtitle on the effect of an instrument on an obligation (section 28:3—802), payment by check is conditional and is defeated as between the parties by dishonor of the check on due presentment.

§ 28:2—512. Payment by buyer before inspection

(1) Where the contract requires payment before inspection nonconformity of the goods does not excuse the buyer from so making payment unless

(a) the non-conformity appears without inspection; or

(b) despite tender of the required documents the circumstances would justify injunction against honor under the provisions of this subtitle (section 28:5—114).

(2) Payment pursuant to subsection (1) does not constitute an acceptance of goods or impair the buyer's right to inspect or any of his remedies.

§ 28:2—513. Buyer's right to inspection of goods

(1) Unless otherwise agreed and subject to subsection (3), where goods are tendered or delivered or identified to the contract for sale, the buyer has a right before payment or acceptance to inspect them at any reasonable place and time and in any reasonable manner. When the seller is required or authorized to send the goods to the buyer, the inspection may be after their arrival.

(2) Expenses of inspection must be borne by the buyer but may be recovered from the seller if the goods do not conform and are rejected.

(3) Unless otherwise agreed and subject to the provisions of this article on C.I.F. contracts (subsection (3) of section 28:2—321), the buyer is not entitled to inspect the goods before payment of the price when the contract provides

(a) for delivery "C.O.D." or on other like terms; or

(b) for payment against documents of title, except where such payment is due only after the goods are to become available for inspection.

(4) A place or method of inspection fixed by the parties is presumed to be exclusive but unless otherwise expressly agreed it does not postpone identification or shift the place for delivery or for passing the risk of loss. If compliance becomes impossible, inspection shall be as provided in this section unless the place or method fixed was clearly intended as an indispensable condition failure of which avoids the contract.

§ 28:2—514. When documents deliverable on acceptance; when on payment

Unless otherwise agreed documents against which a draft is drawn are to be delivered to the drawee on acceptance of the draft if it is payable more than three days after presentment; otherwise, only on payment.

§ 28:2—515. Preserving evidence of goods in dispute

In furtherance of the adjustment of any claim or dispute

(a) either party on reasonable notification to the other and for the purpose of ascertaining the facts and preserving evidence has the right to inspect, test and sample the goods including such of them as may be in the possession or control of the other; and

(b) the parties may agree to a third party inspection or survey to determine the conformity or condition of the goods and may agree that the findings shall be binding upon them in any subsequent litigation or adjustment.

PART 6—BREACH, REPUDIATION AND EXCUSE

§ 28: 2—601. Buyer's rights on improper delivery

Subject to the provisions of this article on breach in installment contracts (section 28:2—612) and unless otherwise agreed under the sections on contractual limitations of remedy (sections 28:2—718 and 28:2—719), if the goods or the tender of delivery fail in any respect to conform to the contract, the buyer may

(a) reject the whole; or

(b) accept the whole; or

(c) accept any commercial unit or units and reject the rest.

§ 28: 2—602. Manner and effect of rightful rejection

(1) Rejection of goods must be within a reasonable time after their delivery or tender. It is ineffective unless the buyer seasonably notifies the seller.

(2) Subject to the provisions of the two following sections on rejected goods (sections 28:2—603 and 28:2—604),

(a) after rejection any exercise of ownership by the buyer with respect to any commercial unit is wrongful as against the seller; and

(b) if the buyer has before rejection taken physical possession of goods in which he does not have a security interest under the provisions of this article (subsection (3) of section 28:2—711), he

is under a duty after rejection to hold them with reasonable care at the seller's disposition for a time sufficient to permit the seller to remove them; but

(c) the buyer has no further obligations with regard to goods rightfully rejected.

(3) The seller's rights with respect to goods wrongfully rejected are governed by the provisions of this article on Seller's remedies in general (section 28:2—703).

§ 28: 2—603. Merchant buyer's duties as to rightfully rejected goods

(1) Subject to any security interest in the buyer (subsection (3) of section 28:2—711), when the seller has no agent or place of business at the market of rejection a merchant buyer is under a duty after rejection of goods in his possession or control to follow any reasonable instructions received from the seller with respect to the goods and in the absence of such instructions to make reasonable efforts to sell them for the seller's account if they are perishable or threaten to decline in value speedily. Instructions are not reasonable if on demand indemnity for expenses is not forthcoming.

(2) When the buyer sells goods under subsection (1), he is entitled to reimbursement from the seller or out of the proceeds for reasonable expenses of caring for and selling them, and if the expenses include no selling commission then to such commission as is usual in the trade or if there is none to a reasonable sum not exceeding ten per cent on the gross proceeds.

(3) In complying with this section the buyer is held only to good faith and good faith conduct hereunder is neither acceptance nor conversion nor the basis of an action for damages.

§ 28: 2—604. Buyer's options as to salvage of rightfully rejected goods

Subject to the provisions of the immediately preceding section on perishables if the seller gives no instructions within a reasonable time after notification of rejection the buyer may store the rejected goods for the seller's account or reship them to him or resell them for the seller's account with reimbursement as provided in the preceding section. Such action is not acceptance or conversion.

§ 28: 2—605. Waiver of buyer's objections by failure to particularize

(1) The buyer's failure to state in connection with rejection a particular defect which is ascertainable by reasonable inspection precludes him from relying on the unstated defect to justify rejection or to establish breach

(a) where the seller could have cured it if stated seasonably; or

(b) between merchants when the seller has after rejection made a request in writing for a full and final written statement of all defects on which the buyer proposes to rely.

(2) Payment against documents made without reservation of rights precludes recovery of the payment for defects apparent on the face of the documents.

§ 28:2—606. What constitutes acceptance of goods

(1) Acceptance of goods occurs when the buyer

(a) after a reasonable opportunity to inspect the goods signifies to the seller that the goods are conforming or that he will take or retain them in spite of their nonconformity; or

(b) fails to make an effective rejection (subsection (1) of section 28:2—602), but such acceptance does not occur until the buyer has had a reasonable opportunity to inspect them; or

(c) does any act inconsistent with the seller's ownership; but if such act is wrongful as against the seller it is an acceptance only if ratified by him.

(2) Acceptance of a part of any commercial unit is acceptance of that entire unit.

§ 28:2—607. Effect of acceptance; notice of breach; burden of establishing breach after acceptance; notice of claim or litigation to person answerable over

(1) The buyer must pay at the contract rate for any goods accepted.

(2) Acceptance of goods by the buyer precludes rejection of the goods accepted and if made with knowledge of a non-conformity cannot be revoked because of it unless the acceptance was on the reasonable assumption that the non-conformity would be seasonably cured but acceptance does not of itself impair any other remedy provided by this article for non-conformity.

(3) Where a tender has been accepted

(a) the buyer must within a reasonable time after he discovers or should have discovered any breach notify the seller of breach or be barred from any remedy; and

(b) if the claim is one for infringement or the like (subsection (3) of section 28:2—312) and the buyer is sued as a result of such a breach he must so notify the seller within a reasonable time after he receives notice of the litigation or be barred from any remedy over for liability established by the litigation.

(4) The burden is on the buyer to establish any breach with respect to the goods accepted.

(5) Where the buyer is sued for breach of a warranty or other obligation for which his seller is answerable over

(a) he may give his seller written notice of the litigation. If the notice states that the seller may come in and defend and that if the seller does not do so he will be bound in any action against him by his buyer by any determination of fact common to the two litigations, then unless the seller after seasonable receipt of the notice does come in and defend he is so bound.

(b) if the claim is one for infringement or the like (subsection (3) of section 28:2—312) the original seller may demand in writing that his buyer turn over to him control of the litigation including settlement or else be barred from any remedy over and if he also agrees to bear all expense and to satisfy any adverse judgment, then unless the buyer after seasonable receipt of the demand does turn over control the buyer is so barred.

(6) The provisions of subsections (3), (4) and (5) apply to any obligation of a buyer to hold the seller harmless against infringement or the like (subsection (3) of section 28:2—312).

§ 28:2—608. Revocation of acceptance in whole or in part

(1) The buyer may revoke his acceptance of a lot or commercial unit whose non-conformity substantially impairs its value to him if he has accepted it

(a) on the reasonable assumption that its non-conformity would be cured and it has not been seasonably cured; or

(b) without discovery of such non-conformity if his acceptance was reasonably induced either by the difficulty of discovery before acceptance or by the seller's assurances.

(2) Revocation of acceptance must occur within a reasonable time after the buyer discovers or should have discovered the ground for it and before any substantial change in condition of the goods which is not caused by their own defects. It is not effective until the buyer notifies the seller of it.

(3) A buyer who so revokes has the same rights and duties with regard to the goods involved as if he had rejected them.

§ 28:2—609. Right to adequate assurance of performance

(1) A contract for sale imposes an obligation on each party that the other's expectation of receiving due performance will not be impaired. When reasonable grounds for insecurity arise with respect to the performance of either party the other may in writing demand adequate assurance of due performance and until he receives such assurance may if commercially reasonable suspend any performance for which he has not already received the agreed return.

(2) Between merchants the reasonableness of grounds for insecurity and the adequacy of any assurance offered shall be determined according to commercial standards.

(3) Acceptance of any improper delivery or payment does not prejudice the aggrieved party's right to demand adequate assurance of future performance.

(4) After receipt of a justified demand failure to provide within a reasonable time not exceeding thirty days such assurance of due performance as is adequate under the circumstances of the particular case is a repudiation of the contract.

§ 28:2—610. Anticipatory repudiation

When either party repudiates the contract with respect to a performance not yet due the loss of which will substantially impair the value of the contract to the other, the aggrieved party may

(a) for a commercially reasonable time await performance by the repudiating party; or

(b) resort to any remedy for breach (section 28:2—703 or section 28:2—711), even though he has notified the repudiating party that he would await the latter's performance and has urged retraction; and

(c) in either case suspend his own performance or proceed in accordance with the provisions of this article on the seller's right to identify goods to the contract notwithstanding breach or to salvage unfinished goods (section 28:2—704).

§ 28:2—611. Retraction of anticipatory repudiation

(1) Until the repudiating party's next performance is due he can retract his repudiation unless the aggrieved party has since the repudiation cancelled or materially changed his position or otherwise indicated that he considers the repudiation final.

(2) Retraction may be by any method which clearly indicates to the aggrieved party that the repudiating party intends to perform, but must include any assurance justifiably demanded under the provisions of this article (section 28:2—609).

(3) Retraction reinstates the repudiating party's rights under the contract with due excuse and allowance to the aggrieved party for any delay occasioned by the repudiation.

§ 28:2—612. "Installment contract"; breach

(1) An "installment contract" is one which requires or authorizes the delivery of goods in separate lots to be separately accepted, even though the contract contains a clause "each delivery is a separate contract" or its equivalent.

(2) The buyer may reject any installment which is non-conforming if the non-conformity substantially impairs the value of that installment and cannot be cured or if the non-conformity is a defect in the required documents; but if the non-conformity does not fall within subsection (3) and the seller gives adequate assurance of its cure the buyer must accept that installment.

(3) Whenever non-conformity or default with respect to one or more installments substantially impairs the value of the whole con-

tract there is a breach of the whole. But the aggrieved party reinstates the contract if he accepts a non-conforming installment without seasonably notifying of cancellation or if he bring an action with respect only to past installments or demands performance as to future installments.

§ 28:2—613. Casualty to identified goods

Where the contract requires for its performance goods identified when the contract is made, and the goods suffer casualty without fault of either party before the risk of loss passes to the buyer, or in a proper case under a "no arrival, no sale" term (section 28:2—324) then

(a) if the loss is total the contract is avoided; and

(b) if the loss is partial or the goods have so deteriorated as no longer to conform to the contract the buyer may nevertheless demand inspection and at his option either treat the contract as avoided or accept the goods with due allowance from the contract price for the deterioration or the deficiency in quantity but without further right against the seller.

§ 28:2—614. Substituted performance

(1) Where without fault of either party the agreed berthing, loading, or unloading facilities fail or an agreed type of carrier becomes unavailable or the agreed manner of delivery otherwise becomes commercially impracticable but a commercially reasonable substitute is available, such substitute performance must be tendered and accepted.

(2) If the agreed means or manner of payment fails because of domestic or foreign governmental regulation, the seller may withhold or stop delivery unless the buyer provides a means or manner of payment which is commercially a substantial equivalent. If delivery has already been taken, payment by the means or in the manner provided by the regulation discharges the buyer's obligation unless the regulation is discriminatory, oppressive or predatory.

§ 28:2—615. Excuse by failure of presupposed conditions

Except so far as a seller may have assumed a greater obligation and subject to the preceding section on substituted performance:

(a) Delay in delivery or non-delivery in whole or in part by a seller who complies with paragraphs (b) and (c) is not a breach of his duty under a contract for sale if performance as agreed has been made impracticable by the occurrence of a contingency the non-occurrence of which was a basic assumption on which the contract was made or by compliance in good faith with any applicable foreign or domestic governmental regulation or order whether or not it later proves to be invalid.

(b) Where the causes mentioned in paragraph (a) affect only a part of the seller's capacity to perform, he must allocate production and deliveries among his customers but may at his option include regular customers not then under contract as well as his own requirements for further manufacture. He may so allocate in any manner which is fair and reasonable.

(c) The seller must notify the buyer seasonably that there will be delay or non-delivery and, when allocation is required under paragraph (b), of the estimated quota thus made available for the buyer.

§ 28:2—616. Procedure on notice claiming excuse

(1) Where the buyer receives notification of a material or indefinite delay or an allocation justified under the preceding section he may by written notification to the seller as to any delivery concerned, and where the prospective deficiency substantially impairs the value of the whole contract under the provisions of this article relating to

breach of installment contracts (section 28:2—612), then also as to the whole,

(a) terminate and thereby discharge any unexecuted portion of the contract; or

(b) modify the contract by agreeing to take his available quota in substitution.

(2) If after receipt of such notification from the seller the buyer fails so to modify the contract within a reasonable time not exceeding thirty days the contract lapses with respect to any deliveries affected.

(3) The provisions of this section may not be negated by agreement except in so far as the seller has assumed a greater obligation under the preceding section.

PART 7—REMEDIES

§ 28:2—701. Remedies for breach of collateral contracts not impaired

Remedies for breach of any obligation or promise collateral or ancillary to a contract for sale are not impaired by the provisions of this article.

§ 28:2—702. Seller's remedies on discovery of buyer's insolvency

(1) Where the seller discovers the buyer to be insolvent he may refuse delivery except for cash including payment for all goods theretofore delivered under the contract, and stop delivery under this article (section 28:2—705).

(2) Where the seller discovers that the buyer has received goods on credit while insolvent he may reclaim the goods upon demand made within ten days after the receipt, but if misrepresentation of solvency has been made to the particular seller in writing within three months before delivery the ten day limitation does not apply. Except as provided in this subsection the seller may not base a right to reclaim goods on the buyer's fraudulent or innocent misrepresentation of solvency or of intent to pay.

(3) The seller's right to reclaim under subsection (2) is subject to the rights of a buyer in ordinary course or other good faith purchaser or lien creditor under this article (section 28:2—403). Successful reclamation of goods excludes all other remedies with respect to them.

§ 28:2—703. Seller's remedies in general

Where the buyer wrongfully rejects or revokes acceptance of goods or fails to make a payment due on or before delivery or repudiates with respect to a part or the whole, then with respect to any goods directly affected and, if the breach is of the whole contract (section 28:2—612), then also with respect to the whole undelivered balance, the aggrieved seller may

(a) withhold delivery of such goods;

(b) stop delivery by any bailee as hereafter provided (section 28:2—705);

(c) proceed under the next section respecting goods still unidentified to the contract;

(d) resell and recover damages as hereafter provided (section 28:2—706);

(e) recover damages for non-acceptance (section 28:2—708) or in a proper case the price (section 28:2—709);

(f) cancel.

§ 28:2—704. Seller's right to identify goods to the contract notwithstanding breach or to salvage unfinished goods

(1) An aggrieved seller under the preceding section may

(a) identify to the contract conforming goods not already identified if at the time he learned of the breach they are in his possession or control;

(b) treat as the subject of resale goods which have demonstrably been intended for the particular contract even though those goods are unfinished.

(2) Where the goods are unfinished an aggrieved seller may in the exercise of reasonable commercial judgment for the purposes of avoiding loss and of effective realization either complete the manufacture and wholly identify the goods to the contract or cease manufacture and resell for scrap or salvage value or proceed in any other reasonable manner.

§ 28:2—705. Seller's stoppage of delivery in transit or otherwise

(1) The seller may stop delivery of goods in the possession of a carrier or other bailee when he discovers the buyer to be insolvent (section 28:2—702) and may stop delivery of carload, truckload, planeload or larger shipments of express or freight when the buyer repudiates or fails to make a payment due before delivery or if for any other reason the seller has a right to withhold or reclaim the goods.

(2) As against such buyer the seller may stop delivery until

(a) receipt of the goods by the buyer; or

(b) acknowledgment to the buyer by any bailee of the goods except a carrier that the bailee holds the goods for the buyer; or

(c) such acknowledgment to the buyer by a carrier by reshipment or as warehouseman; or

(d) negotiation to the buyer of any negotiable document of title covering the goods.

(3)(a) To stop delivery the seller must so notify as to enable the bailee by reasonable diligence to prevent delivery of the goods.

(b) After such notification the bailee must hold and deliver the goods according to the directions of the seller but the seller is liable to the bailee for any ensuing charges or damages.

(c) If a negotiable document of title has been issued for goods the bailee is not obliged to obey a notification to stop until surrender of the document.

(d) A carrier who has issued a non-negotiable bill of lading is not obliged to obey a notification to stop received from a person other than the consignor.

§ 28:2—706. Seller's resale including contract for resale

(1) Under the conditions stated in section 28:2—703 on seller's remedies, the seller may resell the goods concerned or the undelivered balance thereof. Where the resale is made in good faith and in a commercially reasonable manner the seller may recover the difference between the resale price and the contract price together with any incidental damages allowed under the provisions of this article (section 28:2—710), but less expenses saved in consequence of the buyer's breach.

(2) Except as otherwise provided in subsection (3) or unless otherwise agreed resale may be at public or private sale including sale by way of one or more contracts to sell or of identification to an existing contract of the seller. Sale may be as a unit or in parcels and at any time and place and on any terms but every aspect of the sale including the method, manner, time, place and terms must be commercially reasonable. The resale must be reasonably identified as referring to the broken contract, but it is not necessary that the

goods be in existence or that any or all of them have been identified to the contract before the breach.

(3) Where the resale is at private sale the seller must give the buyer reasonable notification of his intention to resell.

(4) Where the resale is at public sale

(a) only identified goods can be sold except where there is a recognized market for a public sale of futures in goods of the kind; and

(b) it must be made at a usual place or market for public sale if one is reasonably available and except in the case of goods which are perishable or threaten to decline in value speedily the seller must give the buyer reasonable notice of the time and place of the resale; and

(c) if the goods are not to be within the view of those attending the sale the notification of sale must state the place where the goods are located and provide for their reasonable inspection by prospective bidders; and

(d) the seller may buy.

(5) A purchaser who buys in good faith at a resale takes the goods free of any rights of the original buyer even though the seller fails to comply with one or more of the requirements of this section.

(6) The seller is not accountable to the buyer for any profit made on any resale. A person in the position of a seller (section 28:2—707) or a buyer who has rightfully rejected or justifiably revoked acceptance must account for any excess over the amount of his security interest, as hereinafter defined (subsection (3) of section 28:2—711).

§ 28:2—707. "Person in the position of a seller"

(1) A "person in the position of a seller" includes as against a principal an agent who has paid or become responsible for the price of goods on behalf of his principal or anyone who otherwise holds a security interest or other right in goods similar to that of a seller.

(2) A person in the position of a seller may as provided in this article withhold or stop delivery (section 28:2—705) and resell (section 28:2—706) and recover incidental damages (section 28:2—710).

§ 28:2—708. Seller's damages for non-acceptance or repudiation

(1) Subject to subsection (2) and to the provisions of this article with respect to proof of market price (section 28:2—723), the measure of damages for non-acceptance or repudiation by the buyer is the difference between the market price at the time and place for tender and the unpaid contract price together with any incidental damages provided in this article (section 28:2—710), but less expenses saved in consequence of the buyer's breach.

(2) If the measure of damages provided in subsection (1) is inadequate to put the seller in as good a position as performance would have done then the measure of damages is the profit (including reasonable overhead) which the seller would have made from full performance by the buyer, together with any incidental damages provided in this article (section 28:2—710), due allowance for costs reasonably incurred and due credit for payments or proceeds of resale.

§ 28:2—709. Action for the price

(1) When the buyer fails to pay the price as it becomes due the seller may recover, together with any incidental damages under the next section, the price

(a) of goods accepted or of conforming goods lost or damaged within a commercially reasonable time after risk of their loss has passed to the buyer; and

(b) of goods identified to the contract if the seller is unable after reasonable effort to resell them at a reasonable price or the circumstances reasonably indicate that such effort will be unavailing.

(2) Where the seller sues for the price he must hold for the buyer any goods which have been identified to the contract and are still in his control except that if resale becomes possible he may resell them at any time prior to the collection of the judgment. The net proceeds of any such resale must be credited to the buyer and payment of the judgment entitles him to any goods not resold.

(3) After the buyer has wrongfully rejected or revoked acceptance of the goods or has failed to make a payment due or has repudiated (section 28:2—610), a seller who is held not entitled to the price under this section shall nevertheless be awarded damages for non-acceptance under the preceding section.

§ 28:2—710. Seller's incidental damages

Incidental damages to an aggrieved seller include any commercially reasonable charges, expenses or commissions incurred in stopping delivery, in the transportation, care and custody of goods after the buyer's breach, in connection with return or resale of the goods or otherwise resulting from the breach.

§ 28:2—711. Buyer's remedies in general; buyer's security interest in rejected goods

(1) Where the seller fails to make delivery or repudiates or the buyer rightfully rejects or justifiably revokes acceptance then with respect to any goods involved, and with respect to the whole of the breach goes to the whole contract (section 28:2—612), the buyer may cancel and whether or not he has done so may in addition to recovering so much of the price as has been paid

(a) "cover" and have damages under the next section as to all the goods affected whether or not they have been identified to the contract; or

(b) recover damages for non-delivery as provided in this article (section 28:2—713).

(2) Where the seller fails to deliver or repudiates the buyer may also

(a) if the goods have been identified recover them as provided in this article (section 28:2—502); or

(b) in a proper case obtain specific performance or replevy the goods as provided in this article (section 28:2—716).

(3) On rightful rejection or justifiable revocation of acceptance a buyer has a security interest in goods in his possession or control for any payments made on their price and any expenses reasonably incurred in their inspection, receipt, transportation, care and custody and may hold such goods and resell them in like manner as an aggrieved seller (section 28:2—706).

§ 28:2—712. "Cover"; buyer's procurement of substitute goods

(1) After a breach within the preceding section the buyer may "cover" by making in good faith and without unreasonable delay any reasonable purchase of or contract to purchase goods in substitution for those due from the seller.

(2) The buyer may recover from the seller as damages the difference between the cost of cover and the contract price together with any incidental or consequential damages as hereinafter defined (section 28:2—715), but less expenses saved in consequence of the seller's breach.

(3) Failure of the buyer to effect cover within this section does not bar him from any other remedy.

§ 28:2—713. Buyer's damages for non-delivery or repudiation

(1) Subject to the provisions of this article with respect to proof of market price (section 28:2—723), the measure of damages for non-delivery or repudiation by the seller is the difference between the market price at the time when the buyer learned of the breach and the contract price together with any incidental and consequential damages provided in this article (section 28:2—715), but less expenses saved in consequence of the seller's breach.

(2) Market price is to be determined as of the place for tender or, in cases of rejection after arrival or revocation of acceptance, as of the place of arrival.

§ 28:2—714. Buyer's damages for breach in regard to accepted goods

(1) Where the buyer has accepted goods and given notification (subsection (3) of section 28:2—607) he may recover as damages for any non-conformity of tender the loss resulting in the ordinary course of events from the seller's breach as determined in any manner which is reasonable.

(2) The measure of damages for breach of warranty is the difference at the time and place of acceptance between the value of the goods accepted and the value they would have had if they had been as warranted, unless special circumstances show proximate damages of a different amount.

(3) In a proper case any incidental and consequential damages under the next section may also be recovered.

§ 28:2—715. Buyer's incidental and consequential damages

(1) Incidental damages resulting from the seller's breach include expenses reasonably incurred in inspection, receipt, transportation and care and custody of goods rightfully rejected, any commercially reasonable charges, expenses or commissions in connection with effecting cover and any other reasonable expense incident to the delay or other breach.

(2) Consequential damages resulting from the seller's breach include

(a) any loss resulting from general or particular requirements and needs of which the seller at the time of contracting had reason to know and which could not reasonably be prevented by cover or otherwise; and

(b) injury to person or property proximately resulting from any breach of warranty.

§ 28:2—716. Buyer's right to specific performance or replevin

(1) Specific performance may be decreed where the goods are unique or in other proper circumstances.

(2) The decree for specific performance may include such terms and conditions as to payment of the price, damages, or other relief as the court may deem just.

(3) The buyer has a right of replevin for goods identified to the contract if after reasonable effort he is unable to effect cover for such goods or the circumstances reasonably indicate that such effort will be unavailing or if the goods have been shipped under reservation and satisfaction of the security interest in them has been made or tendered.

§ 28:2—717. Deduction of damages from the price

The buyer on notifying the seller of his intention to do so may deduct all or any part of the damages resulting from any breach of the contract from any part of the price still due under the same contract.

§ 28:2—718. Liquidation or limitation of damages; deposits

(1) Damages for breach by either party may be liquidated in the agreement but only at an amount which is reasonable in the light of the anticipated or actual harm caused by the breach, the difficulties of proof of loss, and the inconvenience or non-feasibility of otherwise obtaining an adequate remedy. A term fixing unreasonably large liquidated damages is void as a penalty.

(2) Where the seller justifiably withholds delivery of goods because of the buyer's breach, the buyer is entitled to restitution of any amount by which the sum of his payments exceeds

(a) the amount to which the seller is entitled by virtue of terms liquidating the seller's damages in accordance with subsection (1), or

(b) in the absence of such terms, twenty per cent of the value of the total performance for which the buyer is obligated under the contract or $500, whichever is smaller.

(3) The buyer's right to restitution under subsection (2) is subject to offset to the extent that the seller establishes

(a) a right to recover damages under the provisions of this article other than subsection (1), and

(b) the amount or value of any benefits received by the buyer directly or indirectly by reason of the contract.

(4) Where a seller has received payment in goods their reasonable value or the proceeds of their resale shall be treated as payments for the purposes of subsection (2); but if the seller has notice of the buyer's breach before reselling goods received in part performance, his resale is subject to the conditions laid down in this article on resale by an aggrieved seller (section 28:2—706).

§ 28:2—719. Contractual modification or limitation of remedy

(1) Subject to the provisions of subsections (2) and (3) of this section and of the preceding section on liquidation and limitation of damages,

(a) the agreement may provide for remedies in addition to or in substitution for those provided in this article and may limit or alter the measure of damages recoverable under this article, as by limiting the buyer's remedies to return of the goods and repayment of the price or to repair and replacement of nonconforming goods or parts; and

(b) resort to a remedy as provided is optional unless the remedy is expressly agreed to be exclusive, in which case it is the sole remedy.

(2) Where circumstances cause an exclusive or limited remedy to fail of its essential purpose, remedy may be had as provided in this subtitle.

(3) Consequential damages may be limited or excluded unless the limitation or exclusion is unconscionable. Limitation of consequential damages for injury to the person in the case of consumer goods is prima facie unconscionable but limitation of damages where the loss is commercial is not.

§ 28:2—720. Effect of "cancellation" or "rescission" on claims for antecedent breach

Unless the contrary intention clearly appears, expressions of "cancellation" or "rescission" of the contract or the like shall not be construed as a renunciation or discharge of any claim in damages for an antecedent breach.

§ 28:2—721. Remedies for fraud

Remedies for material misrepresentation or fraud include all remedies available under this article for nonfraudulent breach. Neither rescission or a claim for rescission of the contract for sale nor rejection or return of the goods shall bar or be deemed inconsistent with a claim for damages or other remedy.

§ 28:2—722. Who can sue third parties for injury to goods

Where a third party so deals with goods which have been identified to a contract for sale as to cause actionable injury to a party to that contract

(a) a right of action against the third party is in either party to the contract for sale who has title to or a security interest or a special property or an insurable interest in the goods; and if the goods have been destroyed or converted a right of action is also in the party who either bore the risk of loss under the contract for sale or has since the injury assumed that risk as against the other;

(b) if at the time of the injury the party plaintiff did not bear the risk of loss as against the other party to the contract for sale and there is no arrangement between them for disposition of the recovery, his suit or settlement is, subject to his own interest, as a fiduciary for the other party to the contract;

(c) either party may with the consent of the other sue for the benefit of whom it may concern.

§ 28:2—723. Proof of market price: time and place

(1) If an action based on anticipatory repudiation comes to trial before the time for performance with respect to some or all of the goods, any damages based on market price (section 28:2—708 or section 28:2—713) shall be determined according to the price of such goods prevailing at the time when the aggrieved party learned of the repudiation.

(2) If evidence of a price prevailing at the times or places described in this article is not readily available the price prevailing within any reasonable time before or after the time described or at any other place which in commercial judgment or under usage of trade would serve as a resonable substitute for the one described may be used, making any proper allowance for the cost of transporting the goods to or from such other place.

(3) Evidence of a relevant price prevailing at a time or place other than the one described in this article offered by one party is not admissible unless and until he has given the other party such notice as the court finds sufficient to prevent unfair surprise.

§ 28:2—724. Admissibility of market quotations

Whenever the prevailing price or value of any goods regularly bought and sold in any established commodity market is in issue, reports in official publications or trade journals or in newspapers or periodicals of general circulation published as the reports of such market shall be admissible in evidence. The circumstances of the preparation of such a report may be shown to affect its weight but not its admissibility.

§ 28:2—725. Statute of limitations in contracts for sale

(1) An action for breach of any contract for sale must be commenced within four years after the cause of action has accrued. By the original agreement the parties may reduce the period of limitation to not less than one year but may not extend it.

(2) A cause of action accrues when the breach occurs, regardless of the aggrieved party's lack of knowledge of the breach. A breach

of warranty occurs when tender of delivery is made, except that where a warranty explicitly extends to future performance of the goods and discovery of the breach must await the time of such performance the cause of action accrues when the breach is or should have been discovered.

(3) Where an action commenced within the time limited by subsection (1) is so terminated as to leave available a remedy by another action for the same breach such other action may be commenced after the expiration of the time limited and within six months after the termination of the first action unless the termination resulted from voluntary discontinuance or from dismissal for failure or neglect to prosecute.

(4) This section does not alter the law on tolling of the statute of limitations nor does it apply to causes of action which have accrued before this subtitle becomes effective.

ARTICLE 3—COMMERCIAL PAPER

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PART 1—SHORT TITLE, FORM AND INTERPRETATION

§ 28:3—101. Short title

Citation of article.

This article shall be known and may be cited as Uniform Commercial Code—Commercial Paper.

§ 28:3—102. Definitions and index of definitions

(1) In this article unless the context otherwise requires

(a) "Issue" means the first delivery of an instrument to a holder or a remitter.

(b) An "order" is a direction to pay and must be more than an authorization or request. It must identify the person to pay

with reasonable certainty. It may be addressed to one or more such persons jointly or in the alternative but not in succession.

(c) A "promise" is an undertaking to pay and must be more than an acknowledgment of an obligation.

(d) "Secondary party" means a drawer or endorser.

(e) "Instrument" means a negotiable instrument.

(2) Other definitions applying to this article and the sections in which they appear are:

"Acceptance". Section 28:3—410.
"Accommodation party". Section 28:3—415.
"Alteration". Section 28:3—407.
"Certificate of deposit". Section 28:3—104.
"Certification". Section 28:3—411.
"Check". Section 28:3—104.
"Definite time". Section 28:3—109.
"Dishonor". Section 28:3—507.
"Draft". Section 28:3—104.
"Holder in due course". Section 28:3—302.
"Negotiation". Section 28:3—202.
"Note". Section 28:3—104.
"Notice of dishonor". Section 28:3—508.
"On demand". Section 28:3—108.
"Presentment". Section 28:3—504.
"Protest". Section 28:3—509.
"Restrictive Indorsement". Section 28:3—205.
"Signature". Section 28:3—401.

(3) The following definitions in other articles apply to this article.

"Account". Section 28:4—104.
"Banking day". Section 28:4—104.
"Clearing house". Section 28:4—104.
"Collecting bank". Section 28:4—105.
"Customer". Section 28:4—104.
"Depositary bank". Section 28:4—105.
"Documentary draft". Section 28:4—104.
"Intermediary bank". Section 28:4—105.
"Item". Section 28:4—104.
"Midnight deadline". Section 28:4—104.
"Payor bank". Section 28:4—105.

(4) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

§ 28:3—103. Limitations on scope of article

(1) This article does not apply to money, documents of title or investment securities.

(2) The provisions of this article are subject to the provisions of the article on bank deposits and collections (article 4) and secured transactions (article 9).

§ 28:3—104. Form of negotiable instruments; "draft"; "check"; "certificate of deposit"; "note"

(1) Any writing to be a negotiable instrument within this article must

(a) be signed by the maker or drawer; and

(b) contain an unconditional promise or order to pay a sum certain in money and no other promise, order, obligation or power given by the maker or drawer except as authorized by this article; and

(c) be payable on demand or at a definite time; and

(d) be payable to order or to bearer.

(2) A writing which complies with the requirements of this section is

(a) a "draft" ("bill of exchange") if it is an order;

(b) a "check" if it is a draft drawn on a bank and payable on demand;

(c) a "certificate of deposit" if it is an acknowledgment by a bank of receipt of money with an engagement to repay it;

(d) a "note" if it is a promise other than a certificate of deposit.

(3) As used in other articles of this subtitle, and as the context may require, the terms "draft", "check", "certificate of deposit" and "note" may refer to instruments which are not negotiable within this article as well as to instruments which are so negotiable.

§ 28:3—105. When promise or order unconditional

(1) A promise or order otherwise unconditional is not made conditional by the fact that the instrument

(a) is subject to implied or constructive conditions; or

(b) states its consideration, whether performed or promised, or the transaction which gave rise to the instrument, or that the promise or order is made or the instrument matures in accordance with or "as per" such transaction; or

(c) refers to or states that it arises out of a separate agreement or refers to a separate agreement for rights as to prepayment or acceleration; or

(d) states that it is drawn under a letter of credit; or

(e) states that it is secured, whether by mortgage, reservation of title or otherwise; or

(f) indicates a particular account to be debited or any other fund or source from which reimbursement is expected; or

(g) is limited to payment out of a particular fund or the proceeds of a particular source, if the instrument is issued by a government or governmental agency or unit; or

(h) is limited to payment out of the entire assets of a partnership, unincorporated association, trust or estate by or on behalf of which the instrument is issued.

(2) A promise or order is not unconditional if the instrument

(a) states that it is subject to or governed by any other agreement; or

(b) states that it is to be paid only out of a particular fund or source except as provided in this section.

§ 28:3—106. Sum certain

(1) The sum payable is a sum certain even though it is to be paid

(a) with stated interest or by stated installments; or

(b) with stated different rates of interest before and after default or a specified date; or

(c) with a stated discount or addition if paid before or after the date fixed for payment; or

(d) with exchange or less exchange, whether at a fixed rate or at the current rate; or

(e) with costs of collection or an attorney's fee or both upon default.

(2) Nothing in this section shall validate any term which is otherwise illegal.

§ 28:3—107. Money

(1) An instrument is payable in money if the medium of exchange in which it is payable is money at the time the instrument is made. An instrument payable in "currency" or "current funds" is payable in money.

(2) A promise or order to pay a sum stated in a foreign currency is for a sum certain in money and, unless a different medium of payment is specified in the instrument, may be satisfied by payment of that number of dollars which the stated foreign currency will purchase at the buying sight rate for that currency on the day on which the instrument is payable or, if payable on demand, on the day of demand. If such an instrument specifies a foreign currency as the medium of payment the instrument is payable in that currency.

§ 28:3—108. Payable on demand

Instruments payable on demand include those payable at sight or on presentation and those in which no time for payment is stated.

§ 28:3—109. Definite time

(1) An instrument is payable at a definite time if by its terms it is payable—

(a) on or before a stated date or at a fixed period after a stated date; or

(b) at a fixed period after sight; or

(c) at a definite time subject to any acceleration; or

(d) at a definite time subject to extension at the option of the holder, or to extension to a further definite time at the option of the maker or acceptor or automatically upon or after a specified act or event.

(2) An instrument which by its terms is otherwise payable only upon an act or event uncertain as to time of occurrence is not payable at a definite time even though the act or event has occurred.

§ 28:3—110. Payable to order

(1) An instrument is payable to order when by its terms it is payable to the order or assigns of any person therein specified with reasonable certainty, or to him or his order, or when it is conspicuously designated on its face as "exchange" or the like and names a payee. It may be payable to the order of

(a) the maker or drawer; or

(b) the drawee; or

(c) a payee who is not maker, drawer or drawee; or

(d) two or more payees together or in the alternative; or

(e) an estate, trust or fund, in which case it is payable to the order of the representative of such estate, trust or fund or his successors; or

(f) an office, or an officer by his title as such in which case it is payable to the principal but the incumbent of the office or his successors may act as if he or they were the holder; or

(g) a partnership or unincorporated association, in which case it is payable to the partnership or association and may be indorsed or transferred by any person thereto authorized.

(2) An instrument not payable to order is not made so payable by such words as "payable upon return of this instrument properly indorsed".

(3) An instrument made payable both to order and to bearer is payable to order unless the bearer words are handwritten or typewritten.

§ 28:3—111. Payable to bearer

An instrument is payable to bearer when by its terms it is payable to—

(a) bearer or the order of bearer; or

(b) a specified person or bearer; or

(c) "cash" or the order of "cash", or any other indication which does not purport to designate a specific payee.

§ 28:3—112. Terms and omissions not affecting negotiability

(1) The negotiability of an instrument is not affected by—

(a) the omission of a statement of any consideration or of the place where the instrument is drawn or payable; or

(b) a statement that collateral has been given to secure obligations either on the instrument or otherwise of an obligor on the instrument or that in the case of default on those obligations the holder may realize on or dispose of the collateral; or

(c) a promise or power to maintain or protect collateral or to give additional collateral; or

(d) a term authorizing a confession of judgment on the instrument if it is not paid when due; or

(e) a term purporting to waive the benefit of any law intended for the advantage or protection of any obligor; or

(f) a term in a draft providing that the payee by indorsing or cashing it acknowledges full satisfaction of an obligation of the drawer; or

(g) a statement in a draft drawn in a set of parts (section 28:3—801) to the effect that the order is effective only if no other part has been honored.

(2) Nothing in this section shall validate any term which is otherwise illegal.

§ 28:3—113. Seal

An instrument otherwise negotiable is within this article even though it is under a seal.

§ 28:3—114. Date, antedating, postdating

(1) The negotiability of an instrument is not affected by the fact that it is undated, antedated, or postdated.

(2) Where an instrument is antedated or postdated the time when it is payable is determined by the stated date if the instrument is payable on demand or at a fixed period after date.

(3) Where the instrument or any signature thereon is dated, the date is presumed to be correct.

§ 28:3—115. Incomplete instruments

(1) When a paper whose contents at the time of signing show that it is intended to become an instrument is signed while still incomplete in any necessary respect it cannot be enforced until completed, but when it is completed in accordance with authority given it is effective as completed.

(2) If the completion is unauthorized the rules as to material alteration apply (section 28:3—407), even though the paper was not delivered by the maker or drawer; but the burden of establishing that any completion is unauthorized is on the party so asserting.

§ 28:3—116. Instruments payable to two or more persons

An instrument payable to the order of two or more persons

(a) if in the alternative is payable to any one of them and may be negotiated, discharged or enforced by any of them who has possession of it;

(b) if not in the alternative is payable to all of them and may be negotiated, discharged or enforced only by all of them.

§ 28:3—117. Instruments payable with words of description

An instrument made payable to a named person with the addition of words describing him

(a) as agent or officer of a specified person is payable to his principal but the agent or officer may act as if he were the holder;

(b) as any other fiduciary for a specified person or purpose is

payable to the payee and may be negotiated, discharged or enforced by him;

(c) in any other manner is payable to the payee unconditionally and the additional words are without effect on subsequent parties.

§ 28:3—118. Ambiguous terms and rules of construction

The following rules apply to every instrument:

(a) Where there is doubt whether the instrument is a draft or a note the holder may treat it as either. A draft drawn on the drawer is effective as a note.

(b) Handwritten terms control typewritten and printed terms, and typewritten control printed.

(c) Words control figures except that if the words are ambiguous figures control.

(d) Unless otherwise specified a provision for interest means interest at the judgment rate at the place of payment from the date of the instrument, or if it is undated from the date of issue.

(e) Unless the instrument otherwise specifies two or more persons who sign as maker, acceptor or drawer or indorser and as a part of the same transaction are jointly and severally liable even though the instrument contains such words as "I promise to pay".

(f) Unless otherwise specified consent to extension authorizes a single extension for not longer than the original period. A consent to extension, expressed in the instrument, is binding on secondary parties and accommodation makers. A holder may not exercise his option to extend an instrument over the objection of a maker or acceptor or other party who in accordance with section 28:3—604 tenders full payment when the instrument is due.

§ 28:3—119. Other writings affecting instrument

(1) As between the obligor and his immediate obligee or any transferee the terms of an instrument may be modified or affected by any other written agreement executed as a part of the same transaction, except that a holder in due course is not affected by any limitation of his rights arising out of the separate written agreement if he had no notice of the limitation when he took the instrument.

(2) A separate agreement does not affect the negotiability of an instrument.

§ 28:3—120. Instruments "payable through" bank

An instrument which states that it is "payable through" a bank or the like designates that bank as a collecting bank to make presentment but does not of itself authorize the bank to pay the instrument.

§ 28:3—121. Instruments payable at bank

A note or acceptance which states that it is payable at a bank is the equivalent of a draft drawn on the bank payable when it falls due out of any funds of the maker or acceptor in current account or otherwise available for such payment.

§ 28:3—122. Accrual of cause of action

(1) A cause of action against a maker or an acceptor accrues

(a) in the case of a time instrument on the day after maturity;

(b) in the case of a demand instrument upon its date or, if no date is stated, on the date of issue.

(2) A cause of action against the obligor of a demand or time certificate of deposit accrues upon demand, but demand on a time certificate may not be made until on or after the date of maturity.

(3) A cause of action against a drawer of a draft or an indorser of any instrument accrues upon demand following dishonor of the instrument. Notice of dishonor is a demand.

(4) Unless an instrument provides otherwise, interest runs at the rate provided by law for a judgment

(a) in the case of a maker, acceptor or other primary obligor of a demand instrument, from the date of demand;

(b) in all other cases from the date of accrual of the cause of action.

PART 2—TRANSFER AND NEGOTIATION

§ 28:3—201. Transfer: right to indorsement

(1) Transfer of an instrument vests in the transferee such rights as the transferor has therein, except that a transferee who has himself been a party to any fraud or illegality affecting the instrument or who as a prior holder had notice of a defense or claim against it cannot improve his position by taking from a later holder in due course.

(2) A transfer of a security interest in an instrument vests the foregoing rights in the transferee to the extent of the interest transferred.

(3) Unless otherwise agreed any transfer for value of an instrument not then payable to bearer gives the transferee the specifically enforceable right to have the unqualified indorsement of the transferor. Negotiation takes effect only when the indorsement is made and until that time there is no presumption that the transferee is the owner.

§ 28:3—202. Negotiation

(1) Negotiation is the transfer of an instrument in such form that the transferee becomes a holder. If the instrument is payable to order it is negotiated by delivery with any necessary indorsement; if payable to bearer it is negotiated by delivery.

(2) An indorsement must be written by or on behalf of the holder and on the instrument or on a paper so firmly affixed thereto as to become a part thereof.

(3) An indorsement is effective for negotiation only when it conveys the entire instrument or any unpaid residue. If it purports to be of less it operates only as a partial assignment.

(4) Words of assignment, condition, waiver, guaranty, limitation or disclaimer of liability and the like accompanying an indorsement do not affect its character as an indorsement.

§ 28:3—203. Wrong or misspelled name

Where an instrument is made payable to a person under a misspelled name or one other than his own he may indorse in that name or his own or both; but signature in both names may be required by a person paying or giving value for the instrument.

§ 28:3—204. Special indorsement; blank indorsement

(1) A special indorsement specifies the person to whom or to whose order it makes the instrument payable. Any instrument specially indorsed becomes payable to the order of the special indorsee and may be further negotiated only by his indorsement.

(2) An indorsement in blank specifies no particular indorsee and may consist of a mere signature. An instrument payable to order and indorsed in blank becomes payable to bearer and may be negotiated by delivery alone until specially indorsed.

(3) The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

§ 28:3—205. Restrictive indorsements

An indorsement is restrictive which either

(a) is conditional; or

(b) purports to prohibit further transfer of the instrument; or

(c) includes the words "for collection", "for deposit", "pay any bank", or like terms signifying a purpose of deposit or collection; or

(d) otherwise states that it is for the benefit or use of the indorser or of another person.

§ 28:3—206. Effect of restrictive indorsement

(1) No restrictive indorsement prevents further transfer or negotiation of the instrument.

(2) An intermediary bank, or a payor bank which is not the depositary bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor or the person presenting for payment.

(3) Except for an intermediary bank, any transferee under an indorsement which is conditional or includes the words "for collection", "for deposit", "pay any bank", or like terms (subparagraphs (a) and (c) of section 28:3—205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value. In addition such transferee is a holder in due course if he otherwise complies with the requirements of section 28:3—302 on what constitutes a holder in due course.

(4) The first taker under an indorsement for the benefit of the indorser or another person (subparagraph (d) of section 28:3—205) must pay or apply any value given by him for or on the security of the instrument consistently with the indorsement and to the extent that he does so he becomes a holder for value. In addition such taker is a holder in due course if he otherwise complies with the requirements of section 28:3—302 on what constitutes a holder in due course. A later holder for value is neither given notice nor otherwise affected by such restrictive indorsement unless he has knowledge that a fiduciary or other person has negotiated the instrument in any transaction for his own benefit or otherwise in breach of duty (subsection (2) of section 28:3—304).

§ 28:3—207. Negotiation effective although it may be rescinded

(1) Negotiation is effective to transfer the instrument although the negotiation is

(a) made by an infant, a corporation exceeding its powers, or any other person without capacity; or

(b) obtained by fraud, duress or mistake of any kind; or

(c) part of an illegal transaction; or

(d) made in breach of duty.

(2) Except as against a subsequent holder in due course such negotiation is in an appropriate case subject to rescission, the declaration of a constructive trust or any other remedy permitted by law.

§ 28:3—208. Reacquisition

Where an instrument is returned to or reacquired by a prior party he may cancel any indorsement which is not necessary to his title and reissue or further negotiate the instrument, but any intervening party is discharged as against the reacquiring party and subsequent holders not in due course and if his indorsement has been cancelled is discharged as against subsequent holders in due course as well.

PART 3—RIGHTS OF A HOLDER

§ 28:3—301. Rights of a holder

The holder of an instrument whether or not he is the owner may transfer or negotiate it and, except as otherwise provided in section 28:3—603 on payment or satisfaction, discharge it or enforce payment in his own name.

§ 28:3—302. Holder in due course

(1) A holder in due course is a holder who takes the instrument
(a) for value; and
(b) in good faith; and
(c) without notice that it is overdue or has been dishonored or of any defense against or claim to it on the part of any person.

(2) A payee may be a holder in due course.

(3) A holder does not become a holder in due course of an instrument:
(a) by purchase of it at judicial sale or by taking it under legal process; or
(b) by acquiring it in taking over an estate; or
(c) by purchasing it as part of a bulk transaction not in regular course of business of the transferor.

(4) A purchaser of a limited interest can be a holder in due course only to the extent of the interest purchased.

§ 28:3—303. Taking for value

A holder takes the instrument for value
(a) to the extent that the agreed consideration has been performed or that he acquires a security interest in or a lien on the instrument otherwise than by legal process; or
(b) when he takes the instrument in payment of or as security for an antecedent claim against any person whether or not the claim is due; or
(c) when he gives a negotiable instrument for it or makes an irrevocable commitment to a third person.

§ 28:3—304. Notice to purchaser

(1) The purchaser has notice of a claim or defense if
(a) the instrument is so incomplete, bears such visible evidence of forgery or alteration, or is otherwise so irregular as to call into question its validity, terms or ownership or to create an ambiguity as to the party to pay; or
(b) the purchaser has notice that the obligation of any party is voidable in whole or in part, or that all parties have been discharged.

(2) The purchaser has notice of a claim against the instrument when he has knowledge that a fiduciary has negotiated the instrument in payment of or as security for his own debt or in any transaction for his own benefit or otherwise in breach of duty.

(3) The purchaser has notice that an instrument is overdue if he has reason to know
(a) that any part of the principal amount is overdue or that there is an uncured default in payment of another instrument of the same series; or
(b) that acceleration of the instrument has been made; or
(c) that he is taking a demand instrument after demand has been made or more than a reasonable length of time after its issue. A reasonable time for a check drawn and payable within the states and territories of the United States and the District is presumed to be thirty days.

(4) Knowledge of the following facts does not of itself give the purchaser notice of a defense or claim

(a) that the instrument is antedated or postdated;

(b) that it was issued or negotiated in return for an executory promise or accompanied by a separate agreement, unless the purchaser has notice that a defense or claim has arisen from the terms thereof;

(c) that any party has signed for accommodation;

(d) that an incomplete instrument has been completed, unless the purchaser has notice of any improper completion;

(e) that any person negotiating the instrument is or was a fiduciary;

(f) that there has been default in payment of interest on the instrument or in payment of any other instrument, except one of the same series.

(5) The filing or recording of a document does not of itself constitute notice within the provisions of this article to a person who would otherwise be a holder in due course.

(6) To be effective notice must be received at such time and in such manner as to give a reasonable opportunity to act on it.

§ 28:3—305. Rights of a holder in due course

To the extent that a holder is a holder in due course he takes the instrument free from

(1) all claims to it on the part of any person; and

(2) all defenses of any party to the instrument with whom the holder has not dealt except

(a) infancy, to the extent that it is a defense to a simple contract; and

(b) such other incapacity, or duress, or illegality of the transaction, as renders the obligation of the party a nullity; and

(c) such misrepresentation as has induced the party to sign the instrument with neither knowledge nor reasonable opportunity to obtain knowledge of its character or its essential terms; and

(d) discharge in insolvency proceedings; and

(e) any other discharge of which the holder has notice when he takes the instrument.

§ 28:3—306. Rights of one not holder in due course

Unless he has the rights of a holder in due course any person takes the instrument subject to

(a) all valid claims to it on the part of any person; and

(b) all defenses of any party which would be available in an action on a simple contract; and

(c) the defenses of want or failure of consideration, nonperformance of any condition precedent, nondelivery, or delivery for a special purpose (section 28:3—408); and

(d) the defense that he or a person through whom he holds the instrument acquired it by theft, or that payment or satisfaction to such holder would be inconsistent with the terms of a restrictive indorsement. The claim of any third person to the instrument is not otherwise available as a defense to any party liable thereon unless the third person himself defends the action for such party.

§ 28:3—307. Burden of establishing signatures, defenses and due course

(1) Unless specifically denied in the pleadings each signature on an instrument is admitted. When the effectiveness of a signature is put in issue

(a) the burden of establishing it is on the party claiming under the signature; but

(b) the signature is presumed to be genuine or authorized except where the action is to enforce the obligation of a purported signer who has died or become incompetent before proof is required.

(2) When signatures are admitted or established, production of the instrument entitles a holder to recover on it unless the defendant establishes a defense.

(3) After it is shown that a defense exists a person claiming the rights of a holder in due course has the burden of establishing that he or some person under whom he claims is in all respects a holder in due course.

PART 4—LIABILITY OF PARTIES

§ 28:3—401. Signature

(1) No person is liable on an instrument unless his signature appears thereon.

(2) A signature is made by use of any name, including any trade or assumed name, upon an instrument, or by any word or mark used in lieu of a written signature.

§ 28:3—402. Signature in ambiguous capacity

Unless the instrument clearly indicates that a signature is made in some other capacity it is an indorsement.

§ 28:3—403. Signature by authorized representative

(1) A signature may be made by an agent or other representative, and his authority to make it may be established as in other cases of representation. No particular form of appointment is necessary to establish such authority.

(2) An authorized representative who signs his own name to an instrument

(a) is personally obligated if the instrument neither names the person represented nor shows that the representative signed in a representative capacity;

(b) except as otherwise established between the immediate parties, is personally obligated if the instrument names the person represented but does not show that the representative signed in a representative capacity, or if the instrument does not name the person represented but does show that the representative signed in a representative capacity.

(3) Except as otherwise established the name of an organization preceded or followed by the name and office of an authorized individual is a signature made in a representative capacity.

§ 28:3—404. Unauthorized signatures

(1) Any unauthorized signature is wholly inoperative as that of the person whose name is signed unless he ratifies it or is precluded from denying it; but it operates as the signature of the unauthorized signer in favor of any person who in good faith pays the instrument or takes it for value.

(2) Any unauthorized signature may be ratified for all purposes of this article. Such ratification does not of itself affect any rights of the person ratifying against the actual signer.

§ 28:3—405. Impostors; signature in name of payee

(1) An indorsement by any person in the name of a named payee is effective if

(a) an imposter by use of the mails or otherwise has induced the maker or drawer to issue the instrument to him or his confederate in the name of the payee; or

(b) a person signing as or on behalf of a maker or drawer intends the payee to have no interest in the instrument; or

(c) an agent or employee of the maker or drawer has supplied him with the name of the payee intending the latter to have no such interest.

(2) Nothing in this section shall affect the criminal or civil liability of the person so indorsing.

§ 28:3—406. Negligence contributing to alteration or unauthorized signature

Any person who by his negligence substantially contributes to a material alteration of the instrument or to the making of an unauthorized signature is precluded from asserting the alteration or lack of authority against a holder in due course or against a drawee or other payor who pays the instrument in good faith and in accordance with the reasonable commercial standards of the drawee's or payor's business.

§ 28:3—407. Alteration

(1) Any alteration of an instrument is material which changes the contract of any party thereto in any respect, including any such change in

(a) the number or relations of the parties; or

(b) an incomplete instrument, by completing it otherwise than as authorized; or

(c) the writing as signed, by adding to it or by removing any part of it.

(2) As against any person other than a subsequent holder in due course

(a) alteration by the holder which is both fraudulent and material discharges any party whose contract is thereby changed unless that party assents or is precluded from asserting the defense;

(b) no other alteration discharges any party and the instrument may be enforced according to its original tenor, or as to incomplete instruments according to the authority given.

(3) A subsequent holder in due course may in all cases enforce the instrument according to its original tenor, and when an incomplete instrument has been completed, he may enforce it as completed.

§ 28:3—408. Consideration

Want or failure of consideration is a defense as against any person not having the rights of a holder in due course (section 28:3—305), except that no consideration is necessary for an instrument or obligation thereon given in payment of or as security for an antecedent obligation of any kind. Nothing in this section shall be taken to displace any statute outside this subtitle under which a promise is enforceable notwithstanding lack or failure of consideration. Partial failure of consideration is a defense pro tanto whether or not the failure is in an ascertained or liquidated amount.

§ 28:3—409. Draft not an assignment

(1) A check or other draft does not of itself operate as an assignment of any funds in the hands of the drawee available for its payment, and the drawee is not liable on the instrument until he accepts it.

(2) Nothing in this section shall affect any liability in contract, tort or otherwise arising from any letter of credit or other obligation or representation which is not an acceptance.

§ 28:3—410. Definition and operation of acceptance

(1) Acceptance is the drawee's signed engagement to honor the draft as presented. It must be written on the draft, and may consist of his signature alone. It becomes operative when completed by delivery or notification.

(2) A draft may be accepted although it has not been signed by the drawer or is otherwise incomplete or is overdue or has been dishonored.

(3) Where the draft is payable at a fixed period after sight and the acceptor fails to date his acceptance the holder may complete it by supplying a date in good faith.

§ 28:3—411. Certification of a check

(1) Certification of a check is acceptance. Where a holder procures certification the drawer and all prior indorsers are discharged.

(2) Unless otherwise agreed a bank has no obligation to certify a check.

(3) A bank may certify a check before returning it for lack of proper indorsement. If it does so the drawer is discharged.

§ 28:3—412. Acceptance varying draft

(1) Where the drawee's proffered acceptance in any manner varies the draft as presented the holder may refuse the acceptance and treat the draft as dishonored in which case the drawee is entitled to have his acceptance cancelled.

(2) The terms of the draft are not varied by an acceptance to pay at any particular bank or place in the United States, unless the acceptance states that the draft is to be paid only at such bank or place.

(3) Where the holder assents to an acceptance varying the terms of the draft each drawer and indorser who does not affirmatively assent is discharged.

§ 28:3—413. Contract of maker, drawer and acceptor

(1) The maker or acceptor engages that he will pay the instrument according to its tenor at the time of his engagement or as completed pursuant to section 28:3—115 on incomplete instruments.

(2) The drawer engages that upon dishonor of the draft and any necessary notice of dishonor or protest he will pay the amount of the draft to the holder or to any indorser who takes it up. The drawer may disclaim this liability by drawing without recourse.

(3) By making, drawing or accepting the party admits as against all subsequent parties including the drawee the existence of the payee and his then capacity to indorse.

§ 28:3—414. Contract of indorser; order of liability

(1) Unless the indorsement otherwise specifies (as by such words as "without recourse") every indorser engages that upon dishonor and any necessary notice of dishonor and protest he will pay the instrument according to its tenor at the time of his indorsement to the holder or to any subsequent indorser who takes it up, even though the indorser who takes it up was not obligated to do so.

(2) Unless they otherwise agree indorsers are liable to one another in the order in which they indorse, which is presumed to be the order in which their signatures appear on the instrument.

§ 28:3—415. Contract of accommodation party

(1) An accommodation party is one who signs the instrument in any capacity for the purpose of lending his name to another party to it.

(2) When the instrument has been taken for value before it is due the accommodation party is liable in the capacity in which he has signed even though the taker knows of the accommodation.

(3) As against a holder in due course and without notice of the accommodation oral proof of the accommodation is not admissible to give the accommodation party the benefit of discharges dependent on his character as such. In other cases the accommodation character may be shown by oral proof.

(4) An indorsement which shows that it is not in the chain of title is notice of its accommodation character.

(5) An accommodation party is not liable to the party accommodated, and if he pays the instrument has a right of recourse on the instrument against such party.

§ 28:3—416. Contract of guarantor

(1) "Payment guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor without resort by the holder to any other party.

(2) "Collection guaranteed" or equivalent words added to a signature mean that the signer engages that if the instrument is not paid when due he will pay it according to its tenor, but only after the holder has reduced his claim against the maker or acceptor to judgment and execution has been returned unsatisfied, or after the maker or acceptor has become insolvent or it is otherwise apparent that it is useless to proceed against him.

(3) Words of guaranty which do not otherwise specify guarantee payment.

(4) No words of guaranty added to the signature of a sole maker or acceptor affect his liability on the instrument. Such words added to the signature of one of two or more makers or acceptors create a presumption that the signature is for the accommodation of the others.

(5) When words of guaranty are used presentment, notice of dishonor and protest are not necessary to charge the user.

(6) Any guaranty written on the instrument is enforcible notwithstanding any statute of frauds.

§ 28:3—417. Warranties on presentment and transfer

(1) Any person who obtains payment or acceptance and any prior transferor warrants to a person who in good faith pays or accepts that

(a) he has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title; and

(b) he has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given by a holder in due course acting in good faith

(i) to a maker with respect to the maker's own signature; or

(ii) to a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or

(iii) to an acceptor of a draft if the holder in due course took the draft after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and

(c) the instrument has not been materially altered, except that this warranty is not given by a holder in due course acting in good faith

(i) to the maker of a note; or

(ii) to the drawer of a draft whether or not the drawer is also the drawee; or

(iii) to the acceptor of a draft with respect to an alteration made prior to the acceptance if the holder in due course took the draft after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or

(iv) to the acceptor of a draft with respect to an alteration made after the acceptance.

(2) Any person who transfers an instrument and receives consideration warrants to his transferee and if the transfer is by indorsement to any subsequent holder who takes the instrument in good faith that

(a) he has a good title to the instrument or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and

(b) all signatures are genuine or authorized; and

(c) the instrument has not been materially altered; and

(d) no defense of any party is good against him; and

(e) he has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted instrument.

(3) By transferring "without recourse" the transferor limits the obligation stated in subsection (2)(d) to a warranty that he has no knowledge of such a defense.

(4) A selling agent or broker who does not disclose the fact that he is acting only as such gives the warranties provided in this section, but if he makes such disclosure warrants only his good faith and authority.

§28:3—418. Finality of payment or acceptance

Except for recovery of bank payments as provided in the article on bank deposits and collections (article 4) and except for liability for breach of warranty on presentment under the preceding section, payment or acceptance of any instrument is final in favor of a holder in due course, or a person who has in good faith changed his position in reliance on the payment.

§28:3—419. Conversion of instrument; innocent representative

(1) An instrument is converted when

(a) a drawee to whom it is delivered for acceptance refuses to return it on demand; or

(b) any person to whom it is delivered for payment refuses on demand either to pay or to return it; or

(c) it is paid on a forged indorsement.

(2) In an action against a drawee under subsection (1) the measure of the drawee's liability is the face amount of the instrument. In any other action under subsection (1) the measure of liability is presumed to be the face amount of the instrument.

(3) Subject to the provisions of this subtitle concerning restrictive indorsements a representative, including a depositary or collecting bank, who has a good faith and in accordance with the reasonable commercial standards applicable to the business of such representative dealt with an instrument or its proceeds on behalf of one who was not the true owner is not liable in conversion or otherwise to the true owner beyond the amount of any proceeds remaining in his hands.

(4) An intermediary bank or payor bank which is not a depositary bank is not liable in conversion solely by reason of the fact that proceeds of an item indorsed restrictively (sections 28:3—205 and 28:3—206) are not paid or applied consistently with the restrictive indorsement of an indorser other than its immediate transferor.

PART 5—PRESENTMENT, NOTICE OF DISHONOR AND PROTEST

§ 28:3—501. When presentment, notice of dishonor, and protest necessary or permissible

(1) Unless excused (section 28:3—511) presentment is necessary to charge secondary parties as follows:

(a) presentment for acceptance is necessary to charge the drawer and indorsers of a draft where the draft so provides, or is payable elsewhere that at the residence or place of business of the drawee, or its date of payment depends upon such presentment. The holder may at his option present for acceptance any other draft payable at a stated date;

(b) presentment for payment is necessary to charge any indorser;

(c) in the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, presentment for payment is necessary, but failure to make presentment discharges such drawer, acceptor or maker only as stated in section 28:3—502(1)(b).

(2) Unless excused (section 28:3—511)

(a) notice of any dishonor is necessary to charge any indorser;

(b) in the case of any drawer, the acceptor of a draft payable at a bank or the maker of a note payable at a bank, notice of any dishonor is necessary, but failure to give such notice discharges such drawer, acceptor or maker only as stated in section 28:3—502(1)(b).

(3) Unless excused (section 28:3—511) protest of any dishonor is necessary to charge the drawer and indorsers of any draft which on its face appears to be drawn or payable outside of the states and territories of the United States and the District. The holder may at his option make protest of any dishonor of any other instrument and in the case of a foreign draft may on insolvency of the acceptor before maturity make protest for better security.

(4) Notwithstanding any provision of this section, neither presentment nor notice of dishonor nor protest is necessary to charge an indorser who has indorsed an instrument after maturity.

§ 28:3—502. Unexcused delay; discharge

(1) Where without excuse any necessary presentment or notice of dishonor is delayed beyond the time when it is due

(a) any indorser is discharged; and

(b) any drawer or the acceptor of a draft payable at a bank or the maker of a note payable at a bank who because the drawee or payor bank becomes insolvent during the delay is deprived of funds maintained with the drawee or payor bank to cover the instrument may discharge his liability by written assignment to the holder of his rights against the drawee or payor bank in respect of such funds, but such drawer, acceptor or maker is not otherwise discharged.

(2) Where without excuse a necessary protest is delayed beyond the time when it is due any drawer or indorser is discharged.

§ 28:3—503. Time of presentment

(1) Unless a different time is expressed in the instrument the time for any presentment is determined as follows:

(a) where an instrument is payable at or a fixed period after a stated date any presentment for acceptance must be made on or before the date it is payable;

(b) where an instrument is payable after sight it must either be presented for acceptance or negotiated within a reasonable time after date or issue whichever is later;

(c) where an instrument shows the date on which it is payable presentment for payment is due on that date;

(d) where an instrument is accelerated presentment for payment is due within a reasonable time after the acceleration;

(e) with respect to the liability of any secondary party presentment for acceptance or payment of any other instrument is due within a reasonable time after such party becomes liable thereon.

(2) A reasonable time for presentment is determined by the nature of the instrument, any usage of banking or trade and the facts of the particular case. In the case of an uncertified check which is drawn and payable within the United States and which is not a draft drawn by a bank the following are presumed to be reasonable periods within which to present for payment or to initiate bank collection:

(a) with respect to the liability of the drawer, thirty days after date or issue whichever is later; and

(b) with respect to the liability of an indorser, seven days after his indorsement.

(3) Where any presentment is due on a day which is not a full business day for either the person making presentment or the party to pay or accept, presentment is due on the next following day which is a full business day for both parties.

(4) Presentment to be sufficient must be made at a reasonable hour, and if at a bank during its banking day.

§ 28:3—504. How presentment made

(1) Presentment is a demand for acceptance or payment made upon the maker, acceptor, drawee or other payor by or on behalf of the holder.

(2) Presentment may be made

(a) by mail, in which event the time of presentment is determined by the time of receipt of the mail; or

(b) through a clearing house; or

(c) at the place of acceptance or payment specified in the instrument or if there be none at the place of business or residence of the party to accept or pay. If neither the party to accept or pay nor anyone authorized to act for him is present or accessible at such place presentment is excused.

(3) It may be made

(a) to any one of two or more makers, acceptors, drawees or other payors; or

(b) to any person who has authority to make or refuse the acceptance or payment.

(4) A draft accepted or a note made payable at a bank in the United States must be presented at such bank.

(5) In the cases described in section 28:4—210 Presentment may be made in the manner and with the result stated in that section.

§ 28:3—505. Rights of party to whom presentment is made

(1) The party to whom presentment is made may without dishonor require

(a) exhibition of the instrument; and

(b) reasonable identification of the person making presentment and evidence of his authority to make it if made for another; and

(c) that the instrument be produced for acceptance or payment at a place specified in it, or if there be none at any place reasonable in the circumstances; and

(d) a signed receipt on the instrument for any partial or full payment and its surrender upon full payment.

(2) Failure to comply with any such requirement invalidates the presentment but the person presenting has a reasonable time in which to comply and the time for acceptance or payment runs from the time of compliance.

§ 28:3—506. Time allowed for acceptance or payment

(1) Acceptance may be deferred without dishonor until the close of the next business day following presentment. The holder may also in a good faith effort to obtain acceptance and without either dishonor of the instrument or discharge of secondary parties allow postponement of acceptance for an additional business day.

(2) Except as a longer time is allowed in the case of documentary drafts drawn under a letter of credit, and unless an earlier time is agreed to by the party to pay, payment of an instrument may be deferred without dishonor pending reasonable examination to determine whether it is properly payable, but payment must be made in any event before the close of business on the day of presentment.

§ 28:3—507. Dishonor; holder's right of recourse; term allowing re-presentment

(1) An instrument is dishonored when

(a) a necessary or optional presentment is duly made and due acceptance or payment is refused or cannot be obtained within the prescribed time or in case of bank collections the instrument is seasonably returned by the midnight deadline (section 28:4—301); or

(b) presentment is excused and the instrument is not duly accepted or paid.

(2) Subject to any necessary notice of dishonor and protest, the holder has upon dishonor an immediate right of recourse against the drawers and indorsers.

(3) Return of an instrument for lack of proper indorsement is not dishonor.

(4) A term in a draft or an indorsement thereof allowing a stated time for re-presentment in the event of any dishonor of the draft by nonacceptance if a time draft or by nonpayment if a sight draft gives the holder as against any secondary party bound by the term an option to waive the dishonor without affecting the liability of the secondary party and he may present again up to the end of the stated time.

§ 28:3—508. Notice of dishonor

(1) Notice of dishonor may be given to any person who may be liable on the instrument by or on behalf of the holder or any party who has himself received notice, or any other party who can be compelled to pay the instrument. In addition an agent or bank in whose hands the instrument is dishonored may give notice to his principal or customer or to another agent or bank from which the instrument was received.

(2) Any necessary notice must be given by a bank before its midnight deadline and by any other person before midnight of the third business day after dishonor or receipt of notice of dishonor.

(3) Notice may be given in any reasonable manner. It may be oral or written and in any terms which identify the instrument and state that it has been dishonored. A misdescription which does not mislead the party notified does not vitiate the notice. Sending the instrument bearing a stamp, ticket or writing stating that acceptance or payment has been refused or sending a notice of debit with respect to the instrument is sufficient.

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(4) Written notice is given when sent although it is not received.

(5) Notice to one partner is notice to each although the firm has been dissolved.

(6) When any party is in insolvency proceedings instituted after the issue of the instrument notice may be given either to the party or to the representative of his estate.

(7) When any party is dead or incompetent notice may be sent to his last known address or given to his personal representative.

(8) Notice operates for the benefit of all parties who have rights on the instrument against the party notified.

§ 28:3—509. Protest; noting for protest

(1) A protest is a certificate of dishonor made under the hand and seal of a United States consul or vice consul or a notary public or other person authorized to certify dishonor by the law of the place where dishonor occurs. It may be made upon information satisfactory to such person.

(2) The protest must identify the instrument and certify either that due presentment has been made or the reason why it is excused and that the instrument has been dishonored by nonacceptance or nonpayment.

(3) The protest may also certify that notice of dishonor has been given to all parties or to specified parties.

(4) Subject to subsection (5) any necessary protest is due by the time that notice of dishonor is due.

(5) If, before protest is due, an instrument has been noted for protest by the officer to make protest, the protest may be made at any time thereafter as of the date of the noting.

§ 28:3—510. Evidence of dishonor and notice of dishonor

The following are admissible as evidence and create a presumption of dishonor and of any notice of dishonor therein shown:

(a) a document regular in form as provided in the preceding section which purports to be a protest;

(b) the purported stamp or writing of the drawee, payor bank or presenting bank on the instrument or accompanying it stating that acceptance or payment has been refused for reasons consistent with dishonor;

(c) any book or record of the drawee, payor bank, or any collecting bank kept in the usual course of business which shows dishonor, even though there is no evidence of who made the entry.

§ 28:3—511. Waived or excused presentment, protest or notice of dishonor or delay therein

(1) Delay in presentment, protest or notice of dishonor is excused when the party is without notice that it is due or when the delay is caused by circumstances beyond his control and he exercises reasonable diligence after the cause of the delay ceases to operate.

(2) Presentment or notice or protest as the case may be is entirely excused when

(a) the party to be charged has waived it expressly or by implication either before or after it is due; or

(b) such party has himself dishonored the instrument or has countermanded payment or otherwise has no reason to expect or right to require that the instrument be accepted or paid; or

(c) by reasonable diligence the presentment or protest cannot be made or the notice given.

(3) Presentment is also entirely excused when

(a) the maker, acceptor or drawee of any instrument except a documentary draft is dead or in insolvency proceedings instituted after the issue of the instrument; or

(b) acceptance or payment is refused but not for want of proper presentment.

(4) Where a draft has been dishonored by nonacceptance a later presentment for payment and any notice of dishonor and protest for nonpayment are excused unless in the meantime the instrument has been accepted.

(5) A waiver of protest is also a waiver of presentment and of notice of dishonor even though protest is not required.

(6) Where a waiver of presentment or notice or protest is embodied in the instrument itself it is binding upon all parties; but where it is written above the signature of an indorser it binds him only.

PART 6—DISCHARGE

§ 28:3—601. Discharge of parties

(1) The extent of the discharge of any party from liability on an instrument is governed by the sections on

(a) payment or satisfaction (section 28:3—603); or

(b) tender of payment (section 28:3—604); or

(c) cancellation or renunciation (section 28:3—605); or

(d) impairment of right of recourse or of collateral (section 28:3—606); or

(e) reacquisition of the instrument by a prior party (section 28:3—208); or

(f) fraudulent and material alteration (section 28:3—407); or

(g) certification of a check (section 28:3—411); or

(h) acceptance varying a draft (section 28:3—412); or

(i) unexcused delay in presentment or notice of dishonor or protest (section 28:3—502).

(2) Any party is also discharged from his liability on an instrument to another party by any other act or agreement with such party which would discharge his simple contract for the payment of money.

(3) The liability of all parties is discharged when any party who has himself no right of action or recourse on the instrument

(a) reacquires the instrument in his own right; or

(b) is discharged under any provision of this article except as otherwise provided with respect to discharge for impairment of recourse or of collateral (section 28:3—606).

§ 28:3—602. Effect of discharge against holder in due course

No discharge of any party provided by this article is effective against a subsequent holder in due course unless he has notice thereof when he takes the instrument.

§ 28:3—603. Payment or satisfaction

(1) The liability of any party is discharged to the extent of his payment or satisfaction to the holder even though it is made with knowledge of a claim of another person to the instrument unless prior to such payment or satisfaction the person making the claim either supplies indemnity deemed adequate by the party seeking the discharge or enjoins payment or satisfaction by order of a court of competent jurisdiction in an action in which the adverse claimant and the holder are parties. This subsection does not, however, result in the discharge of the liability

(a) of a party who in bad faith pays or satisfies a holder who acquired the instrument by theft or who (unless having the rights of a holder in due course) holds through one who so acquired it; or

(b) of a party (other than an intermediary bank or a payor bank which is not a depositary bank) who pays or satisfies the

holder of an instrument which has been restrictively indorsed in a manner not consistent with the terms of such restrictive indorsement.

(2) Payment or satisfaction may be made with the consent of the holder by any person including a stranger to the instrument. Surrender of the instrument to such a person gives him the rights of a transferee (section 28:3—201).

§ 28:3—604. Tender of payment

(1) Any party making tender of full payment to a holder when or after it is due is discharged to the extent of all subsequent liability for interest, costs, and attorney's fees.

(2) The holder's refusal of such tender wholly discharges any party who has a right of recourse against the party making the tender.

(3) Where the maker or acceptor of an instrument payable otherwise than on demand is able and ready to pay at every place of payment specified in the instrument when it is due, it is equivalent to tender.

§ 28:3—605. Cancellation and renunciation

(1) The holder of an instrument may even without consideration discharge any party

(a) in any manner apparent on the face of the instrument or the indorsement, as by intentionally cancelling the instrument or the party's signature by destruction or mutilation, or by striking out the party's signature; or

(b) by renouncing his rights by a writing signed and delivered or by surrender of the instrument to the party to be discharged.

(2) Neither cancellation nor renunciation without surrender of the instrument affects the title thereto.

§ 28:3—606. Impairment of recourse or of collateral

(1) The holder discharges any party to the instrument to the extent that without such party's consent the holder

(a) without express reservation of rights releases or agrees not to sue any person against whom the party has to the knowledge of the holder a right of recourse or agrees to suspend the right to enforce against such person the instrument or collateral or otherwise discharges such person, except that failure or delay in effecting any required presentment, protest or notice of dishonor with respect to any such person does not discharge any party as to whom presentment, protest or notice of dishonor is effective or unnecessary; or

(b) unjustifiably impairs any collateral for the instrument given by or on behalf of the party or any person against whom he has a right of recourse.

(2) By express reservation of rights against a party with a right of recourse the holder preserves

(a) all his rights against such party as of the time when the instrument was originally due; and

(b) the right of the party to pay the instrument as of that time; and

(c) all rights of such party to recourse against others.

PART 7—ADVICE OF INTERNATIONAL SIGHT DRAFT

§ 28:3—701. Letter of advice of international sight draft

(1) A "letter of advice" is a drawer's communication to the drawee that a described draft has been drawn.

(2) Unless otherwise agreed when a bank receives from another bank a letter of advice of an international sight draft the drawee bank may immediately debit the drawer's account and stop the running of interest pro tanto. Such a debit and any resulting credit to any account covering outstanding drafts leaves in the drawer full power to stop payment or otherwise dispose of the amount and creates no trust or interest in favor of the holder.

(3) Unless otherwise agreed and except where a draft is drawn under a credit issued by the drawee, the drawee of an international sight draft owes the drawer no duty to pay an unadvised draft but if it does so and the draft is genuine, may appropriately debit the drawer's account.

PART 8—MISCELLANEOUS

§ 28:3—801. Drafts in a set

(1) Where a draft is drawn in a set of parts, each of which is numbered and expressed to be an order only if no other part has been honored, the whole of the parts constitutes one draft but a taker of any part may become a holder in due course of the draft.

(2) Any person who negotiates, indorses or accepts a single part of a draft drawn in a set thereby becomes liable to any holder in due course of that part as if it were the whole set, but as between different holders in due course to whom different parts have been negotiated the holder whose title first accrues has all rights to the draft and its proceeds.

(3) As against the drawee the first presented part of a draft drawn in a set is the part entitled to payment, or if a time draft to acceptance and payment. Acceptance of any subsequently presented part renders the drawee liable thereon under subsection (2). With respect both to a holder and to the drawer payment of a subsequently presented part of a draft payable at sight has the same effect as payment of a check notwithstanding an effective stop order (section 28:4—407).

(4) Except as otherwise provided in this section, where any part of a draft in a set is discharged by payment or otherwise the whole draft is discharged.

§ 28:3—802. Effect of instrument on obligation for which it is given

(1) Unless otherwise agreed where an instrument is taken for an underlying obligation

(a) the obligation is pro tanto discharged if a bank is drawer, maker or acceptor of the instrument and there is no recourse on the instrument against the underlying obligor; and

(b) in any other case the obligation is suspended pro tanto until the instrument is due or if it is payable on demand until its presentment. If the instrument is dishonored action may be maintained on either the instrument or the obligation; discharge of the underlying obligor on the instrument also discharges him on the obligation.

(2) The taking in good faith of a check which is not postdated does not of itself so extend the time on the original obligation as to discharge a surety.

§ 28:3—803. Notice to third party

Where a defendant is sued for breach of an obligation for which a third person is answerable over under this article he may give the third person written notice of the litigation, and the person notified may then give similar notice to any other person who is answerable over to him under this article. If the notice states that the person notified may come in and defend and that if the person notified does not do so he will in any action against him by the person giving the notice be bound by any determination of fact common to the two litigations, then unless after seasonable receipt of the notice the person notified does come in and defend he is so bound.

§ 28:3—804. Lost, destroyed or stolen instruments

The owner of an instrument which is lost, whether by destruction, theft or otherwise, may maintain an action in his own name and recover from any party liable thereon upon due proof of his ownership, the facts which prevent his production of the instrument and its terms. The court may require security indemnifying the defendant against loss by reason of further claims on the instrument.

§ 28:3—805. Instruments not payable to order or to bearer

This article applies to any instrument whose terms do not preclude transfer and which is otherwise negotiable within this article but which is not payable to order or to bearer, except that there can be no holder in due course of such an instrument.

ARTICLE 4—BANK DEPOSITS AND COLLECTIONS

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ARTICLE 4—BANK DEPOSITS AND COLLECTIONS—Continued

PART 3—COLLECTION OF ITEMS: PAYOR BANKS

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28:4—302. Payor bank's responsibility for late return of item.
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PART 5—COLLECTION OF DOCUMENTARY DRAFTS

28:4—501. Handling of documentary drafts; duty to send for presentment and to notify customer of dishonor.
28:4—502. Presentment of "on arrival" drafts.
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PART 1—GENERAL PROVISIONS AND DEFINITIONS

§ 28:4—101. Short title

This article shall be known and may be cited as Uniform Commercial Code—Bank Deposits and Collections.

Citation of article.

§ 28:4—102. Applicability

(1) To the extent that items within this article are also within the scope of articles 3 and 8, they are subject to the provisions of those articles. In the event of conflict the provisions of this article govern those of article 3 but the provisions of article 8 govern those of this article.

(2) The liability of a bank for action or non-action with respect to any item handled by it for purposes of presentment, payment or collection is governed by the law of the place where the bank is located. In the case of action or non-action by or at a branch or separate office of a bank, its liability is governed by the law of the place where the branch or separate office is located.

§ 28:4—103. Variation by agreement; measure of damages; certain action constituting ordinary care

(1) The effect of the provisions of this article may be varied by agreement except that no agreement can disclaim a bank's responsibility for its own lack of good faith or failure to exercise ordinary care or can limit the measure of damages for such lack or failure; but the parties may by agreement determine the standards by which such responsibility is to be measured if such standards are not manifestly unreasonable.

(2) Federal Reserve regulations and operating letters, clearing house rules, and the like, have the effect of agreements under subsection (1), whether or not specifically assented to by all parties interested in items handled.

(3) Action or non-action approved by this article or pursuant to Federal Reserve regulations or operating letters constitutes the exercise of ordinary care and, in the absence of special instructions, action or non-action consistent with clearing house rules and the like or with a general banking usage not disapproved by this article, prima facie constitutes the exercise of ordinary care.

(4) The specification or approval of certain procedures by this article does not constitute disapproval of other procedures which may be reasonable under the circumstances.

(5) The measure of damages for failure to exercise ordinary care in handling an item is the amount of the item reduced by an amount which could not have been realized by the use of ordinary care, and where there is bad faith it includes other damages, if any, suffered by the party as a proximate consequence.

§ 28:4—104. Definitions and index of definitions

(1) In this article unless the context otherwise requires

(a) "Account" means any account with a bank and includes a checking, time, interest or savings account;

(b) "Afternoon" means the period of a day between noon and midnight;

(c) "Banking day" means that part of any day on which a bank is open to the public for carrying on substantially all of its banking functions;

(d) "Clearing house" means any association of banks or other payors regularly clearing items;

(e) "Customer" means any person having an account with a bank or for whom a bank has agreed to collect items and includes a bank carrying an account with another bank;

(f) "Documentary draft" means any negotiable or nonnegotiable draft with accompanying documents, securities or other papers to be delivered against honor of the draft;

(g) "Item" means any instrument for the payment of money even though it is not negotiable but does not include money;

(h) "Midnight deadline" with respect to a bank is midnight on its next banking day following the banking day on which it receives the relevant item or notice or from which the time for taking action commences to run, whichever is later;

(i) "Properly payable" includes the availability of funds for payment at the time of decision to pay or dishonor;

(j) "Settle" means to pay in cash, by clearing house settlement, in a charge or credit or by remittance, or otherwise as instructed. A settlement may be either provisional or final;

(k) "Suspends payments" with respect to a bank means that it has been closed by order of the supervisory authorities, that a public officer has been appointed to take it over or that it ceases or refuses to make payments in the ordinary course of business.

(2) Other definitions applying to this article and the sections in which they appear are:

"Collecting bank". Section 28:4—105.
"Depositary bank". Section 28:4—105.
"Intermediary bank". Section 28:4—105.
"Payor bank". Section 28:4—105.
"Presenting bank". Section 28:4—105.
"Remitting bank". Section 28:4—105.

(3) The following definitions in other articles apply to this article:
"Acceptance". Section 28:3—410.
"Certificate of deposit". Section 28:3—104.
"Certification". Section 28:3—411.
"Check". Section 28:3—104.
"Draft". Section 28:3—104.
"Holder in due course". Section 28:3—302.
"Notice of dishonor". Section 28:3—508.
"Presentment". Section 28:3—504.
"Protest". Section 28:3—509.
"Secondary party". Section 28:3—102.

(4) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

§ 28:4—105. "Depositary bank"; "intermediary bank"; "collecting bank"; "payor bank"; "presenting bank"; "remitting bank"

In this article unless the context otherwise requires:

(a) "Depositary bank" means the first bank to which an item is transferred for collection even though it is also the payor bank;

(b) "Payor bank" means a bank by which an item is payable as drawn or accepted;

(c) "Intermediary bank" means any bank to which an item is transferred in course of collection except the depositary or payor bank;

(d) "Collecting bank" means any bank handling the item for collection except the payor bank;

(e) "Presenting bank" means any bank presenting an item except a payor bank;

(f) "Remitting bank" means any payor or intermediary bank remitting for an item.

§ 28:4—106. Separate office of a bank

A branch or separate office of a bank is a separate bank for the purpose of computing the time within which and determining the place at or to which action may be taken or notices or orders shall be given under this article and under article 3. The receipt of any notice or order by or the knowledge of one branch or separate office of a bank is not actual or constructive notice to or knowledge of any other branch or office of the same bank and does not impair the right of another branch or office to be a holder in due course of an item.

§ 28:4—107. Time of receipt of items

(1) For the purpose of allowing time to process items, prove balances and make the necessary entries on its books to determine its position for the day, a bank may fix an afternoon hour of two P.M. or later as a cut-off hour for the handling of money and items and the making of entries on its books.

(2) Any item or deposit of money received on any day after a cut-off hour so fixed or after the close of the banking day may be treated as being received at the opening of the next banking day.

§ 28:4—108. Delays

(1) Unless otherwise instructed, a collecting bank in a good faith effort to secure payment may, in the case of specific items and with or without the approval of any person involved, waive, modify or extend time limits imposed or permitted by this subtitle for a period not in excess of an additional banking day without discharge of secondary parties and without liability to its transferor or any prior party.

(2) Delay by a collecting bank or payor bank beyond time limits prescribed or permitted by this subtitle or by instructions is excused if

caused by interruption of communication facilities, suspension of payments by another bank, war, emergency conditions or other circumstances beyond the control of the bank provided it exercises such diligence as the circumstances require.

§ 28:4—109. Process of posting

The "process of posting" means the usual procedure followed by a payor bank in determining to pay an item and in recording the payment including one or more of the following or other steps as determined by the bank:

(a) verification of any signature;
(b) ascertaining that sufficient funds are available;
(c) affixing a "paid" or other stamp;
(d) entering a charge or entry to a customer's account;
(e) correcting or reversing an entry or erroneous action with respect to the item.

PART 2—COLLECTION OF ITEMS: DEPOSITARY AND COLLECTING BANKS

§ 28:4—201. Presumption and duration of agency status of collecting banks and provisional status of credits; applicability of article; item indorsed "pay any bank"

(1) Unless a contrary intent clearly appears and prior to the time that a settlement given by a collecting bank for an item is or becomes final (subsection (3) of section 28:4—211 and sections 28:4—212 and 28:4—213) the bank is an agent or sub-agent of the owner of the item and any settlement given for the item is provisional. This provision applies regardless of the form of indorsement or lack of indorsement and even though credit given for the item is subject to immediate withdrawal as of right or is in fact withdrawn; but the continuance of ownership of an item by its owner and any rights of the owner to proceeds of the item are subject to rights of a collecting bank such as those resulting from outstanding advances on the item and valid rights of setoff. When an item is handled by banks for purposes of presentment, payment and collection, the relevant provisions of this article apply even though action of parties clearly establishes that a particular bank has purchased the item and is the owner of it.

(2) After an item has been indorsed with the words "pay any bank" or the like, only a bank may acquire the rights of a holder

(a) until the item has been returned to the customer initiating collection; or

(b) until the item has been specially indorsed by a bank to a person who is not a bank.

§ 28:4—202. Responsibility for collection; when action seasonable

(1) A collecting bank must use ordinary care in

(a) presenting an item or sending it for presentment; and

(b) sending notice of dishonor or non-payment or returning an item other than a documentary draft to the bank's transferor or directly to the depositary bank under subsection (2) of section 28:4—212 after learning that the item has not been paid or accepted, as the case may be; and

(c) settling for an item when the bank receives final settlement; and

(d) making or providing for any necessary protest; and

(e) notifying its transferor of any loss or delay in transit within a reasonable time after discovery thereof.

(2) A collecting bank taking proper action before its midnight deadline following receipt of an item, notice or payment acts season-

ably; taking proper action within a reasonably longer time may be seasonable but the bank has the burden of so establishing.

(3) Subject to subsection (1)(a), a bank is not liable for the insolvency, neglect, misconduct, mistake or default of another bank or person or for loss or destruction of an item in transit or in the possession of others.

§ 28:4—203. Effect of instructions

Subject to the provisions of article 3 concerning conversion of instruments (section 28:3—419) and the provisions of both article 3 and this article concerning restrictive indorsements only a collecting bank's transferor can give instructions which affect the bank or constitute notice to it and a collecting bank is not liable to prior parties for any action taken pursuant to such instructions or in accordance with any agreement with its transferor.

§ 28:4—204. Methods of sending and presenting; sending direct to payor bank

(1) A collecting bank must send items by reasonably prompt method taking into consideration any relevant instructions, the nature of the item, the number of such items on hand, and the cost of collection involved and the method generally used by it or others to present such items.

(2) A collecting bank may send

(a) any item direct to the payor bank;

(b) any item to any non-bank payor if authorized by its transferor; and

(c) any item other than documentary drafts to any non-bank payor, if authorized by Federal Reserve regulation or operating letter, clearing house rule or the like.

(3) Presentment may be made by a presenting bank at a place where the payor bank has requested that presentment be made.

§ 28:4—205. Supplying missing indorsement; no notice from prior indorsement

(1) A depositary bank which has taken an item for collection may supply any indorsement of the customer which is necessary to title unless the item contains the words "payee's indorsement required" or the like. In the absence of such a requirement a statement placed on the item by the depositary bank to the effect that the item was deposited by a customer or credited to his account is effective as the customer's indorsement.

(2) An intermediary bank, or payor bank which is not a depositary bank, is neither given notice nor otherwise affected by a restrictive indorsement of any person except the bank's immediate transferor.

§ 28:4—206. Transfer between banks

Any agreed method which identifies the transferor bank is sufficient for the item's further transfer to another bank.

§ 28:4—207. Warranties of customer and collecting bank on transfer or presentment of items; time for claims

(1) Each customer or collecting bank who obtains payment or acceptance of an item and each prior customer and collecting bank warrants to the payor bank or other payor who in good faith pays or accepts the item that

(a) he has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title; and

(b) he has no knowledge that the signature of the maker or drawer is unauthorized, except that this warranty is not given

by any customer or collecting bank that is a holder in due course and acts in good faith

(i) to a maker with respect to the maker's own signature; or

(ii) to a drawer with respect to the drawer's own signature, whether or not the drawer is also the drawee; or

(iii) to an acceptor of an item if the holder in due course took the item after the acceptance or obtained the acceptance without knowledge that the drawer's signature was unauthorized; and

(c) the item has not been materially altered, except that this warranty is not given by any customer or collecting bank that is a holder in due course and acts in good faith

(i) to the maker of a note; or

(ii) to the drawer of a draft whether or not the drawer is also the drawee; or

(iii) to the acceptor of an item with respect to an alteration made prior to the acceptance if the holder in due course took the item after the acceptance, even though the acceptance provided "payable as originally drawn" or equivalent terms; or

(iv) to the acceptor of an item with respect to an alteration made after the acceptance.

(2) Each customer and collecting bank who transfers an item and receives a settlement or other consideration for it warrants to his transferee and to any subsequent collecting bank who takes the item in good faith that

(a) he has a good title to the item or is authorized to obtain payment or acceptance on behalf of one who has a good title and the transfer is otherwise rightful; and

(b) all signatures are genuine or authorized; and

(c) the item has not been materially altered; and

(d) no defense of any party is good against him; and

(e) he has no knowledge of any insolvency proceeding instituted with respect to the maker or acceptor or the drawer of an unaccepted item.

In addition each customer and collecting bank so transferring an item and receiving a settlement or other consideration engages that upon dishonor and any necessary notice of dishonor and protest he will take up the item.

(3) The warranties and the engagement to honor set forth in the two preceding subsections arise notwithstanding the absence of indorsement of words of guaranty or warranty in the transfer or presentment and a collecting bank remains liable for their breach despite remittance to its transferor. Damages for breach of such warranties or engagement to honor shall not exceed the consideration received by the customer or collecting bank responsible plus finance charges and expenses related to the item, if any.

(4) Unless a claim for breach of warranty under this section is made within a reasonable time after the person claiming learns of the breach, the person liable is discharged to the extent of any loss caused by the delay in making claim.

§ 28:4—208. Security interest of collecting bank in items, accompanying documents and proceeds

(1) A bank has a security interest in an item and any accompanying documents or the proceeds of either

(a) in case of an item deposited in an account to the extent to which credit given for the item has been withdrawn or applied;

(b) in case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given whether or not the credit is drawn upon and whether or not there is a right of charge-back; or

(c) if it makes an advance on or against the item.

(2) When credit which has been given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part the security interest remains upon all the items, any accompanying documents or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.

(3) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents and proceeds. To the extent and so long as the bank does not receive final settlement for the item or give up possession of the item or accompanying documents for purposes other than collection, the security interest continues and is subject to the provisions of article 9 except that

(a) no security agreement is necessary to make the security interest enforceable (subsection (1)(b) of section 28:9—203); and

(b) no filing is required to perfect the security interest; and

(c) the security interest has priority over conflicting perfected security interests in the item, accompanying documents or proceeds.

§ 28:4—209. When bank gives value for purposes of holder in due course

For purposes of determining its status as a holder in due course, the bank has given value to the extent that it has a security interest in an item provided that the bank otherwise complies with the requirements of section 28:3—302 on what constitutes a holder in due course.

§ 28:4—210. Presentment by notice of item not payable by, through or at a bank; liability of secondary parties

(1) Unless otherwise instructed, a collecting bank may present an item not payable by, through or at a bank by sending to the party to accept or pay a written notice that the bank holds the item for acceptance or payment. The notice must be sent in time to be received on or before the day when presentment is due and the bank must meet any requirement of the party to accept or pay under section 28:3—505 by the close of the bank's next banking day after it knows of the requirement.

(2) Where presentment is made by notice and neither honor nor request for compliance with a requirement under section 28:3—505 is received by the close of business on the day after maturity or in the case of demand items by the close of business on the third banking day after notice was sent, the presenting bank may treat the item as dishonored and charge any secondary party by sending him notice of the facts.

§ 28:4—211. Media of remittance; provisional and final settlement in remittance cases

(1) A collecting bank may take in settlement of an item

(a) a check of the remitting bank or of another bank on any bank except the remitting bank; or

(b) a cashier's check or similar primary obligation of a remitting bank which is a member of or clears through a member of the same clearing house or group as the collecting bank; or

(c) appropriate authority to charge an account of the remitting bank or of another bank with the collecting bank; or

(d) if the item is drawn upon or payable by a person other than a bank, a cashier's check, certified check or other bank check or obligation.

(2) If before its midnight deadline the collecting bank properly dishonors a remittance check or authorization to charge on itself or presents or forwards for collection a remittance instrument of or on another bank which is of a kind approved by subsection (1) or has not been authorized by it, the collecting bank is not liable to prior parties in the event of the dishonor of such check, instrument or authorization.

(3) A settlement for an item by means of a remittance instrument or authorization to charge is or becomes a final settlement as to both the person making and the person receiving the settlement.

(a) if the remittance instrument or authorization to charge is of a kind approved by subsection (1) or has not been authorized by the person receiving the settlement and in either case the person receiving the settlement acts seasonably before its midnight deadline in presenting, forwarding for collection or paying the instrument or authorization,—at the time the remittance instrument or authorization is finally paid by the payor by which it is payable;

(b) if the person receiving the settlement has authorized remittance by a non-bank check or obligation or by a cashier's check or similar primary obligation of or a check upon the payor or other remitting bank which is not of a kind approved by subsection (1)(b),—at the time of the receipt of such remittance check or obligation; or

(c) if in a case not covered by sub-paragraphs (a) or (b) the person receiving the settlement fails to seasonably present, forward for collection, pay or return a remittance instrument or authorization to it to charge before its midnight deadline,—at such midnight deadline.

§ 28:4—212. Right of charge-back or refund

(1) If a collecting bank has made provisional settlement with its customer for an item and itself fails by reason of dishonor, suspension of payments by a bank or otherwise to receive a settlement for the item which is or becomes final, the bank may revoke the settlement given by it, charge back the amount of any credit given for the item to its customer's account or obtain refund from its customer whether or not it is able to return the items if by its midnight deadline or within a longer reasonable time after it learns the facts it returns the item or sends notification of the facts. These rights to revoke, charge-back and obtain refund terminate if and when a settlement for the item received by the bank is or becomes final (subsection (3) of section 28:4—211 and subsections (2) and (3) of section 28:4—213).

(2) (Omitted.)

(3) A depositary bank which is also the payor may charge-back the amount of an item to its customer's account or obtain refund in accordance with the section governing return of an item received by a payor bank for credit on its books (section 28:4—301).

(4) The right to charge-back is not affected by

(a) prior use of the credit given for the item; or

(b) failure by any bank to exercise ordinary care with respect to the item but any bank so failing remains liable.

(5) A failure to charge-back or claim refund does not affect other rights of the bank against the customer or any other party.

(6) If credit is given in dollars as the equivalent of the value of an item payable in a foreign currency the dollar amount of any charge-

back or refund shall be calculated on the basis of the buying sight rate for the foreign currency prevailing on the day when the person entitled to the charge-back or refund learns that it will not receive payment in ordinary course.

§ 28:4—213. Final payment of item by payor bank; when provisional debits and credits become final; when certain credits become available for withdrawal

(1) An item is finally paid by a payor bank when the bank has done any of the following, whichever happens first:

(a) paid the item in cash; or

(b) settled for the item without reserving a right to revoke the settlement and without having such right under statute, clearing house rule or agreement; or

(c) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith; or

(d) made a provisional settlement for the item and failed to revoke the settlement in the time and manner permitted by statute, clearing house rule or agreement.

Upon a final payment under subparagraphs (b), (c) or (d) the payor bank shall be accountable for the amount of the item.

(2) If provisional settlement for an item between the presenting and payor banks is made through a clearing house or by debits or credits in an account between them, then to the extent that provisional debits or credits for the item are entered in accounts between the presenting and payor banks or between the presenting and successive prior collecting banks seriatim, they become final upon final payment of the item by the payor bank.

(3) If a collecting bank receives a settlement for an item which is or becomes final (subsection (3) of section 28:4—211, subsection (2) of section 28:4—213) the bank is accountable to its customer for the amount of the item and any provisional credit given for the item in an account with its customer becomes final.

(4) Subject to any right of the bank to apply the credit to an obligation of the customer, credit given by a bank for an item in an account with its customer becomes available for withdrawal as of right

(a) in any case where the bank has received a provisional settlement for the item,—when such settlement becomes final and the bank has had a reasonable time to learn that the settlement is final;

(b) in any case where the bank is both a depositary bank and a payor bank and the item is finally paid,—at the opening of the bank's second banking day following receipt of the item.

(5) A deposit of money in a bank is final when made but, subject to any right of the bank to apply the deposit to an obligation of the customer, the deposit becomes available for withdrawal as of right at the opening of the bank's next banking day following receipt of the deposit.

§ 28:4—214. Insolvency and preference

(1) Any item in or coming into the possession of a payor or collecting bank which suspends payment and which item is not finally paid shall be returned by the receiver, trustee or agent in charge of the closed bank to the presenting bank or the closed bank's customer.

(2) If a payor bank finally pays an item and suspends payments without making a settlement for the item with its customer or the presenting bank which settlement is or becomes final, the owner of the item has a preferred claim against the payor bank.

(3) If a payor bank gives or a collecting bank gives or receives a provisional settlement for an item and thereafter suspends payments, the suspension does not prevent or interfere with the settlement becoming final if such finality occurs automatically upon the lapse of certain time or the happening of certain events (subsection (3) of section 28:4—211, subsections (1) (d), (2) and (3) of section 28:4—213).

(4) If a collecting bank receives from subsequent parties settlement for an item which settlement is or becomes final and suspends payments without making a settlement for the item with its customer which is or becomes final, the owner of the item has a preferred claim against such collecting bank.

PART 3—COLLECTION OF ITEMS: PAYOR BANKS

§ 28:4—301. Deferred posting; recovery of payment by return of items; time of dishonor

(1) Where an authorized settlement for a demand item (other than a documentary draft) received by a payor bank otherwise than for immediate payment over the counter has been made before midnight of the banking day of receipt the payor bank may revoke the settlement and recover any payment if before it has made final payment (subsection (1) of section 28:4—213) and before its midnight deadline it

(a) returns the item; or

(b) sends written notice of dishonor or nonpayment if the item is held for protest or is otherwise unavailable for return.

(2) If a demand item is received by a payor bank for credit on its books it may return such item or send notice of dishonor and may revoke any credit given or recover the amount thereof withdrawn by its customer, if it acts within the time limit and in the manner specified in the preceding subsection.

(3) Unless previous notice of dishonor has been sent an item is dishonored at the time when for purposes of dishonor it is returned or notice sent in accordance with this section.

(4) An item is returned:

(a) as to an item received through a clearing house, when it is delivered to the presenting or last collecting bank or to the clearing house or is sent or delivered in accordance with its rules; or

(b) in all other cases, when it is sent or delivered to the bank's customer or transferor or pursuant to his instructions.

§ 28:4—302. Payor bank's responsibility for late return of item

In the absence of a valid defense such as breach of a presentment warranty (subsection (1) of section 28:4—207), settlement effected or the like, if an item is presented on and received by a payor bank the bank is accountable for the amount of

(a) a demand item other than a documentary draft whether properly payable or not if the bank, in any case where it is not also the depositary bank, retains the item beyond midnight of the banking day of receipt without settling for it or, regardless of whether it is also the depositary bank, does not pay or return the item or send notice of dishonor until after its midnight deadline; or

(b) any other properly payable item unless within the time allowed for acceptance or payment of that item the bank either accepts or pays the item or returns it and accompanying documents.

§ 28:4—303. When items subject to notice, stop-order, legal process or setoff; order in which items may be charged or certified

(1) Any knowledge, notice or stop-order received by, legal process served upon or setoff exercised by a payor bank, whether or not effective under other rules of law to terminate, suspend or modify the bank's right or duty to pay an item or to charge its customer's account for the item, comes too late to so terminate, suspend or modify such right or duty if the knowledge, notice, stop-order or legal process is received or served and a reasonable time for the bank to act thereon expires or the setoff is exercised after the bank has done any of the following:

(a) accepted or certified the item;

(b) paid the item in cash;

(c) settled for the item without reserving a right to revoke the settlement and without having such right under statute, clearing house rule or agreement;

(d) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith or otherwise has evidenced by examination of such indicated account and by action its decision to pay the item; or

(e) become accountable for the amount of the item under subsection (1)(d) of section 28:4—213 and section 28:4—302 dealing with the payor bank's responsibility for late return items.

(2) Subject to the provisions of subsection (1) items may be accepted, paid, certified or charged to the indicated account of its customer in any order convenient to the bank.

PART 4—RELATIONSHIP BETWEEN PAYOR BANK AND ITS CUSTOMER

§ 28:4—401. When bank may charge customer's account

(1) As against its customer, a bank may charge against his account any item which is otherwise properly payable from that account even though the charge creates an overdraft.

(2) A bank which in good faith makes payment to a holder may charge the indicated account of its customer according to

(a) the original tenor of his altered item; or

(b) the tenor of his completed item, even though the bank knows the item has been completed unless the bank has notice that the completion was improper.

§ 28:4—402. Bank's liability to customer for wrongful dishonor

A payor bank is liable to its customer for damages proximately caused by the wrongful dishonor of an item. When the dishonor occurs through mistake liability is limited to actual damages proved. If so proximately caused and proved damages may include damages for an arrest or prosecution of the customer or other consequential damages. Whether any consequential damages are proximately caused by the wrongful dishonor is a question of fact to be determined in each case.

§ 28:4—403. Customer's right to stop payment; burden of proof of loss

(1) A customer may by order to his bank stop payment of any item payable for his account but the order must be received at such time and in such manner as to afford the bank a reasonable opportunity to act on it prior to any action by the bank with respect to the item described in section 28:4—303. No such order shall be valid, however, unless it shall be in writing specifically describing the item to which it relates by stating the amount, date and payee thereof.

(2) Anything in this section 28:4—403 to the contrary notwithstanding, any stop payment order transmitted by telephone by a customer to an officer of a bank, while such officer is on the premises thereof, shall be accepted by such bank, upon such identification that will insure the order has been transmitted by such customer, as an effective order for a period of twenty-four hours, after which time it shall no longer be valid unless followed by a written order as provided in this section 28:4—403. A written order is effective for only six months unless renewed in writing. The bank may, at its option and without liability, stop payment of an item after the expiration of a stop payment order or any renewal thereof relating to such item.

(3) The burden of establishing the fact and amount of loss resulting from the payment of an item contrary to a binding stop payment order is on the customer.

§ 28:4—404. Bank not obligated to pay check more than six months old

A bank is under no obligation to a customer having a checking account to pay a check, other than a certified check, which is presented more than six months after its date, but it may charge its customer's account for a payment made thereafter in the absence of an effective stop payment order in accordance with section 28:4—403.

§ 28:4—405. Death or incompetence of customer

(1) A payor or collecting bank's authority to accept, pay or collect an item or to account for proceeds of its collection if otherwise effective is not rendered ineffective by incompetence of a customer of either bank existing at the time the item is issued or its collection is undertaken if the bank does not know of an adjudication of incompetence. Neither death nor incompetence of a customer revokes such authority to accept, pay, collect or account until the bank knows of the fact of death or of an adjudication of incompetence and has reasonable opportunity to act on it.

(2) Even with knowledge a bank may for ten days after the date of death pay or certify checks drawn on or prior to that date unless ordered to stop payment by a person claiming an interest in the account.

§ 28:4—406. Customer's duty to discover and report unauthorized signature or alteration

(1) When a bank sends to its customer a statement of account accompanied by items paid in good faith in support of the debit entries or holds the statement and items pursuant to a request or instructions of its customer or otherwise in a reasonable manner makes the statement and items available to the customer, the customer must exercise reasonable care and promptness to examine the statement and items to discover his unauthorized signature or any alteration on an item and must notify the bank promptly after discovery thereof.

(2) If the bank establishes that the customer failed with respect to an item to comply with the duties imposed on the customer by subsection (1) the customer is precluded from asserting against the bank

(a) his unauthorized signature or any alteration on the item if the bank also establishes that it suffered a loss by reason of such failure; and

(b) an unauthorized signature or alteration by the same wrongdoer on any other item paid in good faith by the bank after the first item and statement was available to the customer for a reasonable period not exceeding fourteen calendar days and before the bank receives notification from the customer of any such unauthorized signature or alteration.

(3) The preclusion under subsection (2) does not apply if the customer establishes lack of ordinary care on the part of the bank in paying the item(s).

(4) Without regard to care or lack of care of either the customer or the bank a customer who does not within one year from the time the statement and items are made available to the customer (subsection (1)) discover and report his unauthorized signature or any alteration on the face or back of the item or does not within three years from that time discover and report any unauthorized indorsement is precluded from asserting against the bank such unauthorized signature or indorsement or such alteration.

(5) If under this section a payor bank has a valid defense against a claim of a customer upon or resulting from payment of an item and waives or fails upon request to assert the defense the bank may not assert against any collecting bank or other prior party presenting or transferring the item a claim based upon the unauthorized signature or alteration giving rise to the customer's claim.

§ 28:4—407. Payor bank's right to subrogation on improper payment

If a payor bank has paid an item over the stop payment order of the drawer or maker or otherwise under circumstances giving a basis for objection by the drawer or maker, to prevent unjust enrichment and only to the extent necessary to prevent loss to the bank by reason of its payment of the item, the payor bank shall be subrogated to the rights

(a) of any holder in due course on the item against the drawer or maker; and

(b) of the payee or any other holder of the item against the drawer or maker either on the item or under the transaction out of which the item arose; and

(c) of the drawer or maker against the payee or any other holder of the item with respect to the transaction out of which the item arose.

PART 5—COLLECTION OF DOCUMENTARY DRAFTS

§ 28:4—501. Handling of documentary drafts; duty to send for presentment and to notify customer of dishonor

A bank which takes a documentary draft for collection must present or send the draft and accompanying documents for presentment and upon learning that the draft has not been paid or accepted in due course must seasonably notify its customer of such fact even though it may have discounted or bought the draft or extended credit available for withdrawal as of right.

§ 28:4—502. Presentment of "on arrival" drafts

When a draft or the relevant instructions require presentment "on arrival", "when goods arrive" or the like, the collecting bank need not present until in its judgment a reasonable time for arrival of the goods has expired. Refusal to pay or accept because the goods have not arrived is not dishonor; the bank must notify its transferor of such refusal but need not present the draft again until it is instructed to do so or learns of the arrival of the goods.

§ 28:4—503. Responsibility of presenting bank for documents and goods; report of reasons for dishonor; referee in case of need

Unless otherwise instructed and except as provided in article 5 a bank presenting a documentary draft

(a) must deliver the documents to the drawee on acceptance of the draft if it is payable more than three days after presentment; otherwise, only on payment; and

(b) upon dishonor, either in the case of presentment for acceptance or presentment for payment, may seek and follow instructions from any referee in case of need designated in the draft or if the presenting bank does not choose to utilize his services it must use diligence and good faith to ascertain the reason for dishonor, must notify its transferor of the dishonor and of the results of its effort to ascertain the reasons therefor and must request instructions.

But the presenting bank is under no obligation with respect to goods represented by the documents except to follow any reasonable instructions seasonably received; it has a right to reimbursement for any expense incurred in following instructions and to prepayment of or indemnity for such expenses.

§ 28:4—504. Privilege of presenting bank to deal with goods; security interest for expenses

(1) A presenting bank which, following the dishonor of a documentary draft, has seasonably requested instructions but does not receive them within a reasonable time may store, sell, or otherwise deal with the goods in any reasonable manner.

(2) For its reasonable expenses incurred by action under subsection (1) the presenting bank has a lien upon the goods or their proceeds, which may be foreclosed in the same manner as an unpaid seller's lien.

ARTICLE 5—LETTERS OF CREDIT

Sec.

28:5—101. Short title.
28:5—102. Scope.
28:5—103. Definitions.
28:5—104. Formal requirements; signing.
28:5—105. Consideration.
28:5—106. Time and effect of establishment of credit.
28:5—107. Advice of credit; confirmation; error in statement of terms.
28:5—108. "Notation credit"; exhaustion of credit.
28:5—109. Issuer's obligation to its customer.
28:5—110. Availability of credit in portions; presenter's reservation of lien or claim.
28:5—111. Warranties on transfer and presentment.
28:5—112. Time allowed for honor or rejection; withholding honor or rejection by consent; "presenter".
28:5—113. Indemnities.
28:5—114. Issuer's duty and privilege to honor; right to reimbursement.
28:5—115. Remedy for improper dishonor or anticipatory repudiation.
28:5—116. Transfer and assignment.
28:5—117. Insolvency of bank holding funds for documentary credit.

§ 28:5—101. Short title

Citation of article.

The article shall be known and may be cited as Uniform Commercial Code—Letters of Credit.

§ 28:5—102. Scope

(1) This article applies

(a) to a credit issued by a bank if the credit requires a documentary draft or a documentary demand for payment; and

(b) to a credit issued by a person other than a bank if the credit requires that the draft or demand for payment be accompanied by a document of title; and

(c) to a credit issued by a bank or other person if the credit is not within subparagraphs (a) or (b) but conspicuously states that it is a letter of credit or is conspicuously so entitled.

(2) Unless the engagement meets the requirements of subsection (1), this article does not apply to engagements to make advances or to honor drafts or demands for payment, to authorities to pay or purchase, to guarantees or to general agreements.

(3) This article deals with some but not all of the rules and concepts of letters of credit as such rules or concepts have developed prior to this subtitle or may hereafter develop. The fact that this article states a rule does not by itself require, imply or negate application of the same or a converse rule to a situation not provided for or to a person not specified by this article.

§ 28:5—103. Definitions

(1) In this article unless the context otherwise requires

(a) "Credit" or "letter of credit" means an engagement by a bank or other person made at the request of a customer and of a kind within the scope of this article (section 28:5—102) that the issuer will honor drafts or other demands for payment upon compliance with the conditions specified in the credit. A credit may be either revocable or irrevocable. The engagement may be either an agreement to honor or a statement that the bank or other person is authorized to honor.

(b) A "documentary draft" or a "documentary demand for payment" is one honor of which is conditioned upon the presentation of a document or documents. "Document" means any paper including document of title, security, invoice, certificate, notice of default and the like.

(c) An "issuer" is a bank or other person issuing a credit.

(d) A "beneficiary" of a credit is a person who is entitled under its terms to draw or demand payment.

(e) An "advising bank" is a bank which gives notification of the issuance of a credit by another bank.

(f) A "confirming bank" is a bank which engages either that it will itself honor a credit already issued by another bank or that such a credit will be honored by the issuer or a third bank.

(g) A "customer" is a buyer or other person who causes an issuer to issue a credit. The term also includes a bank which procures issuance or confirmation on behalf of that bank's customer.

(2) Other definitions applying to this article and the sections in which they appear are:

"Notation of credit". Section 28:5—108.

"Presenter". Section 28:5—112(3).

(3) Definitions in other articles applying to this article and the sections in which they appear are:

"Accept" or "Acceptance". Section 28:3—410.

"Contract for sale". Section 28:2—106.

"Draft". Section 28:3—104.

"Holder in due course". Section 28:3—302.

"Midnight deadline". Section 28:4—104.

"Security". Section 28:8—102.

(4) In addition, article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

§ 28:5—104. Formal requirements; signing

(1) Except as otherwise required in subsection (1)(c) of section 28:5—102 on scope, no particular form of phrasing is required for a credit. A credit must be in writing and signed by the issuer and a confirmation must be in writing and signed by the confirming bank. A modification of the terms of a credit or confirmation must be signed by the issuer or confirming bank.

(2) A telegram may be a sufficient signed writing if it identifies its sender by an authorized authentication. The authentication may be in code and the authorized naming of the issuer in an advice of credit is a sufficient signing.

§ 28:5—105. Consideration

No consideration is necessary to establish a credit or to enlarge or otherwise modify its terms.

§ 28:5—106. Time and effect of establishment of credit

(1) Unless otherwise agreed a credit is established

(a) as regards the customer as soon as a letter of credit is sent to him or the letter of credit or an authorized written advice of its issuance is sent to the beneficiary; and

(b) as regards the beneficiary when he receives a letter of credit or an authorized written advice of its issuance.

(2) Unless otherwise agreed once an irrevocable credit is established as regards the customer it can be modified or revoked only with the consent of the customer and once it is established as regards the beneficiary it can be modified or revoked only with his consent.

(3) Unless otherwise agreed after a revocable credit is established it may be modified or revoked by the issuer without notice to or consent from the customer or beneficiary.

(4) Notwithstanding any modification or revocation of a revocable credit any person authorized to honor or negotiate under the terms of the original credit is entitled to reimbursement for or honor of any draft or demand for payment duly honored or negotiated before receipt of notice of the modification or revocation and the issuer in turn is entitled to reimbursement from its customer.

§ 28:5—107. Advice of credit; confirmation; error in statement of terms

(1) Unless otherwise specified an advising bank by advising a credit issued by another bank does not assume any obligation to honor drafts drawn or demands for payment made under the credit but it does assume obligation for the accuracy of its own statement.

(2) A confirming bank by confirming a credit becomes directly obligated on the credit to the extent of its confirmation as though it were its issuer and acquires the rights of an issuer.

(3) Even though an advising bank incorrectly advises the terms of a credit it has been authorized to advise the credit is established as against the issuer to the extent of its original terms.

(4) Unless otherwise specified the customer bears as against the issuer all risks of transmission and reasonable translation or interpretation of any message relating to a credit.

§ 28:5—108. "Notation credit"; exhaustion of credit

(1) A credit which specifies that any person purchasing or paying drafts drawn or demands for payment made under it must note the amount of the draft or demand on the letter or advice of credit is a "notation credit".

(2) Under a notation credit

(a) a person paying the beneficiary or purchasing a draft or demand for payment from him acquires a right to honor only if the appropriate notation is made and by transferring or forwarding for honor the documents under the credit such a person warrants to the issuer that the notation has been made; and

(b) unless the credit or a signed statement that an appropriate notation has been made accompanies the draft or demand for payment the issuer may delay honor until evidence of notation has been procured which is satisfactory to it but its obligation and

that of its customer continue for a reasonable time not exceeding thirty days to obtain such evidence.

(3) If the credit is not a notation credit

(a) the issuer may honor complying drafts or demands for payment presented to it in the order in which they are presented and is discharged pro tanto by honor of any such draft or demand;

(b) as between competing good faith purchasers of complying drafts or demands the person first purchasing has priority over a subsequent purchaser even though the later purchased draft or demand has been first honored.

§ 28:5—109. Issuer's obligation to its customer

(1) An issuer's obligation to its customer includes good faith and observance of any general banking usage but unless otherwise agreed does not include liability or responsibility

(a) for performance of the underlying contract for sale or other transaction between the customer and the beneficiary; or

(b) for any act or omission of any person other than itself or its own branch or for loss or destruction of a draft, demand or document in transit or in the possession of others; or

(c) based on knowledge or lack of knowledge of any usage of any particular trade.

(2) An issuer must examine documents with care so as to ascertain that on their face they appear to comply with the terms of the credit but unless otherwise agreed assumes no liability or responsibility for the genuineness, falsification or effect of any document which appears on such examination to be regular on its face.

(3) A non-bank issuer is not bound by any banking usage of which it has no knowledge.

§ 28:5—110. Availability of credit in portions; presenter's reservation of lien or claim

(1) Unless otherwise specified a credit may be used in portions in the discretion of the beneficiary.

(2) Unless otherwise specified a person by presenting a documentary draft or demand for payment under a credit relinquishes upon its honor all claims to the documents and a person by transferring such draft or demand or causing such presentment authorizes such relinquishment. An explicit reservation of claim makes the draft or demand non-complying.

§ 28:5—111. Warranties on transfer and presentment

(1) Unless otherwise agreed the beneficiary by transferring or presenting a documentary draft or demand for payment warrants to all interested parties that the necessary conditions of the credit have been complied with. This is in addition to any warranties arising under articles 3, 4, 7 and 8.

(2) Unless otherwise agreed a negotiating, advising, confirming, collecting or issuing bank presenting or transferring a draft or demand for payment under a credit warrants only the matters warranted by a collecting bank under article 4 and any such bank transferring a document warrants only the matters warranted by an intermediary under articles 7 and 8.

§ 28:5—112. Time allowed for honor or rejection; withholding honor or rejection by consent; "presenter"

(1) A bank to which a documentary draft or demand for payment is presented under a credit may without dishonor of the draft, demand, or credit

(a) defer honor until the close of the third banking day following receipt of the documents; and

(b) further defer honor if the presenter has expressly or impliedly consented thereto.

Failure to honor within the time here specified constitutes dishonor of the draft or demand and of the credit.

(2) Upon dishonor the bank may unless otherwise instructed fulfill its duty to return the draft or demand and the documents by holding them at the disposal of the presenter and sending him an advice to that effect.

(3) "Presenter" means any person presenting a draft or demand for payment for honor under a credit even though that person is a confirming bank or other correspondent which is acting under an issuer's authorization.

§ 28:5—113. Indemnities

(1) A bank seeking to obtain (whether for itself or another) honor, negotiation or reimbursement under a credit may give an indemnity to induce such honor, negotiation or reimbursement.

(2) An indemnity agreement inducing honor, negotiation or reimbursement

(a) unless otherwise explicitly agreed applies to defects in the documents but not in the goods; and

(b) unless a longer time is explicitly agreed expires at the end of ten business days following receipt of the documents by the ultimate customer unless notice of objection is sent before such expiration date. The ultimate customer may send notice of objection to the person from whom he received the documents and any bank receiving such notice is under a duty to send notice to its transferor before its midnight deadline.

§ 28:5—114. Issuer's duty and privilege to honor; right to reimbursement

(1) An issuer must honor a draft or demand for payment which complies with the terms of the relevant credit regardless of whether the goods or documents conform to the underlying contract for sale or other contract between the customer and the beneficiary. The issuer is not excused from honor of such a draft or demand by reason of an additional general term that all documents must be satisfactory to the issuer, but an issuer may require that specified documents must be satisfactory to it.

(2) Unless otherwise agreed when documents appear on their face to comply with the terms of a credit but a required document does not in fact conform to the warranties made on negotiation or transfer of a document of title (section 28:7—507) or of a security (section 28:8—306) or is forged or fraudulent or there is fraud in the transaction

(a) the issuer must honor the draft or demand for payment if honor is demanded by a negotiating bank or other holder of the draft or demand which has taken the draft or demand under the credit and under circumstances which would make it a holder in due course (section 28:3—302) and in an appropriate case would make it a person to whom a document of title has been duly negotiated (section 28:7—502) or a bona fide purchaser of a security (section 28:8—302); and

(b) in all other cases as against its customer, an issuer acting in good faith may honor the draft or demand for payment despite notification from the customer of fraud, forgery or other defect not apparent on the face of the documents but a court of appropriate jurisdiction may enjoin such honor.

(3) Unless otherwise agreed an issuer which has duly honored a draft or demand for payment is entitled to immediate reimbursement of any payment made under the credit and to be put in effectively available funds not later than the day before maturity of any acceptance made under the credit.

(4) (5) (Omitted.)

§ 28:5—115. Remedy for improper dishonor or anticipatory repudiation

(1) When an issuer wrongfully dishonors a draft or demand for payment presented under a credit the person entitled to honor has with respect to any documents the rights of a person in the position of a seller (section 28:2—707) and may recover from the issuer the face amount of the draft or demand together with incidental damages under section 28:2—710 on seller's incidental damages and interest but less any amount realized by resale or other use or disposition of the subject matter of the transaction. In the event no resale or other utilization is made the documents, goods or other subject matter involved in the transaction must be turned over to the issuer on payment of judgment.

(2) When an issuer wrongfully cancels or otherwise repudiates a credit before presentment of a draft or demand for payment drawn under it the beneficiary has the rights of a seller after anticipatory repudiation by the buyer under section 28:2—610 if he learns of the repudiation in time reasonably to avoid procurement of the required documents. Otherwise the beneficiary has an immediate right of action for wrongful dishonor.

§ 28:5—116. Transfer and assignment

(1) The right to draw under a credit can be transferred or assigned only when the credit is expressly designated as transferable or assignable.

(2) Even though the credit specifically states that it is nontransferable or nonassignable the beneficiary may before performance of the conditions of the credit assign his right to proceeds. Such an assignment is an assignment of a contract right under article 9 on secured transactions and is governed by that article except that

(a) the assignment is ineffective until the letter of credit or advice of credit is delivered to the assignee which delivery constitutes perfection of the security interest under article 9; and

(b) the issuer may honor drafts or demands for payment drawn under the credit until it receives a notification of the assignment signed by the beneficiary which reasonably identifies the credit involved in the assignment and contains a request to pay the assignee; and

(c) after what reasonably appears to be such a notification has been received the issuer may without dishonor refuse to accept or pay even to a person otherwise entitled to honor until the letter of credit or advice of credit is exhibited to the issuer.

(3) Except where the beneficiary has effectively assigned his right to draw or his right to proceeds, nothing in this section limits his right to transfer or negotiate drafts or demands drawn under the credit.

§ 28:5—117. Insolvency of bank holding funds for documentary credit

(1) Where an issuer or an advising or confirming bank or a bank which has for a customer procured issuance of a credit by another bank becomes insolvent before final payment under the credit and the credit is one to which this article is made applicable by paragraphs (a) or (b) of section 28:5—102(1) on scope, the receipt or allocation

of funds or collateral to secure or meet obligations under the credit shall have the following results:

(a) to the extent of any funds or collateral turned over after or before the insolvency as indemnity against or specifically for the purpose of payment of drafts or demands for payment drawn under the designated credit, the drafts or demands are entitled to payment in preference over depositors or other general creditors of the issuer or bank; and

(b) on expiration of the credit or surrender of the beneficiary's rights under it unused any person who has given such funds or collateral is similarly entitled to return thereof; and

(c) a charge to a general or current account with a bank if specifically consented to for the purpose of indemnity against or payment of drafts or demands for payment drawn under the designated credit falls under the same rules as if the funds had been drawn out in cash and then turned over with specific instructions.

(2) After honor or reimbursement under this section the customer or other person for whose account the insolvent bank has acted is entitled to receive the documents involved.

ARTICLE 6—BULK TRANSFERS

Sec.

28:6—101. Short title.
28:6—102. "Bulk transfer"; transfers of equipment; enterprises subject to this article; bulk transfers subject to this article.
28:6—103. Transfers excepted from this article.
28:6—104. Schedule of property, list of creditors.
28:6—105. Notice to creditors.
28:6—106. (Omitted.)
28:6—107. The notice.
28:6—108. Auction sales; "auctioneer"
28:6—109. What creditors protected.
28:6—110. Subsequent transfers.
28:6—111. Limitation of actions and levies.

§ 28:6—101. Short title

Citation of article.

This article shall be known and may be cited as Uniform Commercial Code—Bulk Transfers.

§ 28:6—102. "Bulk transfer"; transfers of equipment; enterprises subject to this article; bulk transfers subject to this article

(1) A "bulk transfer" is any transfer in bulk and not in the ordinary course of the transferor's business of a major part of the materials, supplies, merchandise or other inventory (section 28:9—109) of an enterprise subject to this article.

(2) A transfer of a substantial part of the equipment (section 28:9—109) of such an enterprise is a bulk transfer if it is made in connection with a bulk transfer of inventory, but not otherwise.

(3) The enterprises subject to this article are all those whose principal business is the sale of merchandise from stock, including those who manufacture what they sell.

(4) Except as limited by the following section all bulk transfers of goods located within the District are subject to this article.

§ 28:6—103. Transfers excepted from this article

The following transfers are not subject to this article:

(1) Those made to give security for the performance of an obligation;

(2) General assignments for the benefit of all the creditors of the transferor, and subsequent transfers by the assignee thereunder;

(3) Transfers in settlement or realization of a lien or other security interest;

(4) Sales by executors, administrators, receivers, trustees in bankruptcy, or any public officer under judicial process;

(5) Sales made in the course of judicial or administrative proceedings for the dissolution or reorganization of a corporation and of which notice is sent to the creditors of the corporation pursuant to order of the court or administrative agency;

(6) Transfers to a person maintaining a known place of business in the District who becomes bound to pay the debts of the transferor in full and gives public notice of that fact, and who is solvent after becoming so bound;

(7) A transfer to a new business enterprise organized to take over and continue the business, if public notice of the transaction is given and the new enterprise assumes the debts of the transferor and he receives nothing from the transaction except an interest in the new enterprise junior to the claims of creditors;

(8) Transfers of property which is exempt from execution.

Public notice under subsection (6) or subsection (7) may be given by publishing once a week for two consecutive weeks in a newspaper of general circulation where the transferor had its principal place of business in the District an advertisement including the names and addresses of the transferor and transferee and the effective date of the transfer.

§ 28:6—104. Schedule of property, list of creditors

(1) Except as provided with respect to auction sales (section 28:6—108), a bulk transfer subject to this article is ineffective against any creditor of the transferor unless:

(a) The transferee requires the transferor to furnish a list of his existing creditors prepared as stated in this section; and

(b) The parties prepare a schedule of the property transferred sufficient to identify it; and

(c) The transferee preserves the list and schedule for six months next following the transfer and permits inspection of either or both and copying therefrom at all reasonable hours by any creditor of the transferor, or files the list and schedule in the office of the Recorder of Deeds of the District.

(2) The list of creditors must be signed and sworn to or affirmed by the transferor or his agent. It must contain the names and business addresses of all creditors of the transferor, with the amounts when known, and also the names of all persons who are known to the transferor to assert claims against him even though such claims are disputed. If the transferor is the obligor of an outstanding issue of bonds, debentures or the like as to which there is an indenture trustee, the list of creditors need include only the name and address of the indenture trustee and the aggregate outstanding principal amount of the issue.

(3) Responsibility for the completeness and accuracy of the list of creditors rests on the transferor, and the transfer is not rendered ineffective by errors or omissions therein unless the transferee is shown to have had knowledge.

§ 28:6—105. Notice to creditors

In addition to the requirements of the preceding section, any bulk transfer subject to this article except one made by auction sale (section 28:6—108) is ineffective against any creditor of the transferor unless at least ten days before he takes possession of the goods or pays for them, whichever happens first, the transferee gives notice of the transfer in the manner and to the persons hereafter provided (section 28:6—107).

§ 28:6—106. (Omitted.)

§ 28:6—107. The notice

(1) The notice to creditors (section 28:6—105) shall state:

(a) that a bulk transfer is about to be made; and

(b) the names and business addresses of the transferor and transferee, and all other business names and addresses used by the transferor within three years last past so far as known to the transferee; and

(c) whether or not all the debts of the transferor are to be paid in full as they fall due as a result of the transaction, and if so, the address to which creditors should send their bills.

(2) If the debts of the transferor are not to be paid in full as they fall due or if the transferee is in doubt on that point then the notice shall state further:

(a) the location and general description of the property to be transferred and the estimated total of the transferor's debts;

(b) the address where the schedule of property and list of creditors (section 28:6—104) may be inspected;

(c) whether the transfer is to pay existing debts and if so the amount of such debts and to whom owing;

(d) whether the transfer is for new consideration and if so the amount of such consideration and the time and place of payment.

(3) The notice in any case shall be delivered personally or sent by registered or certified mail to all the persons shown on the list of creditors furnished by the transferor (section 28:6—104) and to all other persons who are known to the transferee to hold or assert claims against the transferor.

§ 28:6—108. Auction sales; "auctioneer"

(1) A bulk transfer is subject to this article even though it is by sale at auction, but only in the manner and with the results stated in this section.

(2) The transferor shall furnish a list of his creditors and assist in the preparation of a schedule of the property to be sold, both prepared as before stated (section 28:6—104).

(3) The person or persons other than the transferor who direct, control or are responsible for the auction are collectively called the "auctioneer". The auctioneer shall:

(a) receive and retain the list of creditors and prepare and retain the schedule of property for the period stated in this article (section 28:6—104);

(b) give notice of the auction personally or by registered or certified mail at least ten days before it occurs to all persons shown on the list of creditors and to all other persons who are known to him to hold or assert claims against the transferor.

(4) Failure of the auctioneer to perform any of these duties does not affect the validity of the sale or the title of the purchasers, but if the auctioneer knows that the auction constitutes a bulk transfer such failure renders the auctioneer liable to the creditors of the transferor as a class for the sums owing to them from the transferor up to but not exceeding the net proceeds of the auction. If the auctioneer consists of several persons their liability is joint and several.

§ 28:6—109. What creditors protected

(1) The creditors of the transferor mentioned in this article are those holding claims based on transactions or events occurring before the bulk transfer, but creditors who become such after notice to

creditors is given (sections 28:6—105 and 28:6—107) are not entitled to notice.

(2) (Omitted.)

§ 28:6—110. Subsequent transfers

When the title of a transferee to property is subject to a defect by reason of his non-compliance with the requirements of this article, then:

(1) a purchaser of any of such property from such transferee who pays no value or who takes with notice of such non-compliance takes subject to such defect, but

(2) a purchaser for value in good faith and without such notice takes free of such defect.

§ 28:6—111. Limitation of actions and levies

No action under this article shall be brought nor levy made more than six months after the date on which the transferee took possession of the goods unless the transfer has been concealed. If the transfer has been concealed, actions may be brought or levies made within six months after its discovery.

ARTICLE 7—WAREHOUSE RECEIPTS, BILLS OF LADING AND OTHER DOCUMENTS OF TITLE

PART 1—GENERAL

Sec.

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28:7—103. Relation of article to treaty, statute, tariff, classification or regulation.
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PART 3—BILLS OF LADING: SPECIAL PROVISIONS

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28:7—302. Through bills of lading and similar documents.
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ARTICLE 7—WAREHOUSE RECEIPTS, BILLS OF LADING AND OTHER DOCUMENTS OF TITLE—Continued

PART 5—WAREHOUSE RECEIPTS AND BILLS OF LADING: NEGOTIATION AND TRANSFER

Sec.
28:7—501. Form of negotiation and requirements of "due negotiation".
28:7—502. Rights acquired by due negotiation.
28:7—503. Document of title to goods defeated in certain cases.
28:7—504. Rights acquired in the absence of due negotiation; effect of diversion; seller's stoppage of delivery.
28:7—505. Indorser not a guarantor for other parties.
28:7—506. Delivery without indorsement: right to compel indorsement.
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PART 6—WAREHOUSE RECEIPTS AND BILLS OF LADING: MISCELLANEOUS PROVISIONS

28:7—601. Lost and missing documents.
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28:7—603. Conflicting claims; interpleader.

PART 1—GENERAL

§ 28:7—101. Short title

Citation of article.

This article shall be known and may be cited as Uniform Commercial Code—Documents of Title.

§ 28:7—102. Definitions and index of definitions

(1) In this article, unless the context otherwise requires:

(a) "Bailee" means the person who by a warehouse receipt, bill of lading or other document of title acknowledges possession of goods and contracts to deliver them.

(b) "Consignee" means the person named in a bill to whom or to whose order the bill promises delivery.

(c) "Consignor" means the person named in a bill as the person from whom the goods have been received for shipment.

(d) "Delivery order" means a written order to deliver goods directed to a warehouseman, carrier or other person who in the ordinary course of business issues warehouse receipts or bills of lading.

(e) "Document" means document of title as defined in the general definitions in article 1 (section 28:1—201).

(f) "Goods" means all things which are treated as movable for the purposes of a contract of storage or transportation.

(g) "Issuer" means a bailee who issues a document except that in relation to an unaccepted delivery order it means the person who orders the possessor of goods to deliver. Issuer includes any person for whom an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, notwithstanding that the issuer received no goods or that the goods were misdescribed or that in any other respect the agent or employee violated his instructions.

(h) "Warehouseman" is a person engaged in the business of storing goods for hire.

(2) Other definitions applying to this article or to specified parts thereof, and the sections in which they appear are:

"Duly negotiate" section 28:7—501.

"Person entitled under the document" section 28:7—403(4).

(3) Definitions in other articles applying to this article and the sections in which they appear are:

"Contract for sale" section 28:2—106.

"Overseas" section 28:2—323.

"Receipt" of goods section 28:2—103.

(4) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

§ 28:7—103. Relation of article to treaty, statute, tariff, classification or regulation

To the extent that any treaty or statute of the United States, regulatory statute of the District or tariff, classification or regulation filed or issued pursuant thereto is applicable, the provisions of this article are subject thereto.

§ 28:7—104. Negotiable and non-negotiable warehouse receipt, bill of lading or other document of title

(1) A warehouse receipt, bill of lading or other document of title is negotiable

(a) if by its terms the goods are to be delivered to bearer or to the order of a named person; or

(b) where recognized in overseas trade, if it runs to a named person or assigns.

(2) Any other document is non-negotiable. A bill of lading in which it is stated that the goods are consigned to a named person is not made negotiable by a provision that the goods are to be delivered only against a written order signed by the same or another named person.

§ 28:7—105. Construction against negative implication

The omission from either part 2 or part 3 of this article of a provision corresponding to a provision made in the other part does not imply that a corresponding rule of law is not applicable.

PART 2—WAREHOUSE RECEIPTS: SPECIAL PROVISIONS

§ 28:7—201. Who may issue a warehouse receipt; storage under government bond

(1) A warehouse receipt may be issued by any warehouseman.

(2) Where goods including distilled spirits and agricultural commodities are stored under a statute requiring a bond against withdrawal or a license for the issuance of receipts in the nature of warehouse receipts, a receipt issued for the goods has like effect as a warehouse receipt even though issued by a person who is the owner of the goods and is not a warehouseman.

§ 28:7—202. Form of warehouse receipt; essential terms; optional terms

(1) A warehouse receipt need not be in any particular form.

(2) Unless a warehouse receipt embodies within its written or printed terms each of the following, the warehouseman is liable for damages caused by the omission to a person injured thereby:

(a) the location of the warehouse where the goods are stored;

(b) the date of issue of the receipt;

(c) the consecutive number of the receipt;

(d) a statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order;

(e) the rate of storage and handling charges, except that where goods are stored under a field warehousing arrangement a statement of that fact is sufficient on a non-negotiable receipt;

(f) a description of the goods or of the packages containing them;

(g) the signature of the warehouseman, which may be made by his authorized agent;

(h) if the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership; and

(i) a statement of the amount of advances made and of liabilities incurred for which the warehouseman claims a lien or security interest (section 28:7—209). If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

(3) A warehouseman may insert in his receipt any other terms which are not contrary to the provisions of this subtitle and do not impair his obligation of delivery (section 28:7—403) or his duty of care (section 28:7—204). Any contrary provisions shall be ineffective.

§ 28:7—203. Liability for non-receipt or misdescription

A party to or purchaser for value in good faith of a document of title other than a bill of lading relying in either case upon the description therein of the goods may recover from the issuer damages caused by the non-receipt or misdescription of the goods, except to the extent that the document conspicuously indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, as where the description is in terms of marks or labels or kind, quantity or condition, or the receipt or description is qualified by "contents, condition and quality unknown", "said to contain" or the like, if such indication be true, or the party or purchaser otherwise has notice.

§ 28:7—204. Duty of care; contractual limitation of warehouseman's liability

(1) A warehouseman is liable for damages for loss of or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful man would exercise under like circumstances but unless otherwise agreed he is not liable for damages which could not have been avoided by the exercise of such care.

(2) Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage, and setting forth a specific liability per article or item, or value per unit of weight, beyond which the warehouseman shall not be liable: *Provided, however*, That such liability may on written request of the bailor at the time of signing such storage agreement or within a reasonable time after receipt of the warehouse receipt be increased on part or all of the goods thereunder, in which event increased rates may be charged based on such increased valuation, but that no such increase shall be permitted contrary to a lawful limitation of liability contained in the warehouseman's tariff, if any. No such limitation is effective with respect to the warehouseman's liability for conversion to his own use.

(3) Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the bailment may be included in the warehouse receipt or tariff.

(4) (Omitted.)

§ 28:7—205. Title under warehouse receipt defeated in certain cases

A buyer in the ordinary course of business of fungible goods sold and delivered by a warehouseman who is also in the business of buying and selling such goods takes free of any claim under a warehouse receipt even though it has been duly negotiated.

§ 28:7—206. Termination of storage at warehouseman's option

(1) A warehouseman may on notifying the person on whose account the goods are held and any other person known to claim an interest in the goods require payment of any charges and removal of the goods from the warehouse at the termination of the period of storage fixed by the document, or, if no period is fixed, within a stated period not less than thirty days after the notification. If the goods are not removed before the date specified in the notification, the warehouseman may sell them in accordance with the provisions of the section on enforcement of a warehouseman's lien (section 28:7—210).

(2) If a warehouseman in good faith believes that the goods are about to deteriorate or decline in value to less than the amount of his lien within the time prescribed in subsection (1) for notification, advertisement and sale, the warehouseman may specify in the notification any reasonable shorter time for removal of the goods and in case the goods are not removed, may sell them at public sale held not less than one week after a single advertisement or posting.

(3) If as a result of a quality or condition of the goods of which the warehouseman had no notice at the time of deposit the goods are a hazard to other property or to the warehouse or to persons, the warehouseman may sell the goods at public or private sale without advertisement on reasonable notification to all persons known to claim an interest in the goods. If the warehouseman after a reasonable effort is unable to sell the goods he may dispose of them in any lawful manner and shall incur no liability by reason of such disposition.

(4) The warehouseman must deliver the goods to any person entitled to them under this article upon due demand made at any time prior to sale or other disposition under this section.

(5) The warehouseman may satisfy his lien from the proceeds of any sale or disposition under this section but must hold the balance for delivery on the demand of any person to whom he would have been bound to deliver the goods.

§ 28:7—207. Goods must be kept separate; fungible goods

(1) Unless the warehouse receipt otherwise provides, a warehouseman must keep separate the goods covered by each receipt so as to permit at all times identification and delivery of those goods except that different lots of fungible goods may be commingled.

(2) Fungible goods so commingled are owned in common by the persons entitled thereto and the warehouseman is severally liable to each owner for that owner's share. Where because of overissue a mass of fungible goods is insufficient to meet all the receipts which the warehouseman has issued against it, the persons entitled include all holders to whom overissued receipts have been duly negotiated.

§ 28:7—208. Altered warehouse receipts

Where a blank in a negotiable warehouse receipt has been filled in without authority, a purchaser for value and without notice of the want of authority, may treat the insertion as authorized. Any other unauthorized alteration leaves any receipt enforceable against the issuer according to its original tenor.

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§ 28:7—209. Lien of warehouseman

(1) A warehouseman has a lien against the bailor on the goods covered by a warehouse receipt or on the proceeds thereof in his possession for charges for storage or transportation (including demurrage and terminal charges), insurance, labor, or charges present or future in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for like charges or expenses in relation to other goods whenever deposited and it is stated in the receipt that a lien is claimed for charges and expenses in relation to other goods, the warehouseman also has a lien against him for such charges and expenses whether or not the other goods have been delivered by the warehouseman. But against a person to whom a negotiable warehouse receipt is duly negotiated a warehouseman's lien is limited to charges in an amount or at a rate specified on the receipt or if no charges are so specified then to a reasonable charge for storage of the goods covered by the receipt subsequent to the date of the receipt.

(2) The warehouseman may also reserve a security interest against the bailor for a maximum amount specified on the receipt for charges other than those specified in subsection (1), such as for money advanced and interest. Such a security interest is governed by the article on secured transactions (article 9).

(3) A warehouseman's lien for charges and expenses under subsection (1) or a security interest under subsection (2) is also effective against any person who so entrusted the bailor with possession of the goods that a pledge of them by him to a good faith purchaser for value would have been valid but is not effective against a person as to whom the document confers no right in the goods covered by it under section 28:7—503.

(4) A warehouseman loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

§ 28:7—210. Enforcement of warehouseman's lien

(1) Except as provided in subsection (2), a warehouseman's lien may be enforced by public or private sale of the goods in bloc or in parcels, at any time or place and on any terms which are commercially reasonable, after notifying all persons known to claim an interest in the goods. Such notification must include a statement of the amount due, the nature of the proposed sale and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the warehouseman is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the warehouseman either sells the goods in the usual manner in any recognized market therefor, or if he sells at the price current in such market at the time of his sale, or if he has otherwise sold in conformity with commercially reasonable practices among dealers in the type of goods sold, he has sold in a commercially reasonable manner. A sale of more goods than apparently necessary to be offered to insure satisfaction of the obligation is not commercially reasonable except in cases covered by the preceding sentence.

(2) A warehouseman's lien on goods other than goods stored by a merchant in the course of his business may be enforced only as follows:

(a) All persons known to claim an interest in the goods must be notified.

(b) The notification must be delivered in person or sent by registered or certified letter to the last known address of any person to be notified.

(c) The notification must include an itemized statement of the claim, a description of the goods subject to the lien, a demand for payment within a specified time not less than ten days after receipt of the notification, and a conspicuous statement that unless the claim is paid within that time the goods will be advertised for sale and sold by auction at a specified time and place.

(d) The sale must conform to the terms of the notification.

(e) The sale must be held at the nearest suitable place to that where the goods are held or stored.

(f) After the expiration of the time given in the notification, an advertisement of the sale must be published once a week for two weeks consecutively in a newspaper of general circulation where the sale is to be held. The advertisement must include a description of the goods, the name of the person on whose account they are being held, and the time and place of the sale. The sale must take place at least fifteen days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least ten days before the sale in not less than six conspicuous places in the neighborhood of the proposed sale.

(3) Before any sale pursuant to this section any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section. In that event the goods must not be sold, but must be retained by the warehouseman subject to the terms of the receipt and this article.

(4) The warehouseman may buy at any public sale pursuant to this section.

(5) A purchaser in good faith of goods sold to enforce a warehouseman's lien takes the goods free of any rights of persons against whom the lien was valid, despite noncompliance by the warehouseman with the requirements of this section.

(6) The warehouseman may satisfy his lien from the proceeds of any sale pursuant to this section but must hold the balance, if any, for delivery on demand to any person to whom he would have been bound to deliver the goods.

(7) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against his debtor.

(8) Where a lien is on goods stored by a merchant in the course of his business the lien may be enforced in accordance with either subsection (1) or (2).

(9) The warehouseman is liable for damages caused by failure to comply with the requirements for sale under this section and in case of willful violation is liable for conversion.

PART 3—BILLS OF LADING: SPECIAL PROVISIONS

§ 28:7—301. Liability for non-receipt or misdescription; "said to contain"; "shipper's load and count"; improper handling

(1) A consignee of a non-negotiable bill who has given value in good faith or a holder to whom a negotiable bill has been duly negotiated relying in either case upon the description therein of the goods, or upon the date therein shown, may recover from the issuer damages caused by the misdating of the bill or the non-receipt or misdescription of the goods, except to the extent that the document indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, as where the description is in terms of marks or labels or kind, quantity, or condition or the receipt or description is qualified by "contents or con-

dition of contents of packages unknown", "said to contain", "shipper's weight, load and count" or the like, if such indication be true.

(2) When goods are loaded by an issuer who is a common carrier, the issuer must count the packages of goods if package freight and ascertain the kind and quantity if bulk freight. In such cases "shipper's weight, load and count" or other words indicating that the description was made by the shipper are ineffective except as to freight concealed by packages.

(3) When bulk freight is loaded by a shipper who makes available to the issuer adequate facilities for weighing such freight, an issuer who is a common carrier must ascertain the kind and quantity within a reasonable time after receiving the written request of the shipper to do so. In such cases "shipper's weight" or other words of like purport are ineffective.

(4) The issuer may by inserting in the bill the words "shipper's weight, load and count" or other words of like purport indicate that the goods were loaded by the shipper; and if such statement be true the issuer shall not be liable for damages caused by the improper loading. But their omission does not imply liability for such damages.

(5) The shipper shall be deemed to have guaranteed to the issuer the accuracy at the time of shipment of the description, marks, labels, number, kind, quantity, condition and weight, as furnished by him; and the shipper shall indemnify the issuer against damage caused by inaccuracies in such particulars. The right of the issuer to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.

§ 28:7—302. Through bills of lading and similar documents

(1) The issuer of a through bill of lading or other document embodying an undertaking to be performed in part by persons acting as its agents or by connecting carriers is liable to anyone entitled to recover on the document for any breach by such other persons or by a connecting carrier of its obligation under the document but to the extent that the bill covers an undertaking to be performed overseas or in territory not contiguous to the continental United States or an undertaking including matters other than transportation this liability may be varied by agreement of the parties.

(2) Where goods covered by a through bill of lading or other document embodying an undertaking to be performed in part by persons other than the issuer are received by any such person, he is subject with respect to his own performance while the goods are in his possession to the obligation of the issuer. His obligation is discharged by delivery of the goods to another such person pursuant to the document, and does not include liability for breach by any other such persons or by the issuer.

(3) The issuer of such through bill of lading or other document shall be entitled to recover from the connecting carrier or such other person in possession of the goods when the breach of the obligation under the document occurred, the amount it may be required to pay to anyone entitled to recover on the document therefor, as may be evidenced by any receipt, judgment, or transcript thereof, and the amount of any expense reasonably incurred by it in defending any action brought by anyone entitled to recover on the document therefor.

§ 28:7—303. Diversion; reconsignment; change of instructions

(1) Unless the bill of lading otherwise provides, the carrier may deliver the goods to a person or destination other than that stated in the bill or may otherwise dispose of the goods on instructions from

(a) the holder of a negotiable bill; or

(b) the consignor on a non-negotiable bill notwithstanding contrary instructions from the consignee; or

(c) the consignee on a non-negotiable bill in the absence of contrary instructions from the consignor, if the goods have arrived at the billed destination or if the consignee is in possession of the bill; or

(d) the consignee on a non-negotiable bill if he is entitled as against the consignor to dispose of them.

(2) Unless such instructions are noted on a negotiable bill of lading, a person to whom the bill is duly negotiated can hold the bailee according to the original terms.

§ 28:7—304. Bills of lading in a set

(1) Except where customary in overseas transportation, a bill of lading must not be issued in a set of parts. The issuer is liable for damages caused by violation of this subsection.

(2) Where a bill of lading is lawfully drawn in a set of parts, each of which is numbered and expressed to be valid only if the goods have not been delivered against any other part, the whole of the parts constitute one bill.

(3) Where a bill of lading is lawfully issued in a set of parts and different parts are negotiated to different persons, the title of the holder to whom the first due negotiation is made prevails as to both the document and the goods even though any later holder may have received the goods from the carrier in good faith and discharged the carrier's obligation by surrender of his part.

(4) Any person who negotiates or transfers a single part of a bill of lading drawn in a set is liable to holders of that part as if it were the whole set.

(5) The bailee is obliged to deliver in accordance with part 4 of this article against the first presented part of a bill of lading lawfully drawn in a set. Such delivery discharges the bailee's obligation on the whole bill.

§ 28:7—305. Destination bills

(1) Instead of issuing a bill of lading to the consignor at the place of shipment a carrier may at the request of the consignor procure the bill to be issued at destination or at any other place designated in the request.

(2) Upon request of anyone entitled as against the carrier to control the goods while in transit and on surrender of any outstanding bill of lading or other receipt covering such goods, the issuer may procure a substitute bill to be issued at any place designated in the request.

§ 28:7—306. Altered bills of lading

An unauthorized alteration or filling in of a blank in a bill of lading leaves the bill enforceable according to its original tenor.

§ 28:7—307. Lien of carrier

(1) A carrier has a lien on the goods covered by a bill of lading for charges subsequent to the date of its receipt of the goods for storage or transportation (including demurrage and terminal charges) and for expenses necessary for preservation of the goods incident to their transportation or reasonably incurred in their sale pursuant to law. But against a purchaser for value of a negotiable bill of lading a carrier's lien is limited to charges stated in the bill or the applicable tariffs, or if no charges are stated then to a reasonable charge.

(2) A lien for charges and expenses under subsection (1) on goods which the carrier was required by law to receive for transportation is effective against the consignor or any person entitled to the goods unless the carrier had notice that the consignor lacked authority to

subject the goods to such charges and expenses. Any other lien under subsection (1) is effective against the consignor and any person who permitted the bailor to have control or possession of the goods unless the carrier had notice that the bailor lacked such authority.

(3) A carrier loses his lien on any goods which he voluntarily delivers or which he unjustifiably refuses to deliver.

§ 28:7—308. Enforcement of carrier's lien

(1) A carrier's lien may be enforced by public or private sale of the goods, in bloc or in parcels, at any time or place and on any terms which are commercially reasonable, after notifying all persons known to claim an interest in the goods. Such notification must include a statement of the amount due, the nature of the proposed sale and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the carrier is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the carrier either sells the goods in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with commercially reasonable practices among dealers in the type of goods sold he has sold in a commercially reasonable manner. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable except in cases covered by the preceding sentence.

(2) Before any sale pursuant to this section any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section. In that event the goods must not be sold, but must be retained by the carrier subject to the terms of the bill and this Article.

(3) The carrier may buy at any public sale pursuant to this section.

(4) A purchaser in good faith of goods sold to enforce a carrier's lien takes the goods free of any rights of persons against whom the lien was valid, despite noncompliance by the carrier with the requirements of this section.

(5) The carrier may satisfy his lien from the proceeds of any sale pursuant to this section but must hold the balance, if any, for delivery on demand to any person to whom he would have been bound to deliver the goods.

(6) The rights provided by this section shall be in addition to all other rights allowed by law to a creditor against his debtor.

(7) A carrier's lien may be enforced in accordance with either subsection (1) or the procedure set forth in subsection (2) of section 28:7—210.

(8) The carrier is liable for damages caused by failure to comply with the requirements for sale under this section and in case of willful violation is liable for conversion.

§ 28:7—309. Duty of care; contractual limitation of carrier's liability

(1) A carrier who issues a bill of lading whether negotiable or non-negotiable must exercise the degree of care in relation to the goods which a reasonably careful man would exercise under like circumstances. This subsection does not repeal or change any law or rule of law which imposes liability upon a common carrier for damages not caused by its negligence.

(2) Damages may be limited by a provision that the carrier's liability shall not exceed a value stated in the document if the carrier's rates are dependent upon value and the consignor by the carrier's

tariff is afforded an opportunity to declare a higher value or a value as lawfully provided in the tariff, or where no tariff is filed he is otherwise advised of such opportunity; but no such limitation is effective with respect to the carrier's liability for conversion to its own use.

(3) Reasonable provisions as to the time and manner of presenting claims and instituting actions based on the shipment may be included in a bill of lading or tariff.

PART 4—WAREHOUSE RECEIPTS AND BILLS OF LADING: GENERAL OBLIGATIONS

§ 28:7—401. Irregularities in issue of receipt or bill or conduct of issuer

The obligations imposed by this article on an issuer apply to a document of title regardless of the fact that

(a) the document may not comply with the requirements of this article or of any other law or regulation regarding its issue, form or content; or

(b) the issuer may have violated laws regulating the conduct of his business; or

(c) the goods covered by the document were owned by the bailee at the time the document was issued; or

(d) the person issuing the document does not come within the definition of warehouseman if it purports to be a warehouse receipt.

§ 28:7—402. Duplicate receipt or bill; overissue

Neither a duplicate nor any other document of title purporting to cover goods already represented by an outstanding document of the same issuer confers any right in the goods, except as provided in the case of bills in a set, overissue of documents for fungible goods and substitutes for lost, stolen or destroyed documents. But the issuer is liable for damages caused by his overissue or failure to identify a duplicate document as such by conspicuous notation on its face.

§ 28:7—403. Obligation of warehouseman or carrier to deliver; excuse

(1) The bailee must deliver the goods to a person entitled under the document who complies with subsections (2) and (3), unless and to the extent that the bailee establishes any of the following:

(a) delivery of the goods to a person whose receipt was rightful as against the claimant;

(b) damage to or delay, loss or destruction of the goods for which the bailee is not liable;

(c) previous sale or other disposition of the goods in lawful enforcement of a lien or on warehouseman's lawful termination of storage;

(d) the exercise by a seller of his right to stop delivery pursuant to the provisions of the article on sales (section 28:2—705);

(e) a diversion, reconsignment or other disposition pursuant to the provisions of this article (section 28:7—303) or tariff regulating such right;

(f) release, satisfaction or any other fact affording a personal defense against the claimant;

(g) any other lawful excuse.

(2) A person claiming goods covered by a document of title must satisfy the bailee's lien where the bailee so requests or where the bailee is prohibited by law from delivering the goods until the charges are paid.

(3) Unless the person claiming is one against whom the document confers no right under section 28:7—503(1), he must surrender for cancellation or notation of partial deliveries any outstanding negotiable document covering the goods, and the bailee must cancel the document or conspicuously note the partial delivery thereon or be liable to any person to whom the document is duly negotiated.

(4) "Person entitled under the document" means holder in the case of a negotiable document, or the person to whom delivery is to be made by the terms of or pursuant to written instructions under a non-negotiable document.

§ 28:7—404. No liability for good faith delivery pursuant to receipt or bill

A bailee who in good faith including observance of reasonable commercial standards has received goods and delivered or otherwise disposed of them according to the terms of the document of title or pursuant to this article is not liable therefor. This rule applies even though the person from whom he received the goods had no authority to procure the document or to dispose of the goods and even though the person to whom he delivered the goods had no authority to receive them.

PART 5—WAREHOUSE RECEIPTS AND BILLS OF LADING: NEGOTIATION AND TRANSFER

§ 28:7—501. Form of negotiation and requirements of "due negotiation"

(1) A negotiable document of title running to the order of a named person is negotiated by his indorsement and delivery. After his indorsement in blank or to bearer any person can negotiate it by delivery alone.

(2) (a) A negotiable document of title is also negotiated by delivery alone when by its original terms it runs to bearer.

(b) When a document running to the order of a named person is delivered to him the effect is the same as if the document had been negotiated.

(3) Negotiation of a negotiable document of title after it has been indorsed to a specified person requires indorsement by the special indorsee as well as delivery.

(4) A negotiable document of title is "duly negotiated" when it is negotiated in the manner stated in this section to a holder who purchases it in good faith without notice of any defense against or claim to it on the part of any person and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves receiving the document in settlement or payment of a money obligation.

(5) Indorsement of a non-negotiable document neither makes it negotiable nor adds to the transferee's rights.

(6) The naming in a negotiable bill of a person to be notified of the arrival of the goods does not limit the negotiability of the bill nor constitute notice to a purchaser thereof of any interest of such person in the goods.

§ 28:7—502. Rights acquired by due negotiation

(1) Subject to the following section and to the provisions of section 28:7—205 on fungible goods, a holder to whom a negotiable document of title has been duly negotiated acquires thereby:

(a) title to the document;

(b) title to the goods;

(c) all rights accruing under the law of agency or estoppel, including rights to goods delivered to the bailee after the document was issued; and

(d) the direct obligation of the issuer to hold or deliver the goods according to the terms of the document free of any defense or claim by him except those arising under the terms of the document or under this article. In the case of a delivery order the bailee's obligation accrues only upon acceptance and the obligation acquired by the holder is that the issuer and any indorser will procure the acceptance of the bailee.

(2) Subject to the following section, title and rights so acquired are not defeated by any stoppage of the goods represented by the document or by surrender of such goods by the bailee, and are not impaired even though the negotiation or any prior negotiation constituted a breach of duty or even though any person has been deprived of possession of the document by misrepresentation, fraud, accident, mistake, duress, loss, theft or conversion, or even though a previous sale or other transfer of the goods or document has been made to a third person.

§ 28:7—503. Document of title to goods defeated in certain cases

(1) A document of title confers no right in goods against a person who before issuance of the document had a legal interest or a perfected security interest in them and who neither

(a) delivered or entrusted them or any document of title covering them to the bailor or his nominee with actual or apparent authority to ship, store or sell or with power to obtain delivery under this article (section 28:7—403) or with power of disposition under this subtitle (sections 28:2—403 and 28:9—307) or other statute or rule of law; nor

(b) acquiesced in the procurement by the bailor or his nominee of any document of title.

(2) Title to goods based upon an unaccepted delivery order is subject to the rights of anyone to whom a negotiable warehouse receipt or bill of lading covering the goods has been duly negotiated. Such a title may be defeated under the next section to the same extent as the rights of the issuer or a transferee from the issuer.

(3) Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of anyone to whom a bill issued by the freight forwarder is duly negotiated; but delivery by the carrier in accordance with part 4 of this article pursuant to its own bill of lading discharges the carrier's obligation to deliver.

§ 28:7—504. Rights acquired in the absence of due negotiation; effect of diversion; seller's stoppage of delivery

(1) A transferee of a document, whether negotiable or non-negotiable, to whom the document has been delivered but not duly negotiated, acquires the title and rights which his transferor had or had actual authority to convey.

(2) In the case of a non-negotiable document, until but not after the bailee receives notification of the transfer, the rights of the transferee may be defeated

(a) by those creditors of the transferor who could treat the sale as void under section 28:2—402; or

(b) by a buyer from the transferor in ordinary course of business if the bailee has delivered the goods to the buyer or received notification of his rights; or

(c) as against the bailee by good faith dealings of the bailee with the transferor.

(3) A diversion or other change of shipping instructions by the consignor in a non-negotiable bill of lading which causes the bailee not to deliver to the consignee defeats the consignee's title to the goods if they have been delivered to a buyer in ordinary course of business and in any event defeats the consignee's rights against the bailee.

(4) Delivery pursuant to a non-negotiable document may be stopped by a seller under section 28:2—705, and subject to the requirement of due notification there provided. A bailee honoring the seller's instructions is entitled to be indemnified by the seller against any resulting loss or expense.

§ 28:7—505. Indorser not a guarantor for other parties

The indorsement of a document of title issued by a bailee does not make the indorser liable for any default by the bailee or by previous indorsers.

§ 28:7—506. Delivery without indorsement: right to compel indorsement

The transferee of a negotiable document of title has a specifically enforceable right to have his transferor supply any necessary indorsement but the transfer becomes a negotiation only as of the time the indorsement is supplied.

§ 28:7—507. Warranties on negotiation or transfer of receipt or bill

Where a person negotiates or transfers a document of title for value otherwise than as a mere intermediary under the next following section, then unless otherwise agreed he warrants to his immediate purchaser only in addition to any warranty made in selling the goods

(a) that the document is genuine; and

(b) that he has no knowledge of any fact which would impair its validity or worth; and

(c) that his negotiation or transfer is rightful and fully effective with respect to the title to the document and the goods it represents.

§ 28:7—508. Warranties of collecting bank as to documents

A collecting bank or other intermediary known to be entrusted with documents on behalf of another or with collection of a draft or other claim against delivery of documents warrants by such delivery of the documents only its own good faith and authority. This rule applies even though the intermediary has purchased or made advances against the claim or draft to be collected.

§ 28:7—509. Receipt or bill: when adequate compliance with commercial contract

The question whether a document is adequate to fulfill the obligations of a contract for sale or the conditions of a credit is governed by the articles on sales (article 2) and on letters of credit (article 5).

PART 6—WAREHOUSE RECEIPTS AND BILLS OF LADING: MISCELLANEOUS PROVISIONS

§ 28:7—601. Lost and missing documents

(1) If a document has been lost, stolen, or destroyed, a court may order delivery of the goods or issuance of a substitute document and the bailee may without liability to any person comply with such order. If the document was negotiable the claimant must post security approved by the court to indemnify any person who may suffer loss as a result of non-surrender of the document. If the document was not negotiable, such security may be required at the discretion of the court. The court may also in its discretion order payment of the bailee's reasonable costs and counsel fees.

(2) A bailee who without court order delivers goods to a person claiming under a missing negotiable document is liable to any person injured thereby, and if the delivery is not in good faith becomes liable

for conversion. Delivery in good faith is not conversion if made in accordance with a filed classification or tariff or, where no classification or tariff is filed, if the claimant posts security with the bailee in an amount at least double the value of the goods at the time of posting to indemnify any person injured by the delivery who files a notice of claim within one year after the delivery.

§ 28:7—602. Attachment of goods covered by a negotiable document

Except where the document was originally issued upon delivery of the goods by a person who had no power to dispose of them, no lien attaches by virtue of any judicial process to goods in the possession of a bailee for which a negotiable document of title is outstanding unless the document be first surrendered to the bailee or its negotiation enjoined, and the bailee shall not be compelled to deliver the goods pursuant to process until the document is surrendered to him or impounded by the court. One who purchases the document for value without notice of the process or injunction takes free of the lien imposed by judicial process.

§ 28:7—603. Conflicting claims; interpleader

If more than one person claims title or possession of the goods, the bailee is excused from delivery until he has had a reasonable time to ascertain the validity of the adverse claims or to bring an action to compel all claimants to interplead and may compel such interpleader, either in defending an action for non-delivery of the goods, or by original action, whichever is appropriate.

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PART 1—SHORT TITLE AND GENERAL MATTERS

§ 28:8—101. Short title

Citation of article.

This article shall be known and may be cited as Uniform Commercial Code—Investment Securities.

§ 28:8—102. Definitions and index of definitions

(1) In this article unless the context otherwise requires

(a) A "security" is an instrument which

(i) is issued in bearer or registered form; and

(ii) is of a type commonly dealt in upon securities exchanges or markets or commonly recognized in any area in which it is issued or dealt in as a medium for investment; and

(iii) is either one of a class or series or by its terms is divisible into a class or series of instruments; and

(iv) evidences a share, participation or other interest in property or in an enterprise or evidences an obligation of the issuer.

(b) A writing which is a security is governed by this article and not by Uniform Commercial Code—Commercial Paper even though it also meets the requirements of that article. This article does not apply to money.

(c) A security is in "registered form" when it specifies a person entitled to the security or to the rights it evidences and when its transfer may be registered upon books maintained for that purpose by or on behalf of an issuer or the security so states.

(d) A security is in "bearer form" when it runs to bearer according to its terms and not by reason of any indorsement.

(2) A "subsequent purchaser" is a person who takes other than by original issue.

(3) A "clearing corporation" is a corporation all of the capital stock of which is held by or for a national securities exchange or association registered under a statute of the United States such as the Securities Exchange Act of 1934.

(4) A "custodian bank" is any bank or trust company which is supervised and examined by state or federal authority having supervision over banks and which is acting as custodian for a clearing corporation.

(5) Other definitions applying to this article or to specified parts thereof and the sections in which they appear are:

"Adverse claim". Section 28:8—301.
"Bona fide purchaser". Section 28:8—302.
"Broker". Section 28:8—303.
"Guarantee of the signature". Section 28:8—402.
"Intermediary bank". Section 28:4—105.
"Issuer". Section 28:8—201.
"Overissue". Section 28:8—104.

(6) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

§ 28:8—103. Issuer's lien

A lien upon a security in favor of an issuer thereof is valid against a purchaser only if the right of the issuer to such lien is noted conspicuously on the security.

§ 28:8—104. Effect of overissue; "overissue"

(1) The provisions of this article which validate a security or compel its issue or reissue do not apply to the extent that validation, issue or reissue would result in overissue; but

(a) if an identical security which does not constitute an overissue is reasonably available for purchase, the person entitled to issue or validation may compel the issuer to purchase and deliver such a security to him against surrender of the security, if any, which he holds; or

(b) if a security is not so available for purchase, the person entitled to issue or validation may recover from the issuer the price he or the last purchaser for value paid for it with interest from the date of his demand.

(2) "Overissue" means the issue of securities in excess of the amount which the issuer has corporate power to issue.

§ 28:8—105. Securities negotiable; presumptions

(1) Securities governed by this article are negotiable instruments.

(2) In any action on a security

(a) unless specifically denied in the pleadings, each signature on the security or in a necessary indorsement is admitted;

(b) when the effectiveness of a signature is put in issue the burden of establishing it is on the party claiming under the signature but the signature is presumed to be genuine or authorized;

(c) when signatures are admitted or established production of the instrument entitles a holder to recover on it unless the defendant establishes a defense or a defect going to the validity of the security; and

(d) after it is shown that a defense or defect exists the plaintiff has the burden of establishing that he or some person under whom he claims is a person against whom the defense or defect is ineffective (section 28:8—202).

§ 28:8—106. Applicability

The validity of a security and the rights and duties of the issuer with respect to registration of transfer are governed by the law (including the conflict of laws rules) of the jurisdiction of organization of the issuer.

§ 28:8—107. Securities deliverable; action for price

(1) Unless otherwise agreed and subject to any applicable law or regulation respecting short sales, a person obligated to deliver securities may deliver any security of the specified issue in bearer form or registered in the name of the transferee or indorsed to him or in blank.

(2) When the buyer fails to pay the price as it comes due under a contract of sale the seller may recover the price

(a) of securities accepted by the buyer; and

(b) of other securities if efforts at their resale would be unduly burdensome or if there is no readily available market for their resale.

PART 2—ISSUE—ISSUER

§ 28:8—201. "Issuer"

(1) With respect to obligations on or defenses to a security "issuer" includes a person who

(a) places or authorizes the placing of his name on a security (otherwise than as authenticating trustee, registrar, transfer agent or the like) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty to perform an obligation evidenced by the security; or

(b) directly or indirectly creates fractional interests in his rights or property which fractional interests are evidenced by securities; or

(c) becomes responsible for or in place of any other person described as an issuer in this section.

(2) With respect to obligations on or defenses to a security a guarantor is an issuer to the extent of his guaranty whether or not his obligation is noted on the security.

(3) With respect to registration of transfer (part 4 of this article) "issuer" means a person on whose behalf transfer books are maintained.

§ 28:8—202. Issuer's responsibility and defenses; notice of defect or defense

(1) Even against a purchaser for value and without notice, the terms of a security include those stated on the security and those made part of the security by reference to another instrument, indenture or document or to a constitution, statute, ordinance, rule, regulation, order or the like to the extent that the terms so referred to do not conflict with the stated terms. Such a reference does not of itself charge a purchaser for value with notice of a defect going to the validity of the security even though the security expressly states that a person accepting it admits such notice.

(2) (a) A security other than one issued by a government or governmental agency or unit even though issued with a defect going to its validity is valid in the hands of a purchaser for value and without notice of the particular defect unless the defect involves a violation of constitutional provisions in which case the security is valid in the hands of a subsequent purchaser for value and without notice of the defect.

(b) The rule of subparagraph (a) applies to an issuer which is a government or governmental agency or unit only if either there has been substantial compliance with the legal requirements governing the issue or the issuer has received a substantial consideration for the issue as a whole or for the particular security and a stated purpose of the issue is one for which the issuer has power to borrow money or issue the security.

(3) Except as otherwise provided in the case of certain unauthorized signatures on issue (section 28:8—205), lack of genuineness of a security is a complete defense even against a purchaser for value and without notice.

(4) All other defenses of the issuer including nondelivery and conditional delivery of the security are ineffective against a purchaser for value who has taken without notice of the particular defense.

(5) Nothing in this section shall be construed to affect the right of a party to a "when, as and if issued" or a "when distributed" contract to cancel the contract in the event of a material change in the character of the security which is the subject of the contract or in the plan or arrangement pursuant to which such security is to be issued or distributed.

§ 28:8—203. Staleness as notice of defects or defenses

(1) After an act or event which creates a right to immediate performance of the principal obligation evidenced by the security or which sets a date on or after which the security is to be presented or surrendered for redemption or exchange, a purchaser is charged with notice of any defect in its issue or defense of the issuer

(a) if the act or event is one requiring the payment of money or the delivery of securities or both on presentation or surrender of the security and such funds or securities are available on the date set for payment or exchange and he takes the security more than one year after that date; and

(b) if the act or event is not covered by paragraph (a) and he takes the security more than two years after the date set for surrender or presentation or the date on which such performance became due.

(2) A call which has been revoked is not within subsection (1).

§ 28:8—204. Effect of issuer's restrictions on transfer

Unless noted conspicuously on the security a restriction on transfer imposed by the issuer even though otherwise lawful is ineffective except against a person with actual knowledge of it.

§ 28:8—205. Effect of unauthorized signature on issue

An unauthorized signature placed on a security prior to or in the course of issue is ineffective except that the signature is effective in favor of a purchaser for value and without notice of the lack of authority if the signing has been done by

(a) an authenticating trustee, registrar, transfer agent or other person entrusted by the issuer with the signing of the security or of similar securities or their immediate preparation for signing; or

(b) an employee of the issuer or of any of the foregoing entrusted with responsible handling of the security.

§ 28:8—206. Completion or alteration of instrument

(1) Where a security contains the signatures necessary to its issue or transfer but is incomplete in any other respect

(a) any person may complete it by filling in the blanks as authorized; and

(b) even though the blanks are incorrectly filled in, the security as completed is enforceable by a purchaser who took it for value and without notice of such incorrectness.

(2) A complete security which has been improperly altered even though fraudulently remains enforceable but only according to its original terms.

§ 28:8—207. Rights of issuer with respect to registered owners

(1) Prior to due presentment for registration of transfer of a security in registered form the issuer or indenture trustee may treat the registered owner as the person exclusively entitled to vote, to receive notifications and otherwise to exercise all the rights and powers of an owner.

(2) Nothing in this article shall be construed to affect the liability of the registered owner of a security for calls, assessments or the like.

§ 28:8—208. Effect of signature of authenticating trustee, registrar or transfer agent

(1) A person placing his signature upon a security as authenticating trustee, registrar, transfer agent or the like warrants to a purchaser for value without notice of the particular defect that

(a) the security is genuine; and

(b) his own participation in the issue of the security is within his capacity and within the scope of the authorization received by him from the issuer; and

(c) he has reasonable grounds to believe that the security is in the form and within the amount the issuer is authorized to issue.

(2) Unless otherwise agreed, a person by so placing his signature does not assume responsibility for the validity of the security in other respects.

PART 3—PURCHASE

§ 28:8—301. Rights acquired by purchaser; "adverse claim"; title acquired by bona fide purchaser

(1) Upon delivery of a security the purchaser acquires the rights in the security which his transferor had or had actual authority to convey except that a purchaser who has himself been a party to any fraud or illegality affecting the security or who as a prior holder had notice of an adverse claim cannot improve his position by taking from a later bona fide purchaser. "Adverse claim" includes a claim that a transfer was or would be wrongful or that a particular adverse person is the owner of or has an interest in the security.

(2) A bona fide purchaser in addition to acquiring the rights of a purchaser also acquires the security free of any adverse claim.

(3) A purchaser of a limited interest acquires rights only to the extent of the interest purchased.

§ 28:8—302. "Bona fide purchaser"

A "bona fide purchaser" is a purchaser for value in good faith and without notice of any adverse claim who takes delivery of a security in bearer form or of one in registered form issued to him or indorsed to him or in blank.

§ 28:8—303. "Broker"

"Broker" means a person engaged for all or part of his time in the business of buying and selling securities, who in the transaction concerned acts for, or buys a security from or sells a security to a customer. Nothing in this article determines the capacity in which a person acts for purposes of any other statute or rule to which such person is subject.

§ 28:8—304. Notice to purchaser of adverse claims

(1) A purchaser (including a broker for the seller or buyer but excluding an intermediary bank) of a security is charged with notice of adverse claims if

(a) the security whether in bearer or registered form has been indorsed "for collection" or "for surrender" or for some other purpose not involving transfer; or

(b) the security is in bearer form and has on it an unambiguous statement that it is the property of a person other than the transferor. The mere writing of a name on a security is not such a statement.

(2) The fact that the purchaser (including a broker for the seller or buyer) has notice that the security is held for a third person or is registered in the name of or indorsed by a fiduciary does not create a duty of inquiry into the rightfulness of the transfer or constitute

notice of adverse claims. If, however, the purchaser (excluding an intermediary bank) has knowledge that the proceeds are being used or that the transaction is for the individual benefit of the fiduciary or otherwise in breach of duty, the purchaser is charged with notice of adverse claims.

§ 28:8—305. Staleness as notice of adverse claims

An act or event which creates a right to immediate performance of the principal obligation evidenced by the security or which sets a date on or after which the security is to be presented or surrendered for redemption or exchange does not of itself constitute any notice of adverse claims except in the case of a purchase

(a) after one year from any date set for such presentment or surrender for redemption or exchange; or

(b) after six months from any date set for payment of money against presentation or surrender of the security if funds are available for payment on that date.

§ 28:8—306. Warranties on presentment and transfer

(1) A person who presents a security for registration of transfer or for payment or exchange warrants to the issuer that he is entitled to the registration, payment or exchange. But a purchaser for value without notice of adverse claims who receives a new, reissued or re-registered security on registration of transfer warrants only that he has no knowledge of any unauthorized signature (section 28:8—311) in a necessary indorsement.

(2) A person by transferring a security to a purchaser for value warrants only that

(a) his transfer is effective and rightful; and

(b) the security is genuine and has not been materially altered; and

(c) he knows no fact which might impair the validity of the security.

(3) Where a security is delivered by an intermediary known to be entrusted with delivery of the security on behalf of another or with collection of a draft or other claim against such delivery, the intermediary by such delivery warrants only his own good faith and authority even though he has purchased or made advances against the claim to be collected against the delivery.

(4) A pledgee or other holder for security who redelivers the security received, or after payment and on order of the debtor delivers that security to a third person makes only the warranties of an intermediary under subsection (3).

(5) A broker gives to his customer and to the issuer and a purchaser the warranties provided in this section and has the rights and privileges of a purchaser under this section. The warranties of and in favor of the broker acting as an agent are in addition to applicable warranties given by and in favor of his customer.

§ 28:8—307. Effect of delivery without indorsement; right to compel indorsement

Where a security in registered form has been delivered to a purchaser without a necessary indorsement he may become a bona fide purchaser only as of the time the indorsement is supplied, but against the transferor the transfer is complete upon delivery and the purchaser has a specifically enforceable right to have any necessary indorsement supplied.

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§ 28:8—308. Indorsement, how made; special indorsement; indorser not a guarantor; partial assignment

(1) An indorsement of a security in registered form is made when an appropriate person signs on it or on a separate document an assignment or transfer of the security or a power to assign or transfer it or when the signature of such person is written without more upon the back of the security.

(2) An indorsement may be in blank or special. An indorsement in blank includes an indorsement to bearer. A special indorsement specifies the person to whom the security is to be transferred, or who has power to transfer it. A holder may convert a blank indorsement into a special indorsement.

(3) "An appropriate person" in subsection (1) means

(a) the person specified by the security or by special indorsement to be entitled to the security; or

(b) where the person so specified is described as a fiduciary but is no longer serving in the described capacity,—either that person or his successor; or

(c) where the security or indorsement so specifies more than one person as fiduciaries and one or more are no longer serving in the described capacity,—the remaining fiduciary or fiduciaries, whether or not a successor has been appointed or qualified; or

(d) where the person so specified is an individual and is without capacity to act by virtue of death, incompetence, infancy or otherwise,—his executor, administrator, guardian or like fiduciary; or

(e) where the security or indorsement so specifies more than one person as tenants by the entirety or with right of survivorship and by reason of death all cannot sign,—the survivor or survivors; or

(f) a person having power to sign under applicable law or controlling instrument; or

(g) to the extent that any of the foregoing persons may act through an agent,—his authorized agent.

(4) Unless otherwise agreed the indorser by his indorsement assumes no obligation that the security will be honored by the issuer.

(5) An indorsement purporting to be only of part of a security representing units intended by the issuer to be separately transferable is effective to the extent of the indorsement.

(6) Whether the person signing is appropriate is determined as of the date of signing and an indorsement by such a person does not become unauthorized for the purposes of this article by virtue of any subsequent change of circumstances.

(7) Failure of a fiduciary to comply with a controlling instrument or with the law of the state having jurisdiction of the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer, does not render his indorsement unauthorized for the purposes of this article.

§ 28:8—309. Effect of indorsement without delivery

An indorsement of a security whether special or in blank does not constitute a transfer until delivery of the security on which it appears or if the indorsement is on a separate document until delivery of both the document and the security.

§ 28:8—310. Indorsement of security in bearer form

An indorsement of a security in bearer form may give notice of adverse claims (section 28:8—304) but does not otherwise affect any right to registration the holder may possess.

§ 28:8—311. Effect of unauthorized indorsement

Unless the owner has ratified an unauthorized indorsement or is otherwise precluded from asserting its ineffectiveness

(a) he may assert its ineffectiveness against the issuer or any purchaser other than a purchaser for value and without notice of adverse claims who has in good faith received a new, reissued or re-registered security on registration of transfer; and

(b) an issuer who registers the transfer of a security upon the unauthorized indorsement is subject to liability for improper registration (section 28:8—404).

§ 28:8—312. Effect of guaranteeing signature or indorsement

(1) Any person guaranteeing a signature of an indorser of a security warrants that at the time of signing

(a) the signature was genuine; and

(b) the signer was an appropriate person to indorse (section 28:8—308); and

(c) the signer had legal capacity to sign.

But the guarantor does not otherwise warrant the rightfulness of the particular transfer.

(2) Any person may guarantee an indorsement of a security and by so doing warrants not only the signature (subsection 1) but also the rightfulness of the particular transfer in all respects. But no issuer may require a guarantee of indorsement as a condition to registration of transfer.

(3) The foregoing warranties are made to any person taking or dealing with the security in reliance on the guarantee and the guarantor is liable to such person for any loss resulting from breach of the warranties.

§ 28:8—313. When delivery to the purchaser occurs; purchaser's broker as holder

(1) Delivery to a purchaser occurs when

(a) he or a person designated by him acquires possession of a security; or

(b) his broker acquires possession of a security specially indorsed to or issued in the name of the purchaser; or

(c) his broker sends him confirmation of the purchase and also by book entry or otherwise identifies a specific security in the broker's possession as belonging to the purchaser; or

(d) with respect to an identified security to be delivered while still in the possession of a third person when that person acknowledges that he holds for the purchaser; or

(e) appropriate entries on the books of a clearing corporation are made under section 28:8—320.

(2) The purchaser is the owner of a security held for him by his broker, but is not the holder except as specified in subparagraphs (b), (c) and (e) of subsection (1). Where a security is part of a fungible bulk the purchaser is the owner of a proportionate property interest in the fungible bulk.

(3) Notice of an adverse claim received by the broker or by the purchaser after the broker takes delivery as a holder for value is not effective either as to the broker or as to the purchaser. However, as between the broker and the purchaser the purchaser may demand delivery of an equivalent security as to which no notice of an adverse claim has been received.

§ 28:8—314. Duty to deliver, when completed

(1) Unless otherwise agreed where a sale of a security is made on an exchange or otherwise through brokers

(a) the selling customer fulfills his duty to deliver when he places such a security in the possession of the selling broker or of a person designated by the broker or if requested causes an acknowledgment to be made to the selling broker that it is held for him; and

(b) the selling broker including a correspondent broker acting for a selling customer fulfills his duty to deliver by placing the security or a like security in the possession of the buying broker or a person designated by him or by effecting clearance of the sale in accordance with the rules of the exchange on which the transaction took place.

(2) Except as otherwise provided in this section and unless otherwise agreed, a transferor's duty to deliver a security under a contract of purchase is not fulfilled until he places the security in form to be negotiated by the purchaser in the possession of the purchaser or of a person designated by him or at the purchaser's request causes an acknowledgment to be made to the purchaser that it is held for him. Unless made on an exchange a sale to a broker purchasing for his own account is within this subsection and not within subsection (1).

§ 28:8—315. Action against purchaser based upon wrongful transfer

(1) Any person against whom the transfer of a security is wrongful for any reason, including his incapacity, may against anyone except a bona fide purchaser reclaim possession of the security or obtain possession of any new security evidencing all or part of the same rights or have damages.

(2) If the transfer is wrongful because of an unauthorized indorsement, the owner may also reclaim or obtain possession of the security or new security even from a bona fide purchaser if the ineffectiveness of the purported indorsement can be asserted against him under the provisions of this article on unauthorized indorsements (section 28:8—311).

(3) The right to obtain or reclaim possession of a security may be specifically enforced and its transfer enjoined and the security impounded pending the litigation.

§ 28:8—316. Purchaser's right to requisites for registration of transfer on books

Unless otherwise agreed the tranferor must on due demand supply his purchaser with any proof of his authority to transfer or with any other requisite which may be necessary to obtain registration of the transfer of the security but if the transfer is not for value a transferor need not do so unless the purchaser furnishes the necessary expenses. Failure to comply with a demand made within a reasonable time gives the purchaser the right to reject or rescind the transfer.

§ 28:8—317. Attachment or levy upon security

(1) No attachment or levy upon a security or any share or other interest evidenced thereby which is outstanding shall be valid until the security is actually seized by the officer making the attachment or levy but a security which has been surrendered to the issuer may be attached or levied upon at the source.

(2) A creditor whose debtor is the owner of a security shall be entitled to such aid from courts of appropriate jurisdiction, by injunction or otherwise, in reaching such security or in satisfying the claim by means thereof as is allowed at law or in equity in regard

to property which cannot readily be attached or levied upon by ordinary legal process.

§ 28:8—318. No conversion by good faith delivery

An agent or bailee who in good faith (including observance of reasonable commercial standards if he is in the business of buying, selling or otherwise dealing with securities) has received securities and sold, pledged or delivered them according to the instructions of his principal is not liable for conversion or for participation in breach of fiduciary duty although the principal had no right to dispose of them.

§ 28:8—319. Statute of frauds

A contract for the sale of securities is not enforceable by way of action or defense unless

(a) there is some writing signed by the party against whom enforcement is sought or by his authorized agent or broker sufficient to indicate that a contract has been made for sale of a stated quantity of described securities at a defined or stated price; or

(b) delivery of the security has been accepted or payment has been made but the contract is enforceable under this provision only to the extent of such delivery or payment; or

(c) within a reasonable time a writing in confirmation of the sale or purchase and sufficient against the sender under paragraph (a) has been received by the party against whom enforcement is sought and he has failed to send written objection to its contents within ten days after its receipt; or

(d) the party against whom enforcement is sought admits in his pleading, testimony or otherwise in court that a contract was made for sale of a stated quantity of described securities at a defined or stated price.

§ 28:8—320. Transfer or pledge within a central depository system

(1) If a security

(a) is in the custody of a clearing corporation or of a custodian bank or a nominee of either subject to the instructions of the clearing corporation; and

(b) is in bearer form or indorsed in blank by an appropriate person or registered in the name of the clearing corporation or custodian bank or a nominee of either; and

(c) is shown on the account of a transferor or pledgor on the books of the clearing corporation;

then, in addition to other methods, a transfer or pledge of the security or any interest therein may be effected by the making of appropriate entries on the books of the clearing corporation reducing the account of the transferor or pledgor and increasing the account of the transferee or pledgee by the amount of the obligation or the number of shares or rights transferred or pledged.

(2) Under this section entries may be with respect to like securities or interests therein as a part of a fungible bulk and may refer merely to a quantity of a particular security without reference to the name of the registered owner, certificate or bond number or the like and, in appropriate cases, may be on a net basis taking into account other transfers or pledges of the same security.

(3) A transfer or pledge under this section has the effect of a delivery of a security in bearer form or duly indorsed in blank (section 28:8—301) representing the amount of the obligation or the number of shares or rights transferred or pledged. If a pledge or the creation of a security interest is intended, the making of entries has the effect of a taking of delivery by the pledgee or a secured party (sections 28:9—304 and 28:9—305). A transferee or pledgee under this section is a holder.

(4) A transfer or pledge under this section does not constitute a registration of transfer under part 4 of this article.

(5) That entries made on the books of the clearing corporation as provided in subsection (1) are not appropriate does not affect the validity or effect of the entries nor the liabilities or obligations of the clearing corporation to any person adversely affected thereby.

PART 4—REGISTRATION

§28:8—401. Duty of issuer to register transfer

(1) Where a security in registered form is presented to the issuer with a request to register transfer, the issuer is under a duty to register the transfer as requested if

(a) the security is indorsed by the appropriate person or persons (section 28:8—308); and

(b) reasonable assurance is given that those indorsements are genuine and effective (section 28:8—402); and

(c) the issuer has no duty to inquire into adverse claims or has discharged any such duty (section 28:8—403); and

(d) any applicable law relating to the collection of taxes has been complied with; and

(e) the transfer is in fact rightful or is to a bona fide purchaser.

(2) Where an issuer is under a duty to register a transfer of a security the issuer is also liable to the person presenting it for registration or his principal for loss resulting from any unreasonable delay in registration or from failure or refusal to register the transfer.

§ 28:8—402. Assurance that indorsements are effective

(1) The issuer may require the following assurance that each necessary indorsement (section 28:8—308) is genuine and effective

(a) in all cases, a guarantee of the signature (subsection (1) of section 28:8—312) of the person indorsing; and

(b) where the indorsement is by an agent, appropriate assurance of authority to sign;

(c) where the indorsement is by a fiduciary, appropriate evidence of appointment or incumbency;

(d) where there is more than one fiduciary, reasonable assurance that all who are required to sign have done so;

(e) where the indorsement is by a person not covered by any of the foregoing, assurance appropriate to the case corresponding as nearly as may be to the foregoing.

(2) A "guarantee of the signature" in subsection (1) means a guarantee signed by or on behalf of a person reasonably believed by the issuer to be responsible. The issuer may adopt standards with respect to responsibility provided such standards are not manifestly unreasonable.

(3) "Appropriate evidence of appointment or incumbency" in subsection (1) means

(a) in the case of a fiduciary appointed or qualified by a court, a certificate issued by or under the direction or supervision of that court or an officer thereof and dated within sixty days before the date of presentation for transfer; or

(b) in any other case, a copy of a document showing the appointment or a certificate issued by or on behalf of a person reasonably believed by the issuer to be responsible or, in the absence of such a document or certificate, other evidence reasonably deemed by the issuer to be appropriate. The issuer may adopt standards with respect to such evidence provided such standards are not manifestly unreasonable. The issuer is not charged with notice of the contents of any document obtained

pursuant to this paragraph (b) except to the extent that the contents relate directly to the appointment or incumbency.

(4) The issuer may elect to require reasonable assurance beyond that specified in this section but if it does so and for a purpose other than that specified in subsection 3(b) both requires and obtains a copy of a will, trust, indenture, articles of co-partnership, by-laws or other controlling instrument it is charged with notice of all matters contained therein affecting the transfer.

§ 28:8—403. Limited duty of inquiry

(1) An issuer to whom a security is presented for registration is under a duty to inquire into adverse claims if

(a) a written notification of an adverse claim is received at a time and in a manner which affords the issuer a reasonable opportunity to act on it prior to the issuance of a new, reissued or re-registered security and the notification identifies the claimant, the registered owner and the issue of which the security is a part and provides an address for communications directed to the claimant; or

(b) the issuer is charged with notice of an adverse claim from a controlling instrument which it has elected to require under subsection (4) of section 28:8—402.

(2) The issuer may discharge any duty of inquiry by any reasonable means, including notifying an adverse claimant by registered or certified mail at the address furnished by him or if there be no such address at his residence or regular place of business that the security has been presented for registration of transfer by a named person, and that the transfer will be registered unless within thirty days from the date of mailing the notification, either

(a) an appropriate restraining order, injunction or other process issues from a court of competent jurisdiction; or

(b) an indemnity bond sufficient in the issuer's judgment to protect the issuer and any transfer agent, registrar or other agent of the issuer involved, from any loss which it or they may suffer by complying with the adverse claim is filed with the issuer.

(3) Unless an issuer is charged with notice of an adverse claim from a controlling instrument which it has elected to require under subsection (4) of section 28:8—402 or receives notification of an adverse claim under subsection (1) of this section, where a security presented for registration is indorsed by the appropriate person or persons the issuer is under no duty to inquire into adverse claims. In particular

(a) an issuer registering a security in the name of a person who is a fiduciary or who is described as a fiduciary is not bound to inquire into the existence, extent, or correct description of the fiduciary relationship and thereafter the issuer may assume without inquiry that the newly registered owner continues to be the fiduciary until the issuer receives written notice that the fiduciary is no longer acting as such with respect to the particular security;

(b) an issuer registering transfer on an indorsement by a fiduciary is not bound to inquire whether the transfer is made in compliance with a controlling instrument or with the law of the state having jurisdiction of the fiduciary relationship, including any law requiring the fiduciary to obtain court approval of the transfer; and

(c) the issuer is not charged with notice of the contents of any court record or file or other recorded or unrecorded document even though the document is in its possession and even though the transfer is made on the indorsement of a fiduciary to the fiduciary himself or to his nominee.

§ 28:8—404. Liability and non-liability for registration

(1) Except as otherwise provided in any law relating to the collection of taxes, the issuer is not liable to the owner or any other person suffering loss as a result of the registration of a transfer of a security if

(a) there were on or with the security the necessary indorsements (section 28:8—308); and

(b) the issuer had no duty to inquire into adverse claims or has discharged any such duty (section 28:8—403).

(2) Where an issuer has registered a transfer of a security to a person not entitled to it the issuer on demand must deliver a like security to the true owner unless

(a) the registration was pursuant to subsection (1); or

(b) the owner is precluded from asserting any claim for registering the transfer under subsection (1) of the following section; or

(c) such delivery would result in overissue, in which case the issuer's liability is governed by section 28:8—104.

§ 28:8—405. Lost, destroyed and stolen securities

(1) Where a security has been lost, apparently destroyed or wrongfully taken and the owner fails to notify the issuer of that fact within a reasonable time after he has notice of it and the issuer registers a transfer of the security before receiving such a notification, the owner is precluded from asserting against the issuer any claim for registering the transfer under the preceding section or any claim to a new security under this section.

(2) Where the owner of a security claims that the security has been lost, destroyed or wrongfully taken, the issuer must issue a new security in place of the original security if the owner

(a) so requests before the issuer has notice that the security has been acquired by a bona fide purchaser; and

(b) files with the issuer a sufficient indemnity bond; and

(c) satisfies any other reasonable requirements imposed by the issuer.

(3) If, after the issue of the new security, a bona fide purchaser of the original security presents it for registration of transfer, the issuer must register the transfer unless registration would result in overissue, in which event the issuer's liability is governed by section 28:8—104. In addition to any rights on the indemnity bond, the issuer may recover the new security from the person to whom it was issued or any person taking under him except a bona fide purchaser.

§ 28:8—406. Duty of authenticating trustee, transfer agent or registrar

(1) Where a person acts as authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities

(a) he is under a duty to the issuer to exercise good faith and due diligence in performing his functions; and

(b) he has with regard to the particular functions he performs the same obligation to the holder or owner of the security and has the same rights and privileges as the issuer has in regard to those functions.

(2) Notice to an authenticating trustee, transfer agent, registrar or other such agent is notice to the issuer with respect to the functions performed by the agent.

§ 28:8—407. Limitation of actions

(1) In the event of registration, either before or after this subtitle becomes effective, of a transfer or purported transfer of a security to a person not entitled to it, no action of any kind, legal or equitable, to compel the issue, reissue or delivery of a like security or to obtain damages or any other relief as a result of or in connection with such registration may be brought, subject to subsection (2), by the true owner or any other person against an issuer, authenticating trustee, transfer agent, registrar, or other agent for an issuer in the registration of transfers of its securities, more than eight years after the date on which such registration to a person not entitled has taken place.

(2) The time limitations in subsections (1) and (3) of this section may not be tolled or suspended for any reason. This section is additional to, and does not prevent or affect the application of, any other statute of limitations as a defense to any action. This section applies to claims or causes of action which have accrued before this subtitle becomes effective as well as to those which accrue after this subtitle becomes effective. This section does not apply to any action against an issuer which at the time of such registration has fewer than fifty persons registered upon books maintained for that purpose as holders of the class and series, if any, of the security so registered to the person not entitled to it.

(3) If the eight year period specified in this section expires prior to one year after the effective date of this subtitle, such period is extended to one year after such effective date.

ARTICLE 9—SECURED TRANSACTIONS; SALES OF ACCOUNTS, CONTRACT RIGHTS AND CHATTEL PAPER

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PART 1—SHORT TITLE, APPLICABILITY AND DEFINITIONS

§ 28:9—101. Short title

Citation of article.

This article shall be known and may be cited as Uniform Commercial Code—Secured Transactions.

§ 28:9—102. Policy and scope of article

(1) Except as otherwise provided in section 28:9—103 on multiple state transactions and in section 28:9—104 on excluded transactions, this article applies so far as concerns any personal property and fixtures within the jurisdiction of the District

(a) to any transaction (regardless of its form) which is intended to create a security interest in personal property or fixtures including goods, documents, instruments, general intangibles, chattel paper, accounts or contract rights; and also

(b) to any sale of accounts, contract rights or chattel paper.

(2) This article applies to security interests created by contract including pledge, assignment, chattel mortgage, chattel trust, trust deed, factor's lien, equipment trust, conditional sale, trust receipt, other lien or title retention contract and lease or consignment intended as security. This article does not apply to statutory liens except as provided in section 28:9—310.

(3) The application of this article to a security interest in a secured obligation is not affected by the fact that the obligation is itself secured by a transaction or interest to which this article does not apply.

§ 28:9—103. Accounts, contract rights, general intangibles and equipment relating to another jurisdiction; and incoming goods already subject to a security interest

(1) If the office where the assignor of accounts or contract rights keep his records concerning them is in the District, the validity and perfection of a security interest therein and the possibility and effect of proper filing is governed by this article; otherwise by the law (including the conflict of laws rules) of the jurisdiction where such office is located.

(2) If the chief place of business of a debtor is in the District, this article governs the validity and perfection of a security interest and the possibility and effect of proper filing with regard to general intangibles or with regard to goods of a type which are normally used in more than one jurisdiction (such as automotive equipment, rolling stock, airplanes, road building equipment, commercial harvesting equipment, construction machinery and the like) if such goods are classified as equipment or classified as inventory by reason of their being leased by the debtor to others. Otherwise, the law (including the conflict of laws rules) of the jurisdiction where such chief place of business is located shall govern. If the chief place of business is located in a jurisdiction which does not provide for perfection of the security interest by filing or recording in that jurisdiction, then the security interest may be perfected by filing in the District. For the purpose of determining the validity and perfection of a security interest in an airplane, the chief place of business of a debtor who is a foreign air carrier under the Federal Aviation Act of 1958, as amended, is the designated office of the agent upon whom service of process may be made on behalf of the debtor.

(3) If personal property other than that governed by subsections (1) and (2) is already subject to a security interest when it is brought into the District, the validity of the security interest in the District is to be determined by the law (including the conflict of laws rules) of the jurisdiction where the property was when the security interest attached. However, if the parties to the transaction understood at the time that the security interest attached that the property would be kept in the District and it was brought into the District within 30 days after the security interest attached for purposes other than transportation through the District, then the validity of the security interest in the District is to be determined by the law of the District. If the security interest was already perfected under the law of the jurisdiction where the property was when the security interest attached and before being brought into the District, the security interest continues perfected in the District for four months and also thereafter if within the four month period it is perfected in the District. The se-

curity interest may also be perfected in the District after the expiration of the four month period; in such case perfection dates from the time of perfection in the District. If the security interest was not perfected under the law of the jurisdiction where the property was when the security interest attached and before being brought into the District, it may be perfected in the District; in such case perfection dates from the time of perfection in the District.

(4) Notwithstanding subsections (2) and (3), if personal property is covered by a certificate of title issued under a statute of the District or any other jurisdiction which requires indication on a certificate of title of any security interest in the property as a condition of perfection, then the perfection is governed by the law of the jurisdiction which issued the certificate.

(5) Notwithstanding subsection (1) and section 28:9—302, if the office where the assignor of accounts or contracts rights keeps his records concerning them is not located in a jurisdiction which is a part of the United States, its territories or possessions, and the accounts or contract rights are within the jurisdiction of the District or the transaction which creates the security interest otherwise bears an appropriate relation to the District, this article governs the validity and perfection of the security interest and the security interest may only be perfected by notification to the account debtor.

§ 28:9—104. Transactions excluded from article

This article does not apply

(a) to a security interest subject to any statute of the United States such as the Ship Mortgage Act, 1920, to the extent that such statute governs the rights of parties to and third parties affected by transactions in particular types of property; or

(b) to a landlord's lien; or

(c) to a lien given by statute or other rule of law for services or materials except as provided in section 28:9—310 on priority of such liens; or

(d) to a transfer of a claim for wages, salary or other compensation of an employee; or

(e) to an equipment trust covering railway rolling stock; or

(f) to a sale of accounts, contract rights or chattel paper as part of a sale of the business out of which they arose, or an assignment of accounts, contract rights or chattel paper which is for the purpose of collection only, or a transfer of a contract right to an assignee who is also to do the performance under the contract; or

(g) to a transfer of an interest or claim in or under any policy of insurance; or

(h) to a right represented by a judgment; or

(i) to any right of set-off; or

(j) except to the extent that provision is made for fixtures in section 28:9—313, to the creation or transfer of an interest in or lien on real estate, including a lease or rents thereunder; or

(k) to a transfer in whole or in part of any of the following: any claim arising out of tort; any deposit, savings, passbook or like account maintained with a bank, savings and loan association, credit union or like organization.

§ 28:9—105. Definitions and index of definitions

(1) In this article unless the context otherwise requires:

(a) "Account debtor" means the person who is obligated on an account, chattel paper, contract right or general intangible;

(b) "Chattel paper" means a writing or writings which evidence both a monetary obligation and a security interest in or a

lease of specific goods. When a transaction is evidenced both by such a security agreement or a lease and by an instrument or a series of instruments, the group of writings taken together constitutes chattel paper;

(c) "Collateral" means the property subject to a security interest, and includes accounts, contract rights and chattel paper which have been sold;

(d) "Debtor" means the person who owes payment or other performance of the obligation secured, whether or not he owns or has rights in the collateral, and includes the seller of accounts, contract rights or chattel paper. Where the debtor and the owner of the collateral are not the same person, the term "debtor" means the owner of the collateral in any provision of the article dealing with the collateral, the obligor in any provision dealing with the obligation, and may include both where the context so requires;

(e) "Document" means document of title as defined in the general definitions of article 1 (section 28:1—201);

(f) "Goods" includes all things which are movable at the time the security interest attaches or which are fixtures (section 28:9—313), but does not include money, documents, instruments, accounts, chattel paper, general intangibles, contract rights and other things in action. "Goods" also include the unborn young of animals and growing crops;

(g) "Instrument" means a negotiable instrument (defined in section 28:3—104), or a security (defined in section 28:8—102) or any other writing which evidences a right to the payment of money and is not itself a security agreement or lease and is of a type which is in ordinary course of business transferred by delivery with any necessary indorsement or assignment;

(h) "Security agreement" means an agreement which creates or provides for a security interest;

(i) "Secured party" means a lender, seller or other person in whose favor there is a security interest, including a person to whom accounts, contract rights or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.

(2) Other definitions applying to this article and the sections in which they appear are:

"Account". Section 28:9—106.
"Consumer goods". Section 28:9—109(1).
"Contract right". Section 28:9—106.
"Equipment". Section 28:9—109(2).
"Farm products". Section 28:9—109(3).
"Filing Office". Section 28:9—401(1).
"General intangibles". Section 28:9—106.
"Inventory". Section 28:9—109(4).
"Lien creditor". Section 28:9—301(3).
"Proceeds". Section 28:9—306(1).
"Purchase money security interest". Section 28:9—107.

(3) The following definitions in other articles apply to this article:

"Check". Section 28:3—104.
"Contract for sale". Section 28:2—106.
"Holder in due course". Section 28:3—302.
"Note". Section 28:3—104.
"Sale". Section 28:2—106.

(4) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

§ 28:9—106. Definitions: "account"; "contract right"; "general intangibles"

"Account" means any right to payment for goods sold or leased or for services rendered which is not evidenced by an instrument or chattel paper. "Contract right" means any right to payment under a contract not yet earned by performance and not evidenced by an instrument or chattel paper. "General intangibles" means any personal property (including things in action) other than goods, accounts, contract rights, chattel paper, documents and instruments.

§ 28:9—107. Definitions: "purchase money security interest"

A security interest is a "purchase money security interest" to the extent that it is

(a) taken or retained by the seller of the collateral to secure all or part of its price; or

(b) taken by a person who by making advances or incurring an obligation gives value to enable the debtor to acquire rights in or the use of collateral if such value is in fact so used.

§ 28:9—108. When after-acquired collateral not security for antecedent debt

Where a secured party makes an advance, incurs an obligation, releases a perfected security interest, or otherwise gives new value which is to be secured in whole or in part by after-acquired property his security interest in the after-acquired collateral shall be deemed to be taken for new value and not as security for an antecedent debt if the debtor acquires his rights in such collateral either in the ordinary course of his business or under a contract of purchase made pursuant to the security agreement within a reasonable time after new value is given.

§ 28:9—109. Classification of goods; "consumer goods"; "equipment"; "farm products"; "inventory"

Goods are

(1) "consumer goods" if they are used or bought for use primarily for personal, family or household purposes;

(2) "equipment" if they are used or bought for use primarily in business (including farming or a profession) or by a debtor who is a non-profit organization or a governmental subdivision or agency or if the goods are not included in the definitions of inventory, farm products or consumer goods;

(3) "farm products" if they are crops or livestock or supplies used or produced in farming operations or if they are products of crops or livestock in their unmanufactured states (such as ginned cotton, wool-clip, maple syrup, milk and eggs), and if they are in the possession of a debtor engaged in raising, fattening, grazing or other farming operations. If goods are farm products they are neither equipment nor inventory;

(4) "inventory" if they are held by a person who holds them for sale or lease or to be furnished under contracts of service or if he has so furnished them, or if they are raw materials, work in process or materials used or consumed in a business. Inventory of a person is not to be classified as his equipment.

§ 28:9—110. Sufficiency of description

For the purposes of this article any description of personal property or real estate is sufficient whether or not it is specific if it reasonably identifies what is described.

§ 28:9—111. Applicability of bulk transfer laws

The creation of a security interest is not a bulk transfer under article 6 (see section 28:6—103).

§ 28:9—112. Where collateral is not owned by debtor

Unless otherwise agreed, when a secured party knows that collateral is owned by a person who is not the debtor, the owner of the collateral is entitled to receive from the secured party any surplus under section 28:9—502(2) or under section 28:9—504(1), and is not liable for the debt or for any deficiency after resale, and he has the same right as the debtor

(a) to receive statements under section 28:9—208;

(b) to receive notice of and to object to a secured party's proposal to retain the collateral in satisfaction of the indebtedness under section 28:9—505;

(c) to redeem the collateral under section 28:9—506;

(d) to obtain injunctive or other relief under section 28:9—507(1); and

(e) to recover losses caused to him under section 28:9—208(2).

§ 28:9—113. Security interests arising under article on sales

A security interest arising solely under the article on sales (article 2) is subject to the provisions of this article except that to the extent that and so long as the debtor does not have or does not lawfully obtain possession of the goods

(a) no security agreement is necessary to make the security interest enforceable; and

(b) no filing is required to perfect the security interest; and

(c) the rights of the secured party on default by the debtor are governed by the article on sales (article 2).

PART 2—VALIDITY OF SECURITY AGREEMENT AND RIGHTS OF PARTIES THERETO

§ 28:9—201. General validity of security agreement

Except as otherwise provided by this title a security agreement is effective according to its terms between the parties, against purchasers of the collateral and against creditors. Nothing in this article validates any charge or practice illegal under any statute or regulation thereunder governing usury, small loans, retail installment sales, or the like, or extends the application of any such statute or regulation to any transaction not otherwise subject thereto.

§ 28:9—202. Title to collateral immaterial

Each provision of this article with regard to rights, obligations and remedies applies whether title to collateral is in the secured party or in the debtor.

§ 28:9—203. Enforceability of security interest; proceeds, formal requisites

(1) Subject to the provisions of section 28:4—208 on the security interest of a collecting bank and section 28:9—113 on a security interest arising under the article on sales, a security interest is not enforceable against the debtor or third parties unless

(a) the collateral is in the possession of the secured party; or

(b) the debtor has signed a security agreement which contains a description of the collateral and in addition, when the security interest covers crops or oil, gas or minerals to be extracted or timber to be cut, a description of the land concerned. In describing collateral, the word "proceeds" is sufficient without further description to cover proceeds of any character.

(2) A transaction, although subject to this article, is also subject to chapter 20 of Title 2, relating to pawnbrokers, chapter 6 of Title 26, relating to money lenders, chapter 7 of Title 40, relating to liens

D.C. Code 2-2001 to 2-2019; 26-601 to 26-611; 40-701 to 40-715.

D.C. Code 40-901 to 40-910.

on motor vehicles, and chapter 9 of Title 40, relating to installment sales of motor vehicles, and in the case of conflict between the provisions of this article and any such statute, the provisions of such statute control. Failure to comply with any applicable statute has only the effect which is specified therein.

§ 28:9—204. When security interest attaches; after-acquired property; future advances

(1) A security interest cannot attach until there is agreement (subsection (3) of section 28:1—201) that it attach and value is given and the debtor has rights in the collateral. It attaches as soon as all of the events in the preceding sentence have taken place unless explicit agreement postpones the time of attaching.

(2) For the purposes of this section the debtor has no rights

(a) in crops until they are planted or otherwise become growing crops, in the young of livestock until they are conceived;

(b) in fish until caught, in oil, gas or minerals until they are extracted, in timber until it is cut;

(c) in a contract right until the contract has been made;

(d) in an account until it comes into existence.

(3) Except as provided in subsection (4) a security agreement may provide that collateral, whenever acquired, shall secure all obligations covered by the security agreement.

(4) No security interest attaches under an after-acquired property clause

(a) to crops which become such more than one year after the security agreement is executed except that a security interest in crops which is given in conjunction with a lease or a land purchase or improvement transaction evidenced by a contract, mortgage or deed of trust may if so agreed attach to crops to be grown on the land concerned during the period of such real estate transaction;

(b) to consumer goods other than accessions (section 28:9—314) when given as additional security unless the debtor acquires rights in them within ten days after the secured party gives value.

(5) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment.

§ 28:9—205. Use or disposition of collateral without accounting permissible

A security interest is not invalid or fraudulent against creditors by reason of liberty in the debtor to use, commingle or dispose of all or part of the collateral (including returned or repossessed goods) or to collect or compromise accounts, contract rights or chattel paper, or to accept the return of goods or make repossessions, or to use, commingle or dispose of proceeds, or by reason of the failure of the secured party to require the debtor to account for proceeds or replace collateral. This section does not relax the requirements of possession where perfection of a security interest depends upon possession of the collateral by the secured party or by a bailee.

§ 28:9—206. Agreement not to assert defenses against assignee; modification of sales warranties where security agreement exists

(1) Subject to any statute or decision which establishes a different rule for buyers or lessees of consumer goods, an agreement by a buyer or lessee that he will not assert against an assignee any claim or defense which he may have against the seller or lessor is enforceable by an assignee who takes his assignment for value, in good faith and without notice of a claim or defense, except as to defenses of a type which may be asserted against a holder in due course of a negotiable instru-

ment under the article on commercial paper (article 3). A buyer who as part of one transaction signs both a negotiable instrument and a security agreement makes such an agreement.

(2) When a seller retains a purchase money security interest in goods the article on sales (article 2) governs the sale and any disclaimer, limitation or modification of the seller's warranties.

§ 28:9—207. Rights and duties when collateral is in secured party's possession

(1) A secured party must use reasonable care in the custody and preservation of collateral in his possession. In the case of an instrument or chattel paper reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(2) Unless otherwise agreed, when collateral is in the secured party's possession

(a) reasonable expenses (including the cost of any insurance and payment of taxes or other charges) incurred in the custody, preservation, use or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(b) the risk of accidental loss or damage is on the debtor to the extent of any deficiency in any effective insurance coverage;

(c) the secured party may hold as additional security any increase or profits (except money) received from the collateral, but money so received, unless remitted to the debtor, shall be applied in reduction of the secured obligation;

(d) the secured party must keep the collateral identifiable but fungible collateral may be commingled;

(e) the secured party may repledge the collateral upon terms which do not impair the debtor's right to redeem it.

(3) A secured party is liable for any loss caused by his failure to meet any obligation imposed by the preceding subsections but does not lose his security interest.

(4) A secured party may use or operate the collateral for the purpose of preserving the collateral or its value or pursuant to the order of a court of appropriate jurisdiction or, except in the case of consumer goods, in the manner and to the extent provided in the security agreement.

§ 28:9—208. Request for statement of account or list of collateral

(1) A debtor may sign a statement indicating what he believes to be the aggregate amount of unpaid indebtedness as of a specified date and may send it to the secured party with a request that the statement be approved or corrected and returned to the debtor. When the security agreement or any other record kept by the secured party identifies the collateral a debtor may similarly request the secured party to approve or correct a list of the collateral.

(2) The secured party must comply with such a request within two weeks after receipt by sending a written correction or approval. If the secured party claims a security interest in all of a particular type of collateral owned by the debtor he may indicate that fact in his reply and need not approve or correct an itemized list of such collateral. If the secured party without reasonable excuse fails to comply he is liable for any loss caused to the debtor thereby; and if the debtor has properly included in his request a good faith statement of the obligation or a list of the collateral or both the secured party may claim a security interest only as shown in the statement against persons misled by his failure to comply. If he no longer has an interest in the obligation or collateral at the time the request is received he must disclose the name and address of any successor in interest known to him and he is liable for any loss caused to the debtor as a result of failure to dis-

close. A successor in interest is not subject to this section until a request is received by him.

(3) A debtor is entitled to such a statement once every six months without charge. The secured party may require payment of a charge not exceeding $10 for each additional statement furnished.

PART 3—RIGHTS OF THIRD PARTIES; PERFECTED AND UNPERFECTED SECURITY INTERESTS; RULES OF PRIORITY

§ 28:9—301. Persons who take priority over unperfected security interests; "lien creditor"

(1) Except as otherwise provided in subsection (2), an unperfected security interest is subordinate to the rights of

(a) persons entitled to priority under section 28:9—312;

(b) a person who becomes a lien creditor without knowledge of the security interest and before it is perfected;

(c) in the case of goods, instruments, documents, and chattel paper, a person who is not a secured party and who is a transferee in bulk or other buyer not in ordinary course of business to the extent that he gives value and receives delivery of the collateral without knowledge of the security interest and before it is perfected;

(d) in the case of accounts, contract rights, and general intangibles, a person who is not a secured party and who is a transferee to the extent that he gives value without knowledge of the security interest and before it is perfected.

(2) If the secured party files with respect to a purchase money security interest before or within ten days after the collateral comes into possession of the debtor, he takes priority over the rights of a transferee in bulk or of a lien creditor which arise between the time the security interest attaches and the time of filing.

(3) A "lien creditor" means a creditor who has acquired a lien on the property involved by attachment, levy or the like and includes an assignee for benefit of creditors from the time of assignment, and a trustee in bankruptcy from the date of the filing of the petition or a receiver in equity from the time of appointment. Unless all the creditors represented had knowledge of the security interest such a representative of creditors is a lien creditor without knowledge even though he personally has knowledge of the security interest.

§ 28:9—302. When filing is required to perfect security interest; security interests to which filing provisions of this article do not apply

(1) A financing statement must be filed to perfect all security interests except the following:

(a) a security interest in collateral in possession of the secured party under section 28:9—305;

(b) a security interest temporarily perfected in instruments or documents without delivery under section 28:9—304 or in proceeds for a 10 day period under section 28:9—306;

(c) a purchase money security interest in farm equipment having a purchase price not in excess of $2,500; but filing is required for a fixture under section 28:9—313 or for a motor vehicle required to be licensed;

(d) a purchase money security interest in consumer goods; but filing is required for a fixture under section 28:9—313 or for a motor vehicle required to be licensed;

(e) an assignment of accounts or contract rights which does not alone or in conjunction with other assignments to the same assignee transfer a significant part of the outstanding accounts or contract rights of the assignor;

(f) a security interest of a collecting bank (section 28:4—208) or arising under the article on sales (see section 28:9—113) or covered in subsection (3) of this section.

(2) If a secured party assigns a perfected security interest, no filing under this article is required in order to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

(3) The filing provisions of this article do not apply to a security interest in property subject to a statute

(a) of the United States which provides for a national registration or filing of all security interests in such property; or

(b) of the United States pertaining to the District which provides for central filing of security interests in a motor vehicle or trailer which is not inventory held for sale for which a certificate of title is required to be issued under the provisions of chapter 7 of Title 40.

(4) A security interest in property covered by a statute described in subsection (3) can be perfected only by registration or filing under that statute or by indication of the security interest on a certificate of title or a duplicate thereof by a public official.

§ 28:9—303. When security interest is perfected; continuity of perfection

(1) A security interest is perfected when it has attached and when all of the applicable steps required for perfection have been taken. Such steps are specified in sections 28:9—302, 28:9—304, 28:9—305, and 28:9—306. If such steps are taken before the security interest attaches, it is perfected at the time when it attaches.

(2) If a security interest is originally perfected in any way permitted under this article and is subsequently perfected in some other way under this article, without an intermediate period when it was unperfected, the security interest shall be deemed to be perfected continuously for the purposes of this article.

§ 28:9—304. Perfection of security interest in instruments, documents, and goods covered by documents; perfection by permissive filing; temporary perfection without filing or transfer of possession

(1) A security interest in chattel paper or negotiable documents may be perfected by filing. A security interest in instruments (other than instruments which constitute part of chattel paper) can be perfected only by the secured party's taking possession, except as provided in subsections (4) and (5).

(2) During the period that goods are in the possession of the issuer of a negotiable document therefor, a security interest in the goods is perfected by perfecting a security interest in the document, and any security interest in the goods otherwise perfected during such period is subject thereto.

(3) A security interest in goods in the possession of a bailee other than one who has issued a negotiable document therefor is perfected by issuance of a document in the name of the secured party or by the bailee's receipt of notification of the secured party's interest or by filing as to the goods.

(4) A security interest in instruments or negotiable documents is perfected without filing or the taking of possession for a period of

21 days from the time it attaches to the extent that it arises for new value given under a written security agreement.

(5) A security interest remains perfected for a period of 21 days without filing where a secured party having a perfected security interest in an instrument, a negotiable document or goods in possession of a bailee other than one who has issued a negotiable document therefor

(a) makes available to the debtor the goods or documents representing the goods for the purpose of ultimate sale or exchange or for the purpose of loading, unloading, storing, shipping, transshipping, manufacturing, processing or otherwise dealing with them in a manner preliminary to their sale or exchange; or

(b) delivers the instrument to the debtor for the purpose of ultimate sale or exchange or of presentation, collection, renewal or registration of transfer.

(6) After the 21 day period in subsections (4) and (5) perfection depends upon compliance with applicable provisions of this article.

§ 28:9—305. When possession by secured party perfects security interest without filing

A security interest in letters of credit and advices of credit (subsection (2)(a) of section 28:5—116), goods, instruments, negotiable documents or chattel paper may be perfected by the secured party's taking possession of the collateral. If such collateral other than goods covered by a negotiable document is held by a bailee, the secured party is deemed to have possession from the time the bailee receives notification of the secured party's interest. A security interest is perfected by possession from the time possession is taken without relation back and continues only so long as possession is retained, unless otherwise specified in this article. The security interest may be otherwise perfected as provided in this article before or after the period of possession by the secured party.

§ 28:9—306. "Proceeds"; secured party's rights on disposition of collateral

(1) "Proceeds" includes whatever is received when collateral or proceeds is sold, exchanged, collected or otherwise disposed of. The term also includes the account arising when the right to payment is earned under a contract right. Money, checks and the like are "cash proceeds". All other proceeds are "non-cash proceeds".

(2) Except where this article otherwise provides, a security interest continues in collateral notwithstanding sale, exchange or other disposition thereof by the debtor unless his action was authorized by the secured party in the security agreement or otherwise, and also continues in any identifiable proceeds including collections received by the debtor.

(3) The security interest in proceeds is a continuously perfected security interest if the interest in the original collateral was perfected but it ceases to be a perfected security interest and becomes unperfected ten days after receipt of the proceeds by the debtor unless

(a) a filed financing statement covering the original collateral also covers proceeds; or

(b) the security interest in the proceeds is perfected before the expiration of the ten day period.

(4) In the event of insolvency proceedings instituted by or against a debtor, a secured party with a perfected security interest in proceeds has a perfected security interest

(a) in identifiable non-cash proceeds;

(b) in identifiable cash proceeds in the form of money which is not commingled with other money or deposited in a bank account prior to the insolvency proceedings;

(c) in identifiable cash proceeds in the form of checks and the like which are not deposited in a bank account prior to the insolvency proceedings; and

(d) in all cash and bank accounts of the debtor, if other cash proceeds have been commingled or deposited in a bank account, but the perfected security interest under this paragraph (d) is

(i) subject to any right of set-off; and

(ii) limited to an amount not greater than the amount of any cash proceeds received by the debtor within ten days before the institution of the insolvency proceedings and commingled or deposited in a bank account prior to the insolvency proceedings less the amount of cash proceeds received by the debtor and paid over to the secured party during the ten day period.

(5) If a sale of goods results in an account or chattel paper which is transferred by the seller to a secured party, and if the goods are returned to or are repossessed by the seller or the secured party, the following rules determine priorities:

(a) If the goods were collateral at the time of sale for an indebtedness of the seller which is still unpaid, the original security interest attaches again to the goods and continues as a perfected security interest if it was perfected at the time when the goods were sold. If the security interest was originally perfected by a filing which is still effective, nothing further is required to continue the perfected status; in any other case, the secured party must take possession of the returned or repossessed goods or must file.

(b) An unpaid transferee of the chattel paper has a security interest in the goods against the transferor. Such security interest is prior to a security interest asserted under paragraph (a) to the extent that the transferee of the chattel paper was entitled to priority under section 28:9—308.

(c) An unpaid transferee of the account has a security interest in the goods against the transferor. Such security interest is subordinate to a security interest asserted under paragraph (a).

(d) A security interest of an unpaid transferee asserted under paragraph (b) or (c) must be perfected for protection against creditors of the transferor and purchasers of the returned or repossessed goods.

§ 28:9—307. Protection of buyers of goods

(1) A buyer in ordinary course of business (subsection (9) of section 28:1—201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer knows of its existence.

(2) In the case of consumer goods and in the case of farm equipment having an original purchase price not in excess of $2,500 (other than fixtures, see section 28:9—313), a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes or his own farming operations unless prior to the purchase the secured party has filed a financing statement covering such goods.

§ 28:9—308. Purchase of chattel paper and non-negotiable instruments

A purchaser of chattel paper or a non-negotiable instrument who gives new value and takes possession of it in the ordinary course of his business and without knowledge that the specific paper or instrument is subject to a security interest has priority over a security interest which is perfected under section 28:9—304 (permissive filing and temporary perfection). A purchaser of chattel paper who gives new value and takes possession of it in the ordinary course of his business has priority over a security interest in chattel paper which is claimed merely as proceeds of inventory subject to a security interest (section 28:9—306), even though he knows that the specific paper is subject to the security interest.

§ 28:9—309. Protection of purchasers of instruments and documents

Nothing in this article limits the rights of a holder in due course of a negotiable instrument (section 28:3—302) or a holder to whom a negotiable document of title has been duly negotiated (section 28:7—501) or a bona fide purchaser of a security (section 28:8—301) and such holders or purchasers take priority over an earlier security interest even though perfected. Filing under this article does not constitute notice of the security interest to such holders or purchasers.

§ 28:9—310. Priority of certain liens arising by operation of law

When a person in the ordinary course of his business furnishes services or materials with respect to goods subject to a security interest, a lien upon goods in the possession of such person given by statute or rule of law for such materials or services takes priority over a perfected security interest unless the lien is statutory and the statute expressly provides otherwise.

§ 28:9—311. Alienability of debtor's rights: judicial process

The debtor's rights in collateral may be voluntarily or involuntarily transferred (by way of sale, creation of a security interest, attachment, levy, garnishment or other judicial process) notwithstanding a provision in the security agreement prohibiting any transfer or making the transfer constitute a default.

§ 28:9—312. Priorities among conflicting security interests in the same collateral

(1) The rules of priority stated in the following sections shall govern where applicable: section 28:4—208 with respect to the security interest of collecting banks in items being collected, accompanying documents and proceeds; section 28:9—301 on certain priorities; section 28:9—304 on goods covered by documents; section 28:9—306 on proceeds and repossessions; section 28:9—307 on buyers of goods; section 28:9—308 on possessory against non-possessory interests in chattel paper or non-negotiable instruments; section 28:9—309 on security interests in negotiable instruments, documents or securities; section 28:9—310 on priorities between perfected security interests and liens by operation of law; section 28:9—313 on security interests in fixtures as against interests in real estate; section 28:9—314 on security interests in accessions as against interest in goods; section 28:9—315 on conflicting security interests where goods lose their identity or become part of a product; and section 28:9—316 on contractual subordination.

(2) A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest

secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest.

(3) A purchase money security interest in inventory collateral has priority over a conflicting security interest in the same collateral if

(a) the purchase money security interest is perfected at the time the debtor receives possession of the collateral; and

(b) any secured party whose security interest is known to the holder of the purchase money security interest or who, prior to the date of the filing made by the holder of the purchase money security interest, had filed a financing statement covering the same items or type of inventory, has received notification of the purchase money security interest before the debtor receives possession of the collateral covered by the purchase money security interest; and

(c) such notification states that the person giving the notice has or expects to acquire a purchase money security interest in inventory of the debtor, describing such inventory by item or type.

(4) A purchase money security interest in collateral other than inventory has priority over a conflicting security interest in the same collateral if the purchase money security interest is perfected at the time the debtor receives possession of the collateral or within ten days thereafter.

(5) In all cases not governed by other rules stated in this section (including cases of purchase money security interests which do not qualify for the special priorities set forth in subsections (3) and (4) of this section), priority between conflicting security interests in the same collateral shall be determined as follows:

(a) in the order of filing if both are perfected by filing, regardless of which security interest attached first under section 28:9—204(1) and whether it attached before or after filing;

(b) in the order of perfection unless both are perfected by filing, regardless of which security interest attached first under section 28:9—204(1) and, in the case of a filed security interest, whether it attached before or after filing; and

(c) in the order of attachment under section 28:9—204(1) so long as neither is perfected.

(6) For the purpose of the priority rules of the immediately preceding subsection, a continuously perfected security interest shall be treated at all times as if perfected by filing if it was originally so perfected and it shall be treated at all times as if perfected otherwise than by filing if it was originally perfected otherwise than by filing.

§ 28:9—313. Priority of security interests in fixtures

(1) The rules of this section do not apply to goods incorporated into a structure in the manner of lumber, bricks, tile, cement, glass, metal work and the like and no security interest in them exists under this article unless the structure remains personal property under applicable law. The law of the District other than this subtitle determines whether and when other goods become fixtures. This subtitle does not prevent creation of an encumbrance upon fixtures or real estate pursuant to the law applicable to real estate.

(2) A security interest which attaches to goods before they become fixtures takes priority as to the goods over the claims of all persons who have an interest in the real estate except as stated in subsection (4).

(3) A security interest which attaches to goods after they become fixtures is valid against all persons subsequently acquiring interests in the real estate except as stated in subsection (4) but is invalid against any person with an interest in the real estate at the time the

security interest attaches to the goods who has not in writing consented to the security interest or disclaimed an interest in the goods as fixtures.

(4) The security interests described in subsections (2) and (3) do not take priority over

(a) a subsequent purchaser for value of any interest in the real estate; or

(b) a creditor with a lien on the real estate subsequently obtained by judicial proceedings; or

(c) a creditor with a prior encumbrance of record on the real estate to the extent that he makes subsequent advances

if the subsequent purchase is made, the lien by judicial proceedings is obtained, or the subsequent advance under the prior encumbrance is made or contracted for without knowledge of the security interest and before it is perfected. A purchaser of the real estate at a foreclosure sale other than an encumbrancer purchasing at his own foreclosure sale is a subsequent purchaser within this section.

(5) When under subsections (2) or (3) and (4) a secured party has priority over the claims of all persons who have interests in the real estate, he may, on default, subject to the provisions of part 5, remove his collateral from the real estate but he must reimburse any encumbrancer or owner of the real estate who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury, but not for any diminution in value of the real estate caused by the absence of the goods removed or by any necessity for replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

§ 28:9—314. Accessions

(1) A security interest in goods which attaches before they are installed in or affixed to other goods takes priority as to the goods installed or affixed (called in this section "accessions") over the claims of all persons to the whole except as stated in subsection (3) and subject to section 28:9—315(1).

(2) A security interest which attaches to goods after they become part of a whole is valid against all persons subsequently acquiring interests in the whole except as stated in subsection (3) but is invalid against any person with an interest in the whole at the time the security interest attaches to the goods who has not in writing consented to the security interest or disclaimed an interest in the goods as part of the whole.

(3) The security interests described in subsections (1) and (2) do not take priority over

(a) a subsequent purchaser for value of any interest in the whole; or

(b) a creditor with a lien on the whole subsequently obtained by judicial proceedings; or

(c) a creditor with a prior perfected security interest in the whole to the extent that he makes subsequent advances

if the subsequent purchase is made, the lien by judicial proceedings obtained or the subsequent advance under the prior perfected security interest is made or contracted for without knowledge of the security interest and before it is perfected. A purchaser of the whole at a foreclosure sale other than the holder of a perfected security interest purchasing at his own foreclosure sale is a subsequent purchaser within this section.

(4) When under subsections (1) or (2) and (3) a secured party has an interest in accessions which has priority over the claims of all persons who have interests in the whole, he may on default subject to the provisions of part 5 remove his collateral from the whole but he must reimburse any encumbrancer or owner of the whole who is not the debtor and who has not otherwise agreed for the cost of repair of any physical injury but not for any diminution in value of the whole caused by the absence of the goods removed or by any necessity for replacing them. A person entitled to reimbursement may refuse permission to remove until the secured party gives adequate security for the performance of this obligation.

§ 28:9—315. Priority when goods are commingled or processed

(1) If a security interest in goods was perfected and subsequently the goods or a part thereof have become part of a product or mass, the security interest continues in the product or mass if

(a) the goods are so manufactured, processed, assembled or commingled that their identity is lost in the product or mass; or

(b) a financing statement covering the original goods also covers the product into which the goods have been manufactured, processed or assembled.

In a case to which paragraph (b) applies, no separate security interest in that part of the original goods which has been manufactured, processed or assembled into the product may be claimed under section 28:9—314.

(2) When under subsection (1) more than one security interest attaches to the product or mass, they rank equally according to the ratio that the cost of the goods to which each interest originally attached bears to the cost of the total product or mass.

§ 28:9—316. Priority subject to subordination

Nothing in this article prevents subordination by agreement by any person entitled to priority.

§ 28:9—317. Secured party not obligated on contract of debtor

The mere existence of a security interest or authority given to the debtor to dispose of or use collateral does not impose contract or tort liability upon the secured party for the debtor's acts or omissions.

§ 28:9—318. Defenses against assignee; modification of contract after notification of assignment; term prohibiting assignment ineffective; identification and proof of assignment

(1) Unless an account debtor has made an enforceable agreement not to assert defenses or claims arising out of a sale as provided in section 28:9—206 the rights of an assignee are subject to

(a) all the terms of the contract between the account debtor and assignor and any defense or claim arising therefrom; and

(b) any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives notification of the assignment.

(2) So far as the right to payment under an assigned contract right has not already become an account, and notwithstanding notification of the assignment, any modification of or substitution for the contract made in good faith and in accordance with reasonable commercial standards is effective against an assignee unless the account debtor has otherwise agreed but the assignee acquires corresponding rights under the modified or substituted contract. The assignment may provide that such modification or substitution is a breach by the assignor.

(3) The account debtor is authorized to pay the assignor until the account debtor receives notification that the account has been assigned

and that payment is to be made to the assignee. A notification which does not reasonably identify the rights assigned is ineffective. If requested by the account debtor, the assignee must seasonably furnish reasonable proof that the assignment has been made and unless he does so the account debtor may pay the assignor.

(4) A term in any contract between an account debtor and an assignor which prohibits assignment of an account or contract right to which they are parties is ineffective.

PART 4—FILING

§ 28:9—401. Place of filing; erroneous filing; removal of collateral

(1) The proper place to file in order to perfect a security interest is, in all cases, in the office of the Recorder of Deeds of the District. In this article, "filing officer" means said Recorder.

(2) A filing which is made in good faith in an improper place is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this article and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) If collateral is brought into the District from another jurisdiction, the rules stated in section 28:9—103 determine whether filing is necessary in the District.

§ 28:9—402. Formal requisites of financing statement; amendments

(1) A financing statement is sufficient if it is signed by the debtor and the secured party, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown or goods which are or are to become fixtures, the statement must also contain a description of the real estate concerned. A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by both parties.

(2) A financing statement which otherwise complies with subsection (1) is sufficient although it is signed only by the secured party when it is filed to perfect a security interest in

(a) collateral already subject to a security interest in another jurisdiction when it is brought into the District. Such a financing statement must state that the collateral was brought into the District under such circumstances.

(b) proceeds under section 28:9—306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral.

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor)_____
Address_____
Name of secured party (or assignee)_____
Address_____

1. This financing statement covers the following types (or items) of property:

(Describe)_____

2. (If collateral is crops) The above described crops are growing or are to be grown on:

(Describe Real Estate)_____

3. (If collateral is goods which are or are to become fixtures) The above described goods are affixed or to be affixed to:

(Describe Real Estate)_____

4. (If proceeds or products of collateral are claimed) Proceeds—Products of the collateral are also covered.

Signature of Debtor (or Assignor)_____
Signature of Secured Party (or Assignee)_____

(4) The term "financing statement" as used in this article means the original financing statement and any amendments but if any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment.

(5) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

§ 28:9—403. What constitutes filing; duration of filing; effect of lapsed filing; duties of filing officer

(1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) A filed financing statement which states a maturity date of the obligation secured of five years or less is effective until such maturity date and thereafter for a period of sixty days. Any other filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of such sixty day period after a stated maturity date or on the expiration of such five year period, as the case may be, unless a continuation statement is filed prior to the lapse. Upon such lapse the security interest becomes unperfected. A filed financing statement which states that the obligation secured is payable on demand is effective for five years from the date of filing.

(3) A continuation statement may be filed by the secured party (i) within six months before and sixty days after a stated maturity date of five years or less, and (ii) otherwise within six months prior to the expiration of the five year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it.

(4) A filing officer shall mark each statement with a consecutive file number and with the date and hour of filing and shall hold the statement for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing, indexing and furnishing filing data for an original or a continuation statement shall be $2.00.

§ 28:9—404. Termination statement

(1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor a statement that he no longer claims a security interest under the financing statement, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must include or be accompanied by the assignment or a statement by the secured party of record that he has assigned the security interest to the signer of the termination statement. The uniform fee for filing and indexing such an assignment or statement thereof shall be $2.00. If the affected secured party fails to send such a termination statement within ten days after proper demand therefor he shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. The filing officer shall remove from the files, mark "terminated" and send or deliver to the secured party the financing statement and any continuation statement, statement of assignment or statement of release pertaining thereto.

(3) The uniform fee for filing and indexing a termination statement including sending or delivering the financing statement shall be $2.00.

§ 28:9—405. Assignment of security interest; duties of filing officer; fees

(1) A financing statement may disclose an assignment of a security interest in the collateral described in the statement by indication in the statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. Either the original secured party or the assignee may sign this statement as the secured party. On presentation to the filing officer of such a financing statement the filing officer shall mark the same as provided in section 28:9—403(4). The uniform fee for filing, indexing and furnishing filing data for a financing statement so indicating an assignment shall be $2.00.

(2) A secured party may assign of record all or a part of his rights under a financing statement by the filing of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall note the assignment on the index of the financing statement. The uniform fee for filing, indexing and furnishing filing data about such a separate statement of assignment shall be $2.00.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

§ 28:9—406. Release of collateral; duties of filing officer; fees

A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party, and the file number of the financing statement. Upon presentation of such a statement to the filing officer he shall attach the statement of release to the instrument to which it relates and shall enter on the released instrument and on the index record thereof the word "released", the date of filing of the statement of release, and a facsimile of his signature. The uniform fee for filing and noting such a statement of release shall be $2.00.

§ 28:9—407. Information from filing officer

(1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be $1.00 plus $0.50 for each financing statement and for each statement of assignment reported therein. Upon request the filing officer shall furnish a copy of any filed financing, continuation or termination statement or statement of assignment or release for a uniform fee of $3.00 for the first two pages or less, and $1.00 for each additional page, plus $0.50 for certification.

PART 5—DEFAULT

§ 28:9—501. Default; procedure when security agreement covers both real and personal property

(1) When a debtor is in default under a security agreement, a secured party has the rights and remedies provided in this part and except as limited by subsection (3) those provided in the security agreement. He may reduce his claim to judgment, foreclose or otherwise enforce the security interest by any available judicial procedure. If the collateral is documents the secured party may proceed either as to the documents or as to the goods covered thereby. A secured party in possession has the rights, remedies and duties provided in section 28:9—207. The rights and remedies referred to in this subsection are cumulative.

(2) After default, the debtor has the rights and remedies provided in this part, those provided in the security agreement and those provided in section 28:9—207.

(3) To the extent that they give rights to the debtor and impose duties on the secured party, the rules stated in the subsections referred to below may not be waived or varied except as provided with respect to compulsory disposition of collateral (subsection (1) of section 28:9—505) and with respect to redemption of collateral (section 28:9—506) but the parties may by agreement determine the standards by which the fulfillment of these rights and duties is to be measured if such standards are not manifestly unreasonable:

(a) subsection (2) of section 28:9—502 and subsection (2) of section 28:9—504 insofar as they require accounting for surplus proceeds of collateral;

(b) subsection (3) of section 28:9—504 and subsection (1) of section 28:9—505 which deal with disposition of collateral;

(c) subsection (2) of section 28:9—505 which deals with acceptance of collateral as discharge of obligation;

(d) section 28:9—506 which deals with redemption of collateral; and

(e) subsection (1) of section 28:9—507 which deals with the secured party's liability for failure to comply with this part.

(4) If the security agreement covers both real and personal property, the secured party may proceed under this part as to the personal property or he may proceed as to both the real and the personal property in accordance with his rights and remedies in respect of the real property in which case the provisions of this part do not apply.

(5) When a secured party has reduced his claim to judgment the lien of any levy which may be made upon his collateral by virtue of any execution based upon the judgment shall relate back to the date of the perfection of the security interest in such collateral. A judicial sale, pursuant to such execution, is a foreclosure of the security interest by judicial procedure within the meaning of this section, and the secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this article.

§ 28:9—502. Collection rights of secured party

(1) When so agreed and in any event on default the secured party is entitled to notify an account debtor or the obligor on an instrument to make payment to him whether or not the assignor was theretofore making collections on the collateral, and also to take control of any proceeds to which he is entitled under section 28:9—306.

(2) A secured party who by agreement is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor and who undertakes to collect from the account debtors or obligors must proceed in a commercially reasonable manner and may deduct his reasonable expenses of realization from the collections. If the security agreement secures an indebtedness, the secured party must account to the debtor for any surplus, and unless otherwise agreed, the debtor is liable for any deficiency. But, if the underlying transaction was a sale of accounts, contract rights, or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

§ 28:9—503. Secured party's right to take possession after default

Unless otherwise agreed a secured party has on default the right to take possession of the collateral. In taking possession a secured party may proceed without judicial process if this can be done without breach of the peace or may proceed by action. If the security agreement so provides the secured party may require the debtor to assemble the collateral and make it available to the secured party at a place to be designated by the secured party which is reasonably convenient to both parties. Without removal a secured party may render equipment unusable, and may dispose of collateral on the debtor's premises under section 28:9—504.

§ 28:9—504. Secured party's right to dispose of collateral after default; effect of disposition

(1) A secured party after default may sell, lease or otherwise dispose of any or all of the collateral in its then condition or following any commercially reasonable preparation or processing. Any sale of goods is subject to the article on sales (article 2). The proceeds of disposition shall be applied in the order following to

(a) the reasonable expenses of retaking, holding, preparing for sale, selling and the like and, to the extent provided for in the agreement and not prohibited by law, the reasonable attorneys' fees and legal expenses incurred by the secured party;

(b) the satisfaction of indebtedness secured by the security interest under which the disposition is made;

(c) the satisfaction of indebtedness secured by any subordinate security interest in the collateral if written notification of demand therefor is received before distribution of the proceeds is completed. If requested by the secured party, the holder of a subordinate security interest must seasonably furnish reasonable proof of his interest, and unless he does so, the secured party need not comply with his demand.

(2) If the security interest secures an indebtedness, the secured party must account to the debtor for any surplus, and, unless otherwise agreed, the debtor is liable for any deficiency. But if the underlying transaction was a sale of accounts, contract rights, or chattel paper, the debtor is entitled to any surplus or is liable for any deficiency only if the security agreement so provides.

(3) Disposition of the collateral may be by public or private proceedings and may be made by way of one or more contracts. Sale or other disposition may be as a unit or in parcels and at any time and place and on any terms but every aspect of the disposition including the method, manner, time, place and terms must be commercially reasonable. Unless collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market, reasonable notification of the time and place of any public sale or reasonable notification of the time after which any private sale or other intended disposition is to be made shall be sent by the secured party to the debtor, and except in the case of consumer goods to any other person who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the debtor in the District or who is known by the secured party to have a security interest in the collateral. The secured party may buy at any public sale and if the collateral is of a type customarily sold in a recognized market or is of a type which is the subject of widely distributed standard price quotations he may buy at private sale.

(4) When collateral is disposed of by a secured party after default, the disposition transfers to a purchaser for value all of the debtor's rights therein, discharges the security interest under which it is made and any security interest or lien subordinate thereto. The purchaser takes free of all such rights and interests even though the secured party fails to comply with the requirements of this Part or of any judicial proceedings

(a) in the case of a public sale, if the purchaser has no knowledge of any defects in the sale and if he does not buy in collusion with the secured party, other bidders or the person conducting the sale; or

(b) in any other case, if the purchaser acts in good faith.

(5) A person who is liable to a secured party under a guaranty, indorsement, repurchase agreement or the like and who receives a transfer of collateral from the secured party or is subrogated to his rights has thereafter the rights and duties of the secured party. Such a transfer of collateral is not a sale or disposition of the collateral under this article.

§ 28:9—505. Compulsory disposition of collateral; acceptance of the collateral as discharge of obligation

(1) If the debtor has paid sixty per cent of the cash price in the case of a purchase money security interest in consumer goods or sixty per cent of the loan in the case of another security interest in consumer goods, and has not signed after default a statement renouncing or modifying his rights under this part a secured party who has taken possession of collateral must dispose of it under section 28:9—504 and if he fails to do so within ninety days after he takes possession the debtor at his option may recover in conversion or under section 28:9—507(1) on secured party's liability.

(2) In any other case involving consumer goods or any other collateral a secured party in possession may, after default, propose to retain the collateral in satisfaction of the obligation. Written notice of such proposal shall be sent to the debtor and except in the case of consumer goods to any other secured party who has a security interest in the collateral and who has duly filed a financing statement indexed in the name of the debtor in the District or is known by the secured party in possession to have a security interest in it. If the debtor or other person entitled to receive notification objects in writing within thirty days from the receipt of the notification or if any other secured party objects in writing within thirty days after the secured party obtains possession the secured party must dispose of the collateral under section 28:9—504. In the absence of such written objection the secured party may retain the collateral in satisfaction of the debtor's obligation.

§ 28:9—506. Debtor's right to redeem collateral

At any time before the secured party has disposed of collateral or entered into a contract for its disposition under section 28:9—504 or before the obligation has been discharged under section 28:9—505(2) the debtor or any other secured party may unless otherwise agreed in writing after default redeem the collateral by tendering fulfillment of all obligations secured by the collateral as well as the expenses reasonably incurred by the secured party in retaking, holding and preparing the collateral for disposition, in arranging for the sale, and to the extent provided in the agreement and not prohibited by law, his reasonable attorneys' fees and legal expenses.

§ 28:9—507. Secured party's liability for failure to comply with this part

(1) If it is established that the secured party is not proceeding in accordance with the provisions of this Part disposition may be ordered or restrained on appropriate terms and conditions. If the disposition has occurred the debtor or any person entitled to notification or whose security interest has been made known to the secured party prior to the disposition has a right to recover from the secured party any loss caused by a failure to comply with the provisions of this Part. If the collateral is consumer goods, the debtor has a right to recover in any event an amount not less than the credit service charge plus ten per cent of the principal amount of the debt or the time price differential plus ten per cent of the cash price.

(2) The fact that a better price could have been obtained by a sale at a different time or in a different method from that selected by the secured party is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. If the secured party either sells the collateral in the usual manner in any recognized market therefor or if he sells at the price current in such market at the time of his sale or if he has otherwise sold in conformity with reasonable commercial practices among dealers in the type of property sold

he has sold in a commercially reasonable manner. The principles stated in the two preceding sentences with respect to sales also apply as may be appropriate to other types of disposition. A disposition which has been approved in any judicial proceeding or by any bona fide creditors' committee or representative of creditors shall conclusively be deemed to be commercially reasonable, but this sentence does not indicate that any such approval must be obtained in any case nor does it indicate that any disposition not so approved is not commercially reasonable.

ARTICLE 10—CONSTRUCTION WITH OTHER LAWS

Sec.
28:10—101. (Omitted.)
28:10—102. (Omitted.)
28:10—103. Inconsistent laws; what law governs.
28:10—104. Laws not repealed.

§ 28:10—101. (Omitted.)

§ 28:10—102. (Omitted.)

§ 28:10—103. Inconsistent laws; what law governs

Except as provided by section 28:10—104, if any provision of law is inconsistent with this subtitle, this subtitle shall govern, unless this subtitle or the inconsistent provision of the other law specifically provides otherwise.

§ 28:10—104. Laws not repealed

(1) The article on documents of title (article 7) does not repeal or modify any laws prescribing the form or contents of documents of title or the services or facilities to be afforded by bailees, or otherwise regulating bailees' businesses in respects not specifically dealt with herein; but the fact that such laws are violated does not affect the status of a document of title which otherwise complies with the definition of a document of title (section 28:1—201).

(2) This subtitle does not supersede or modify the District of Columbia Uniform Act for Simplification of Fiduciary Security Transfers, approved July 5, 1960 (74 Stat. 322), being all of subchapter II of chapter 23 of Title 28 of the District of Columbia Code, 1961 edition, and if in any respect there is any inconsistency between that Act and article 8 of this subtitle relating to investment securities, the provisions of that Act, rather than article 8, control.

D.C. Code 28-2321 to 28-2330.

SEC. 2. Section 1265 of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1389; D.C. Code, 1961 ed., sec. 12–201), as amended by the Act approved June 30, 1902 (chapter 1329, 32 Stat. 542), is amended by adding at the end thereof the following paragraph:

"This section does not apply to actions for breach of contracts for sale governed by section 28:2—725 of the District of Columbia Code.".

SEC. 3. (a) Section 839 of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1326; D.C. Code, 1961 ed., sec. 22–1209), is amended to read as follows:

Security interest in personal property.

"(a) A person or any legal successor in interest of such person, having executed a security agreement creating a security interest in personal property securing a monetary obligation owed to a secured party and having under the security agreement:

"(1) both the right of sale or other disposition of the property and the duty to account to the secured party for the proceeds of the disposition, sells or otherwise disposes of the property but willfully and wrongfully fails to account to the secured party for proceeds of disposition; or

"(2) no right of sale or other disposition of the property, willfully and wrongfully secretes, withholds, sells, or disposes of the property, or converts it to his own use, or, without the consent of the secured party, removes it out of the District, or maliciously injures or destroys it, in violation of the security agreement—

if the lesser of the value of the proceeds not so accounted for or of the property so secreted, withheld, sold, disposed of, converted, removed, or injured or destroyed, or, in either case, of the unpaid balance of the monetary obligation so secured, is more than $100, shall be fined not more than $5,000 or imprisoned not more than five years, or both; or, if the lesser of any of the values as herein described is $100 or less, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

"(b) In a case in which a debtor in possession of personal property subject to a security interest, who would be guilty of an offense under this section, is a corporation or a partnership, an officer, director, partner, or agent of the debtor who aids or abets in the commission of the offense shall be punished as provided by subsection (a) of this section.

"(c) As used in this section, 'security agreement', 'security interest', and 'secured party' have the same meanings as those given to the terms by sections 28:9—105(h), 28:1—201(38), and 28:9—105(i), respectively, of the District of Columbia Code.".

Certificate representing shares.

SEC. 4. Subsection (b) of section 20 of the Act approved June 8, 1954 (ch. 269, 68 Stat. 189; D.C. Code, 1961 ed., sec. 29–908g(b)), as amended by section 3 of the Act approved July 23, 1959 (Pub. L. 86–106, 73 Stat. 240), is amended to read as follows:

"(b) Notwithstanding the provisions of section 28:8—204 of the District of Columbia Code, every certificate representing shares the transferability of which is restricted or limited shall state upon the face thereof that the transferability of such shares is restricted or limited and upon the face or back thereof shall either set forth a full or summary statement of any such restriction or limitation upon the transferability of such shares or shall state that the corporation will furnish to any shareholder upon request and without charge such full or summary statement.".

SEC. 5. Section 2 of the Act approved June 3, 1952 (chapter 361, 66 Stat. 97; D.C. Code, 1961 ed., sec. 38–205), is amended to read as follows:

Motor vehicles, lien for storage, repairs, etc.

"SEC. 2. (a) All persons storing, repairing, or furnishing supplies of or concerning motor vehicles including trailers shall have a lien for their agreed or reasonable charges for such storage, repairs, and supplies when such charges are incurred by an owner or conditional vendee or chattel mortgagor (including a grantor of deed of trust in lieu of mortgage) of such motor vehicle, and may detain such motor vehicle at any time they may have lawful possession thereof. Such lien shall have priority over every security interest and other lien or right in or to the vehicle except as hereinafter limited with respect to claims for storage. Before enforcing such lien, notice in writing shall be given to the title holder, every secured party and other lien holder shown by the certificate of title or registry of the vehicle, and any other persons known to claimant who have any interest in or lien upon the vehicle. Such notice shall be delivered personally or sent by registered mail to the last-known address of the person to whom given, shall state that a lien is claimed for the charges therein set forth or thereto attached, and shall demand payment thereof. There shall be incorporated in or attached to said notice a statement of particulars of the charge or charges for which a lien is claimed, to

which may be added a claim for storage of the vehicle from the date of said notice to the date of payment or sale, which amount shall be set forth at a daily or weekly rate which shall not be in excess of charges prevailing at the time for similar storage, and shall not be in excess of $3 per day or $21 per week, which additional charge shall in no event cover a period in excess of ninety days.

"(b) As used in this section, 'security interest' and 'secured party' have the same meanings as those given to the terms by sections 28:1—201 and 28:9—105(i), respectively, of the District of Columbia Code."

Definitions.

SEC. 6. (a) The definitions of "Lien", "Instrument", and "Lien Information" in section 1 of the Act approved July 2, 1940 (chapter 527, 54 Stat. 736; D.C. Code, 1961 ed., sec. 40–701) are amended to read as follows:

"Lien" shall mean any right or interest in or to, any security interest as defined in section 28:1—201 of the District of Columbia Code in, or lien or encumbrance upon any motor vehicle or trailer, or the equipment or accessories affixed or sold to be affixed thereto, in favor of a person other than the owner, except (1) a sale of such motor vehicle or trailer accompanied by delivery of possession and on execution of the assignment on the back of the certificate covering it, or (2) any possessory lien now or hereafter provided by law or any lien acquired in any judicial proceeding.

"Instrument" shall mean any security agreement, as defined in section 28:9—105(h) of the District of Columbia Code, creating such lien.

"Lien information" shall mean the amount, kind, date of lien, name and address of holder or secured party as defined in section 28:9—105(i) of the District of Columbia Code, and recorder's record number, if any.

(b) The second sentence of section 2 of the Act approved July 2, 1940 (chapter 527, 54 Stat. 736; D.C. Code, 1961 ed., sec. 40–702), is amended to read as follows: "The filing provisions of Article 9 of Subtitle I of Title 28 of the District of Columbia Code do not apply to liens recorded as herein provided, and a lien has no greater validity or effect during the time a certificate is outstanding for the motor vehicle or trailer covered thereby by reason of the fact that the lien has been filed in accordance with that article.".

SEC. 7. The first sentence of section 4 of the Act approved July 2, 1940 (chapter 527, 54 Stat. 737; D.C. Code, 1961 ed., sec. 40–704), as amended by section 1 of the Act approved June 4, 1952 (chapter 365, 66 Stat. 100), is amended by striking out at the end thereof the following words: "and acknowledged by the owner in the manner provided by law for deeds of real estate".

SEC. 8. The first sentence of section 8 of the Act approved July 2, 1940 (chapter 527, 54 Stat. 738; D.C. Code, 1961 ed., sec. 40–708), as amended by section 2 of the Act approved June 4, 1952 (chapter 365, 66 Stat. 100), is amended by striking out at the end thereof the following words: "and acknowledged by him in the manner provided by law for deeds of real estate".

SEC. 9. (a) Paragraph (9) of section 1 of the Act approved April 22, 1960 (Pub. L. 86–431, 74 Stat. 69; D.C. Code, 1961 ed., sec. 40–901 (9)), is amended to read as follows:

"Retail installment contract."

"(9) 'Retail installment contract' means a contract entered into in the District or entered into by a seller licensed or required to be licensed by the District evidencing a retail installment transaction pursuant to which the title to or a lien on, or security or a security interest in, the motor vehicle, which is the subject matter of the transaction, is retained or taken to secure, in whole or in part, the retail

buyer's obligations. The term includes a security agreement, chattel mortgage, conditional sale contract and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the value of the motor vehicle sold and it is agreed that the bailee or lessee is bound to become, or, for no further or a merely nominal consideration, has the option of becoming, the owner of the motor vehicle upon full compliance with the terms of the bailment or lease."

(b) Section 1 of the Act approved April 22, 1960 (Pub. L. 86–431, 74 Stat. 69; D.C. Code, 1961 ed., sec. 40–901), is further amended by adding at the end thereof the following paragraph:

"(11) 'Security interest' and 'secured party' have the same meanings as those given to the terms in sections 28:1–201 and 28:9–105(i) of the District of Columbia Code.".

SEC. 10. Section 546–C of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1275; D.C. Code, 1961 ed., sec. 42–102), as so renumbered and amended by section 2 of the Act approved June 5, 1952 (chapter 370, 66 Stat. 126), is amended to read as follows:

Recorder of Deeds.
Financing statements.

"SEC. 546–C. It is not necessary for the Recorder of Deeds to spread upon the records of his office the financing statements or other papers filed pursuant to Part 4 of Article 9 of Subtitle I of Title 28 of the District of Columbia Code, but they shall be indexed and, except as hereinafter provided, shall be kept on file and shall be open to inspection by the public, and shall have the same force and legal effect as if they were actually recorded in the books of his office.".

SEC. 11. Section 546–D of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1189), as added by section 3 of the Act approved June 5, 1952 (chapter 370, 66 Stat. 126; D.C. Code, 1961 ed., sec. 42–104), and amended by section 1 of the Act approved June 18, 1953 (chapter 126, 67 Stat. 64), is amended to read as follows:

Void instruments.
Disposal.

"SEC. 546–D. (a) Unless the Recorder of Deeds has notice of an action pending relative thereto, he may remove from the files and destroy:

"(1) an instrument filed in his office pursuant to sections 546–A and 546–B, as amended, of the code of law for the District of Columbia approved March 3, 1901 (chapter 854, 31 Stat. 1275), as so renumbered by the Act approved June 5, 1952, chapter 370, sec. 1, 66 Stat. 126 (D.C. Code, 1961 ed., secs. 42–101 and 42–103) or pursuant to the Act approved July 2, 1940 (chapter 527, 54 Stat. 736; D.C. Code, 1961 ed., secs. 40–701 to 40–712, 40–713 to 40–715), as amended, which has become void or lapsed, and which has been void or lapsed for one year or more, together with any affidavit, release, assignment, or continuation or termination statement relating thereto;

"(2) a lapsed financing statement, a lapsed continuation statement, a statement of assignment or release relating to either, filed pursuant to Part 4 of Article 9 of Subtitle I of Title 28 of the District of Columbia Code, and any index of any of them, one year or more after lapse of the financing statement and every continuation statement relating thereto; and

"(3) a termination statement filed pursuant to section 28:9–404 of the District of Columbia Code, and the index on which it is noted, one year or more after the filing of the termination statement.

"(b) Subsection (a) of this section does not apply to a bill of sale, mortgage, deed of trust, conditional sale of, financing statement or security agreement covering, railroad rolling stock.".

SEC. 12. Section 546–F of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1189), as added by section 3 of the Act approved June 5, 1952 (chapter 370, 66 Stat. 126; D.C. Code, 1961 ed., sec. 42–106), is amended to read as follows:

Destruction of released instruments.

"SEC. 546–F. When a financing statement filed pursuant to Part 4 of Article 9 of Subtitle I of Title 28 of the District of Columbia Code has not lapsed, but all the collateral described in the financing statement has been released in the manner provided by Part 4 thereof, the Recorder of Deeds may, after the expiration of three years from the date of the filing of the statement releasing all the collateral, destroy the financing statement and each continuation statement, statement of assignment, and statement of release relating thereto."

SEC. 13. Section 546–G of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1189), as added by section 3 of the Act approved June 5, 1952 (chapter 370, 66 Stat. 126; D.C. Code, 1961 ed., sec. 42–107), is amended to read as follows:

False statements. Penalty.

"SEC. 546–G. (a) Whoever intentionally makes a false statement with respect to a financing statement or other paper filed with the Recorder of Deeds pursuant to Part 4 of Aritcle 9 of Subtitle I of Title 28 of the District of Columbia Code, or, after receipt of payment in full of the debt secured thereby, neglects or refuses, after written demand by the debtor, to send to the debtor a termination statement as provided by section 28:9—404 of the Code, shall be fined not more than $500 or imprisoned not more than one year, or both.

"(b) Prosecutions for violations of this subchapter shall be by the Corporation Counsel of the District of Columbia or any of his assistants, in the name of the District of Columbia.".

"(c) As used in subsection (b) of this section 'Corporation Counsel' means the attorney for the District of Columbia, by whatever title the attorney may be designated by the Board of Commissioners of the District of Columbia.".

SEC. 14. Section 548 of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1275; D.C. Code, 1961 ed., sec. 45–701), as amended, is amended to read as follows:

Recorder of Deeds. Appointment.

"SEC. 548. (a) There shall be a Recorder of Deeds of the District, appointed by the Commissioners of the District of Columbia, who shall:

"(1) except as provided by clause (2) of this subsection, record all deeds, contracts, and other instruments in writing affecting the title or ownership of real estate or personal property which have been duly acknowledged and certified;

"(2) accept for filing, without acknowledgment or certification, all instruments, financing statements and other papers filed in his office pursuant to Part 4 of Article 9 of Subtitle I of Title 28 of the District of Columbia Code, and the Act of July 2, 1940 (chapter 527, 54 Stat. 736; D.C. Code, 1961 ed., secs. 40–701 to 40–712, 40–713 to 40–715).

"(3) perform all requisite services connected with the duties prescribed in clauses (1) and (2) of this subsection; and

"(4) have charge and custody of all the records, papers, and property appertaining to his office.

"(b) A person may not be appointed Recorder of Deeds unless he has been a resident of the District of Columbia for at least five years next preceding his appointment.

"(c) The performance, by the Recorder of Deeds and officers and employees in his office, of their duties and functions shall be subject to the supervision and control of the Commissioners of the District."

Repeals.

SEC. 15. (a) The following Act and parts of Acts, as amended, are hereby repealed:

(1) Section 833a of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1189), as added by the Act approved April 28, 1904 (chapter 1808, 33 Stat. 554), and amended by the Act approved May 27, 1921 (chapter 13, 42 Stat. 9; D.C. Code, 1961 ed., sec. 22–1406).

(2) Sections 1304 to 1493, inclusive, of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1395–1414), such sections being known as the Negotiable Instruments Law (D.C. Code, 1961 ed., Title 28, chapters 1 to 10, inclusive, except secs. 28–410, 28–714a, 28–920, 28–1004, 28–1008 to 28–1011, inclusive), except that, with respect to section 1389 of such code of laws for the District of Columbia (31 Stat. 1404; D.C. Code, 1961 ed., sec. 28–616), as amended, this repeal applies only to the first three sentences thereof.

(3) Sections 1, 3, 6 and 7 of the Act approved April 5, 1939 (chapter 37, 53 Stat. 566, 567; D.C. Code, 1961 ed., secs. 28–1004, 28–1008 to 28–1010, inclusive).

(4) Sections 1 to 5, inclusive, of the Act approved July 26, 1949 (chapter 365, 63 Stat. 481, 482; D.C. Code, 1961 ed., sec. 28–1011).

(5) Sections 1 to 3, inclusive, of the Act approved August 7, 1950 (chapter 602, 64 Stat. 416, 417; D.C. Code, 1961 ed., sec. 28–714a).

(6) Sections 1 to 76a, inclusive, and 79 of the Act approved March 17, 1937 (chapter 43, 50 Stat. 29–48; D.C. Code, 1961 ed., Title 28, chapters 11 to 16, inclusive), known as the Uniform Sales Act.

(7) Sections 1 to 5, inclusive, of the Act approved April 28, 1904 (chapter 1809, 33 Stat. 555, 556; D.C. Code, 1961 ed., secs. 28–1701 to 28–1705, inclusive), relating to bulk sales.

(8) Sections 1 to 49, inclusive, 56 to 59, inclusive, and 62 of the Act approved April 15, 1910 (chapter 167, 36 Stat. 301–311; D.C. Code, 1961 ed., Title 28, chapters 18, 19 (except sec. 28–1918 thereof), 20 and 22), constituting part of the Warehouse Receipts Act.

(9) Section 1621 of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1432; D.C. Code, 1961 ed., sec. 28–1918).

(10) Sections 1 to 26, inclusive, of the Act approved December 23, 1944 (chapter 729, 58 Stat. 927–932; D.C. Code, 1961 ed., secs. 28–2901, 28–2901 notes, 28–2902 to 28–2923, inclusive) constituting the Uniform Stock Transfer Act.

(11) Sections 546–A and 546–B, as amended, of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1275), as so renumbered by the Act approved June 5, 1952, chapter 370, sec. 1, 66 Stat. 126 (D.C. Code, 1961 ed., secs. 42–101 and 42–103).

(12) Section 546–E of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1189), as added by the Act approved June 5, 1952, chapter 370, sec. 3, 66 Stat. 126 (D.C. Code, 1961 ed., sec. 42–105).

(13) Section 1119 of the code of law for the District of Columbia, approved March 3, 1901 (chapter 854, 31 Stat. 1368; D.C. Code, 1961 ed., sec. 12–304).

(b) Except as provided by subsection (c) of this section, transactions validly entered into before the effective date specified in section 16 of this Act, and the rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by any statute or other law amended or repealed by this Act as though such repeal or amendment had not occurred.

(c) The perfection of a security interest, as defined in section 28:1—201 of the District of Columbia Code, and however denominated in any law repealed by this Act, which was perfected when this Act takes effect by a filing, refiling or recording under a law repealed by this Act and requiring a further filing, refiling or recording to continue its perfection, continue until and will lapse on the date provided by the law so repealed for such further filing, refiling or recording, unless in such case, a continuation statement is filed, in the office of the Recorder of Deeds of the District, by the secured party within twelve months before the perfection of the security interest would otherwise lapse. Any such continuation statement must be signed by the secured party, identifying the original security agreement, however denominated, state the date of the last filing, refiling or recording and the filing number, and further state that the original security agreement is still effective. Except as herein specified, the provisions of section 28:9—403(3) of the Code apply to such a continuation statement.

(d) The following British statutes shall no longer have any force or effect in the District of Columbia:

(1) 9 and 10 William III (1698), chapter 17, sec. 3 (D.C. Code, 1961 ed., sec. 28–410).

(2) 3 and 4 Anne (1704), chapter 9, secs. 7 and 8 (D.C. Code, 1961 ed., sec. 28–920).

SEC. 16. This Act shall become effective on January 1, 1965. Laws enacted after the approval of this Act, that are inconsistent with this Act, supersede it to the extent of the inconsistency. Effective date.

Approved December 30, 1963.

Public Law 88-244

JOINT RESOLUTION

December 30, 1963
[H. J. Res. 778]

To provide for participation by the Government of the United States in the Hague Conference on Private International Law and the International (Rome) Institute for the Unification of Private Law, and authorizing appropriations therefor.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to accept membership for the Government of the United States in (1) the Hague Conference on Private International Law and (2) the International (Rome) Institute for the Unification of Private Law, and to appoint the United States delegates and their alternates to meetings of the two organizations, and the committees and organs thereof. Hague Conference on Private International Law, U. S. participation.

SEC. 2. There is authorized to be appropriated such sums as may be necessary, not to exceed $25,000 annually, for the payment by the United States of (1) its proportionate share of the expenses of the Hague Conference on Private International Law and of the International (Rome) Institute for the Unification of Private Law, and (2) all other necessary expenses incident to participation by the United States in the activities of the two organizations referred to in clause (1) of this section. Appropriations.

Approved December 30, 1963.

Public Law 88-245

December 30, 1963
[H. R. 7063]

AN ACT

Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1964, and for other purposes.

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1964.

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 Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1964, namely:

TITLE I—DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For necessary expenses of the Department of State, not otherwise provided for, including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158), not otherwise provided for; expenses necessary to meet the responsibilities and obligations of the United States in Germany (including those arising under the supreme authority assumed by the United States on June 5, 1945, and under contractual arrangements with the Federal Republic of Germany); salary of the United States member of the Board for the Validation of German Bonds in the United States at the rate of $17,100 per annum; purchase (not to exceed twelve, of which four are for replacement only) or hire of passenger motor vehicles; printing and binding outside the continental United States without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111); services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); purchase of uniforms; payment of tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries and payment of meritorious claims as authorized by section 2(b) of the Act of August 1, 1956, as amended (5 U.S.C. 170g); dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; employment of aliens by contract for services abroad; refund of fees erroneously charged and paid for passports; radio communications; payment in advance for subscriptions to commercial information, telephone and similar services abroad; care and transportation of prisoners and persons declared insane; expenses, as authorized by law (18 U.S.C. 3192), of bringing to the United States from foreign countries persons charged with crime; and procurement by contract or otherwise, of services, supplies, and facilities, as follows: (1) translating, (2) analysis and tabulation of technical information, and (3) preparation of special maps, globes, and geographic aids; $153,000,000, of which not less than $12,000,000 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States: *Provided*, That passenger motor vehicles in possession of the Foreign Service abroad may be replaced in accordance with section 7 of the Act of August 1, 1956 (70 Stat. 891), and the cost, including the exchange allowance, of each such replacement shall not exceed $3,800 in the case of the chief of mission automobile at each diplomatic mission (except that five such vehicles may be purchased at not to exceed $7,800 each) and $1,500 in the case of all other such vehicles except station wagons.

60 Stat. 999; 74 Stat. 831.
63 Stat. 405.
60 Stat. 810.
63 Stat. 62; 73 Stat. 471.
76 Stat. 263.
62 Stat. 825.
5 USC 170l.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 of the Foreign Service Act of 1946 (22 U.S.C. 1131), $973,000. 74 Stat. 801.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses of carrying into effect the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292–300), including personal services in the United States and abroad; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); $18,125,000, of which not less than $13,500,000 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States, to remain available until expended: *Provided*, That not to exceed $1,300,000 may be used for administrative expenses during the current fiscal year. 44 Stat. 403. 60 Stat. 999; 74 Stat. 831. 60 Stat. 810.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD (SPECIAL FOREIGN CURRENCY PROGRAM)

For purchase of foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for the purposes authorized by section 104(l) of that Act, to be credited to and expended under the appropriation account for "Acquisition, operation, and maintenance of buildings abroad", to remain available until expended, $2,750,000: *Provided*, That this appropriation shall not be used for the purchase of currencies available in the Treasury for the purposes of section 104(f) of such Act, unless such currencies are excess to the normal requirements of the United States. 68 Stat. 455; 72 Stat. 1790.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107), $1,500,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $81,305,000.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress, including expenses authorized by the pertinent Acts and conventions providing for such representation; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); purchase (not to exceed one) and hire of passenger motor vehicles; printing and binding, without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111); and purchase of uniforms for guards and chauffeurs; $2,500,000. 63 Stat. 405.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses of participation by the United States upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special Acts of Congress, including personal services without regard to civil service and classification laws; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; and printing and binding without regard to section 11 of the Act of March 1, 1919 (44 U.S.C. 111); $1,943,000, of which not to exceed a total of $75,000 may be expended for representation allowances as authorized by section 901(3) of the Act of August 13, 1946 (22 U.S.C. 1131) and for official entertainment.

60 Stat. 999; 74 Stat. 831.
63 Stat. 405.
74 Stat. 801.

INTERNATIONAL TARIFF NEGOTIATIONS

For necessary expenses of participation by the United States in the sixth round of tariff negotiations, $365,000: *Provided*, That this appropriation shall be available in accordance with authority specified in the current appropriation for "International conferences and contingencies".

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For expenses necessary to enable the United States to meet its obligations under the treaties of 1884, 1889, 1905, 1906, 1933, and 1944 between the United States and Mexico, and to comply with the other laws applicable to the United States Section, International Boundary and Water Commission, United States and Mexico, including operation and maintenance of the Rio Grande rectification, canalization, flood control, bank protection, water supply, power, irrigation, boundary demarcation, and sanitation projects; detailed plan preparation and construction (including surveys and operation and maintenance and protection during construction); Rio Grande emergency flood protection; expenditures for the purposes set forth in sections 101 through 104 of the Act of September 13, 1950 (22 U.S.C. 277d–1—277d–4); purchase of four passenger motor vehicles for replacement only; purchase of planographs and lithographs; uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

24 Stat. 1011; 26 Stat. 1512; 35 Stat. 1863; 34 Stat. 2953; 48 Stat. 1621; 59 Stat. 1219.
64 Stat. 846.
68 Stat. 1114.

SALARIES AND EXPENSES

For salaries and expenses not otherwise provided for, including examinations, preliminary surveys, and investigations, $715,000.

OPERATION AND MAINTENANCE

For operation and maintenance of projects or parts thereof, as enumerated above, including gaging stations, $2,015,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropria-

tion for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

CONSTRUCTION

For detailed plan preparation and construction of projects authorized by the convention concluded February 1, 1933, between the United States and Mexico, the Acts approved August 19, 1935, as amended (22 U.S.C. 277–277f), August 29, 1935 (49 Stat. 961), June 4, 1936 (49 Stat. 1463), June 28, 1941 (22 U.S.C. 277f), September 13, 1950 (22 U.S.C. 277d–1–9), and the projects stipulated in the treaty between the United States and Mexico signed at Washington on February 3, 1944, $6,500,000, to remain available until expended: *Provided*, That no expenditures shall be made for the Lower Rio Grande flood-control project for construction on any land, site, or easement in connection with this project except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States: *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the costs of said dam as shall have been allocated to such purposes by the Secretary of State.

48 Stat. 1621.
49 Stat. 660.
55 Stat. 338.
64 Stat. 846.
59 Stat. 1219.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For expenses necessary to enable the President to perform the obligations of the United States pursuant to treaties between the United States and Great Britain, in respect to Canada, signed January 11, 1909 (36 Stat. 2448), and February 24, 1925 (44 Stat. 2102), the treaty between the United States and Canada, signed February 27, 1950, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); hire of passenger motor vehicles; $430,000, to be disbursed under the direction of the Secretary of State, and to be available also for additional expenses of the American Sections, International Commissions, as hereinafter set forth:

1 UST 694.
60 Stat. 810.

International Joint Commission, United States and Canada, the salary of one Commissioner on the part of the United States who shall serve at the pleasure of the President (the other Commissioners to serve in that capacity without compensation therefor); salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses in attending hearings of the Commission at such places in the United States and Canada as the Commission or the American Commissioners shall determine to be necessary; and special and technical investigations in connection with matters falling within the Commission's jurisdiction: *Provided*, That transfers of funds may be made to other agencies of the Government for the performance of work for which this appropriation is made.

International Boundary Commission, United States and Canada, the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and the existing treaties between the United States and Great Britain; commutation of subsistence to employees while on field duty, not to exceed $8 per day each (but not to exceed $5 per day each when a member of a field party and subsisting in camp); hire of freight and passenger motor vehicles from temporary field employees; and payment for timber necessarily cut in keeping the boundary line clear.

INTERNATIONAL FISHERIES COMMISSIONS

For expenses, not otherwise provided for, necessary to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties or conventions, and implementing Acts of Congress, $2,000,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

EDUCATIONAL EXCHANGE

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACTIVITIES

For expenses, not otherwise provided for, necessary to enable the Secretary of State to carry out the functions of the Department of State under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527) and the Act of August 9, 1939 (22 U.S.C. 501), including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); expenses of the National Commission on Educational, Scientific, and Cultural Cooperation as authorized by sections 3, 5, and 6 of the Act of July 30, 1946 (22 U.S.C. 287o, 287q, 287r); hire of passenger motor vehicles; not to exceed $18,000 for representation expenses; not to exceed $1,000 for official entertainment within the United States; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; $42,625,000, of which not less than $15,000,000 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States: *Provided*, That not to exceed $2,150,000 may be used for administrative expenses during the current fiscal year.

22 USC 2451 note.
53 Stat. 1290.
60 Stat. 999; 74 Stat. 831.
60 Stat. 713.
60 Stat. 810.
31 USC 529.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate agency of the State of Hawaii, $5,100,000: *Provided*, That none of the funds appropriated herein shall be used to pay any part of the salary, or to enter into any contract providing for the payment thereof, to any individual whose aggregate salary from any and all sources is in excess of $20,000 per annum.

74 Stat. 141.
22 USC 2054 note.

RAMA ROAD, NICARAGUA

For liquidation of obligations incurred for completion of the Rama Road, as authorized by section 3 of the Federal-Aid Highway Act of 1962 (76 Stat. 1145–1146), $850,000, to remain available until expended: *Provided*, That transfer of funds may be made from this appropriation to the Department of Commerce for the performance of work for which the appropriation is made.

Transfer of funds.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 102. Appropriations under this title for "Salaries and expenses", "International conferences and contingencies", and "Missions to international organizations" are available for reimbursement of the General Services Administration for security guard services for protection of confidential files.

Security guard services.

SEC. 103. No part of any appropriation contained in this title shall be used to pay the salary or expenses of any person assigned to or serving in any office of any of the several States of the United States or any political subdivision thereof.

SEC. 104. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct or indirect, of the principle or doctrine of one world government or one world citizenship. Advocates of one world government.

SEC. 105. It is the sense of the Congress that the Communist Chinese Government should not be admitted to membership in the United Nations as the representative of China. Communist China.

This title may be cited as the "Department of State Appropriation Act, 1964". Citation of title.

TITLE II—DEPARTMENT OF JUSTICE

Department of Justice Appropriation Act, 1964.

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

For expenses necessary for the administration of the Department of Justice and for examination of judicial offices, including purchase (two for replacement only, including one heavy sedan at not to exceed $5,000) and hire of passenger motor vehicles; and miscellaneous and emergency expenses authorized or approved by the Attorney General or the Administrative Assistant Attorney General; $4,660,000.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including miscellaneous and emergency expenses authorized or approved by the Attorney General or the Administrative Assistant Attorney General; not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and advances of public moneys pursuant to law (31 U.S.C. 529); $18,573,000.

ALIEN PROPERTY ACTIVITIES

LIMITATION ON GENERAL ADMINISTRATIVE EXPENSES

The Attorney General, or such officer as he may designate, is hereby authorized to pay out of any funds or other property or interest vested in him or transferred to him pursuant to or with respect to the Trading With the Enemy Act of October 6, 1917, as amended (50 U.S.C. App.), and the International Claims Settlement Act, as amended (22 U.S.C. 1631), necessary expenses incurred in carrying out the powers and duties conferred on the Attorney General pursuant to said Acts: *Provided*, That not to exceed $690,000 shall be available in the current fiscal year for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia: *Provided further*, That on or before November 1 of the current fiscal year the Attorney General shall make a report to the Appropriations Committees of the Senate and the House of Representatives giving detailed information on all administrative and nonadministrative expenses incurred during the next preceding fiscal year in connection with the alien property activities: *Provided further*, That of the total amount herein authorized the amount of

40 Stat. 411. 50 USC app. 1. 69 Stat. 562.

$50,000 is to be transferred to the appropriation for "Salaries and expenses, general administration", Justice.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $6,600,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys and marshals, including purchase of two buses including one for replacement only; and firearms and ammunition; $29,230,000, of which not to exceed $50,000 shall be available for the employment of temporary deputy marshals in lieu of bailiffs at a rate of not to exceed $12 per day and not to exceed $5,000 for loss of and damage to personal effects and property of United States attorneys and marshals: *Provided*, That of the amount herein appropriated $17,500 may be used for the emergency replacement of one prisoner-carrying bus upon certificate of the Attorney General: *Provided further*, That of the amount herein appropriated not to exceed $200,000 shall be available for payment of compensation and expenses of Commissioners appointed in condemnation cases under Rule 71A(h) of the Federal Rules of Civil Procedure.

28 USC app.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, and not to exceed $275,000 for such compensation and expenses of witnesses (including expert witnesses) or informants pursuant to section 1 of the Act of July 28, 1950 (5 U.S.C. 341) and sections 4244–48 of title 18, United States Code; $2,300,000: *Provided*, That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day.

64 Stat. 380.
63 Stat. 686.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for the detection and prosecution of crimes against the United States; protection of the person of the President of the United States; acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies; and such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, including purchase for police-type use without regard to the general purchase price limitation for the current fiscal year (not to exceed five hundred and one, including one armored vehicle, of which three hundred and one shall be for replacement only) and hire of passenger motor vehicles; firearms and ammunition; not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph; payment of rewards; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended

under the direction of the Attorney General, and to be accounted for solely on his certificate; $146,900,000: *Provided*, That the compensation of the Director of the Bureau shall be $22,000 per annum so long as the position is held by the present incumbent. Director, compensation.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including advance of cash to aliens for meals and lodging while en route; payment of allowances (at a rate not in excess of $1 per day) to aliens, while held in custody under the immigration laws, for work performed; payment of rewards; not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use, without regard to the general purchase price limitation for the current fiscal year (not to exceed two hundred and fifty for replacement only) and hire of passenger motor vehicles; purchase (not to exceed eight for replacement only) and maintenance and operation of aircraft; firearms and ammunition, attendance at firearms matches; refunds of head tax, maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto; acquisition of land as sites for enforcement fence and construction incident to such fence; reimbursement of the General Services Administration for security guard services for protection of confidential files; and maintenance, care, detention, surveillance, parole, and transportation of alien enemies and their wives and dependent children, including return of such persons to place of bona fide residence or to such other place as may be authorized by the Attorney General; $69,011,000: *Provided*, That of the amount herein appropriated, not to exceed $50,000 may be used for the emergency replacement of aircraft upon certificate of the Attorney General. Aircraft.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision of United States prisoners in non-Federal institutions; purchase of not to exceed twenty-six (of which twenty shall be for replacement only) and hire of passenger motor vehicles; compilation of statistics relating to prisoners in Federal and non-Federal penal and correctional institutions; payment pursuant to law of claims of employees for loss, damage, or destruction of personal property (31 U.S.C. 238); firearms and ammunition; medals and other awards; payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 7 of the Act of July 28, 1950 (5 U.S.C. 341f); $53,000,000: *Provided*, That there may be transferred to the Public Health Service such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditure by that Service 63 Stat. 167. 64 Stat. 381; 73 Stat. 567.

for medical relief for inmates of Federal penal and correctional institutions.

BUILDINGS AND FACILITIES

For constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, and for planning and site acquisition for a replacement institution for the National Training School, and for construction of a new psychiatric institution, including all necessary expenses incident thereto, by contract or force account, $9,525,000: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, including necessary clothing and medical aid, and payment of rewards, $4,100,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Attorneys, qualifications.

SEC. 202. None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.

Reimbursement to U.S.

SEC. 203. Seventy-five per centum of the expenditures for the offices of the United States attorney and the United States marshal for the District of Columbia from all appropriations in this title shall be reimbursed to the United States from any funds in the Treasury of the United States to the credit of the District of Columbia.

Attendance at meetings.

SEC. 204. Appropriations and authorizations made in this title which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations prescribed by the Attorney General.

SEC. 205. Appropriations and authorizations made in this title for salaries and expenses shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $75 per diem for individuals.

60 Stat. 810.

SEC. 206. Appropriations for the current fiscal year for "Salaries and expenses, general administration", "Salaries and expenses, United States Attorneys and Marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons", shall be available for uniforms and allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131).

68 Stat. 1114.

Citation of title.

This title may be cited as the "Department of Justice Appropriation Act, 1964".

Department of Commerce Appropriation Act, 1964.

TITLE III—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including expenses necessary to carry out the provisions of the Great Lakes Pilotage Act of 1960 (74 Stat. 259), and not to exceed $1,500 for official entertainment, $4,000,000.

46 USC 216 note.

AVIATION WAR RISK INSURANCE REVOLVING FUND

The Secretary of Commerce is hereby authorized to make such expenditures, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958 (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for aviation war risk insurance activities under said Act.

72 Stat. 803.

61 Stat. 584.

AREA REDEVELOPMENT ADMINISTRATION

OPERATIONS

For necessary expenses, not otherwise provided for, of the Area Redevelopment Administration, including not to exceed $4,500,000 for technical assistance, as authorized by section 11 of the Area Redevelopment Act (75 Stat. 47), and hire of passenger motor vehicles, $13,500,000.

42 USC 2510.

AREA REDEVELOPMENT FUND

For loans and participations as authorized by section 6 and public facility loans as authorized by section 7 of the Area Redevelopment Act (75 Stat. 53), $132,000,000: *Provided*, That no part of the appropriations contained in this Act shall be used for administrative expenses in connection with loans and participations financed or to be financed with funds borrowed from the Secretary of the Treasury.

42 USC 2505, 2506.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Business and Defense Services Administration, $4,600,000.

OFFICE OF BUSINESS ECONOMICS

SALARIES AND EXPENSES

For necessary expenses of the Office of Business Economics, $2,000,000.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, and publishing current census statistics, provided for by law, $13,650,000.

1962 CENSUS OF GOVERNMENTS

For an additional amount for expenses necessary for preparing for, taking, compiling, and publishing the 1962 census of governments as authorized by law, $350,000.

1963 CENSUSES OF BUSINESS, TRANSPORTATION, MANUFACTURES, AND MINERAL INDUSTRIES

For an additional amount for expenses necessary for preparing for, taking, compiling, and publishing the 1963 censuses of business, transportation, manufactures, and mineral industries, as authorized by law, $8,500,000, to remain available until December 31, 1966.

1964 CENSUS OF AGRICULTURE

For an additional amount for expenses necessary to prepare for taking, compiling, and publishing the 1964 Census of Agriculture, as authorized by law, $1,345,000, to remain available until December 31, 1967.

MODERNIZATION OF COMPUTING EQUIPMENT

For an additional amount for expenses necessary for replacement of an electronic computer system, $4,500,000.

PREPARATION FOR NINETEENTH DECENNIAL CENSUS

For expenses necessary to prepare for taking, compiling, and publishing the nineteenth decennial census, as authorized by law, $740,000, to remain available until December 31, 1972.

OFFICE OF FIELD SERVICES

SALARIES AND EXPENSES

For expenses necessary to operate and maintain field offices for the collection and dissemination of information useful in the development and improvement of commerce throughout the United States and its possessions, $3,725,000.

INTERNATIONAL ACTIVITIES

SALARIES AND EXPENSES

For necessary expenses for the promotion of foreign commerce, including trade centers, mobile trade fairs, and trade and industrial exhibits, abroad, without regard to the provisions of law set forth in 41 U.S.C. 5 and 13; 44 U.S.C. 111, 322, and 324; purchase of commercial and trade reports; employment of aliens by contract for services abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed $10,000 for official representation expenses abroad; $9,230,000, of which $2,410,000 shall remain available for trade and industrial exhibits until June 30, 1965: *Provided*, That the provisions of the first sentence of section 105(f) and all of 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (Public Law 87-256) shall apply in carrying out the activities concerned with exhibits and missions.

40 Stat. 1270; 63 Stat. 405. 20 Stat. 216.

63 Stat. 62; 73 Stat. 471.

75 Stat. 531, 534. 22 USC 2455, 2458.

EXPORT CONTROL

For expenses necessary for carrying out the provisions of the Export Control Act of 1949, as amended, relating to export controls, including awards of compensation to informers under said Act and as authorized by the Act of August 13, 1953 (22 U.S.C. 401), $4,100,000, of which not to exceed $1,450,000 may be advanced to the Bureau of Customs, Treasury Department, for enforcement of the export control program, and of which not to exceed $65,000 may be advanced to the appropriation for "Salaries and expenses" under "General administration".

63 Stat. 7. 50 USC app. 2021 note. 67 Stat. 577.

OFFICE OF TRADE ADJUSTMENT

TRADE ADJUSTMENT ASSISTANCE

For administrative expenses necessary to carry out the functions of the Secretary of Commerce under title III of the Trade Expansion Act of 1962, $100,000. 76 Stat. 883. 19 USC 1901-1991.

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the International Travel Act of 1961 (75 Stat. 129), including employment of aliens by contract for service abroad; rental of space, for periods not exceeding five years, and expenses of alteration, repair or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed $4,000 for representation expenses abroad; $2,600,000. 22 USC 2121 note. 63 Stat. 62; 73 Stat. 471.

CIVILIAN INDUSTRIAL TECHNOLOGY

For necessary expenses, not otherwise provided, of advancing civilian industrial technology in textiles, $1,000,000, to remain available until expended.

COAST AND GEODETIC SURVEY

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of August 6, 1947, as amended (33 U.S.C. 883a–883i), including hire of aircraft; operation, maintenance, and repair of an airplane; pay, allowances, gratuities, transportation of dependents and household effects, and payment of funeral expenses, as authorized by law, for an authorized strength of 215 commissioned officers on the active list; and pay of commissioned officers retired in accordance with law; $25,000,000, of which $840,000 shall be available for retirement pay of commissioned officers and payments under the Retired Serviceman's Family Protection Plan: *Provided*, That during the current fiscal year, this appropriation shall be reimbursed for at least press costs and costs of paper for charts published by the Coast and Geodetic Survey and furnished for the official use of the military departments of the Department of Defense. 61 Stat. 787.

CONSTRUCTION OF SURVEYING SHIPS

For necessary expenses for the design, supervision, construction, equipping, and outfitting of surveying vessels, as authorized by the Act of August 6, 1947 (33 U.S.C. 883i), $13,000,000, to remain available until expended.

PATENT OFFICE

SALARIES AND EXPENSES

For the necessary expenses of the Patent Office, including defense of suits instituted against the Commissioner of Patents, $29,250,000.

NATIONAL BUREAU OF STANDARDS

RESEARCH AND TECHNICAL SERVICES

For expenses necessary in performing the functions authorized by the Act of March 3, 1901, as amended (15 U.S.C. 271–278e), including general administration; operation, maintenance, alteration, and protection of grounds and facilities; and improvement and construction of facilities as authorized by the Act of September 2, 1958 (15 U.S.C. 278d); $28,700,000, of which not to exceed $175,000 shall be available for payments to the "Working Capital Fund", National Bureau of Standards, for additional capital: *Provided*, That during the current fiscal year the maximum base rate of compensation for employees appointed pursuant to the Act of September 2, 1958 (15 U.S.C. 278e), shall be equivalent to the maximum scheduled rate for GS–12.

31 Stat. 1449.

72 Stat. 1711.

RESEARCH AND TECHNICAL SERVICES (SPECIAL FOREIGN CURRENCY PROGRAM)

For purchase of foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the National Bureau of Standards, as authorized by law, $500,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Bureau, for the purchase of the foregoing currencies.

PLANT AND FACILITIES

For expenses incurred, as authorized by section 1 of the Act of September 2, 1958 (15 U.S.C. 278c–278e), in the acquisition, construction, improvement, alteration, or emergency repair of buildings, grounds, and other facilities including an addition to a radio warning service building, a field site building, an ionospheric radar research facility, and an observatory facility; and procurement and installation of special research equipment and facilities, therefor: $3,000,000, to remain available until expended.

CONSTRUCTION OF FACILITIES

For an additional amount for "Construction of facilities", including construction, equipment, and expenses of occupying the facilities, $7,713,000, to remain available until expended.

WORKING CAPITAL FUND

The "Working capital fund" shall be available, during the current fiscal year, for the purchase of not to exceed one passenger motor vehicle.

OFFICE OF TECHNICAL SERVICES

SALARIES AND EXPENSES

For necessary expenses of the Office of Technical Services, $1,020,000.

WEATHER BUREAU

SALARIES AND EXPENSES

For expenses necessary for the Weather Bureau, including maintenance and operation of aircraft; purchase of upper air supplies for delivery through December 31, of the next fiscal year; and not to

exceed $10,000 for maintenance of a printing office in the city of Washington, as authorized by law; $64,527,100.

RESEARCH AND DEVELOPMENT

For expenses necessary for the conduct of research by the Weather Bureau, including development and service testing of equipment; purchase of one aircraft; operation and maintenance of aircraft; and for acquisition, establishment, and relocation of research facilities and related equipment; $10,400,000, to remain available until June 30, 1966: *Provided*, That appropriations heretofore granted under this head shall be merged with this appropriation.

RESEARCH AND DEVELOPMENT (SPECIAL FOREIGN CURRENCY PROGRAM)

For purchase of foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Weather Bureau, as authorized by law, $250,000, to remain available until expended: *Provided*, That this appropriation shall be available in addition to other appropriations to the Bureau for the purchase of the foregoing currencies.

ESTABLISHMENT OF METEOROLOGICAL FACILITIES

For an additional amount for the acquisition, establishment, and relocation of operational facilities and related equipment, including the alteration and modernization of existing facilities, and for the acquisition of land; $4,800,000, to remain available until June 30, 1966: *Provided*, That the appropriations heretofore granted under this head shall be merged with this appropriation.

INLAND WATERWAYS CORPORATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $2,000 shall be available for administrative expenses to be determined in the manner set forth under the title "General expenses" in the Uniform System of Accounts for Carriers by Water of the Interstate Commerce Commission (effective January 1, 1947).

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); to remain available until expended, $112,500,000: *Provided*, That transfers may be made to the appropriation for the current fiscal year for "Salaries and expenses" for administrative and warehouse expenses (not to exceed $3,150,000) and for reserve fleet expenses (not to exceed $700,000), and any such transfers shall be without regard to the limitations under that appropriation on the amounts available for such expenses.

49 Stat. 1996; 52 Stat. 958.

53 Stat. 1183; 68 Stat. 680.

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORIZATION)

For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, $216,500,000, to remain available until expended: *Provided*, That no contracts shall be executed during the current fiscal year by the Secretary of Commerce which will obligate the Government to pay operating-differential subsidy on more than two thousand four hundred voyages in any one calendar year, including voyages covered by contracts in effect at the beginning of the current fiscal year.

49 Stat. 1985.
46 USC 1245.

RESEARCH AND DEVELOPMENT

For expenses necessary for research, development, fabrication, and test operation of experimental facilities and equipment; collection and dissemination of maritime technical and engineering information; studies to improve water transportation systems; and supporting services related to nuclear ship operation; $7,000,000, to remain available until expended: *Provided*, That transfers may be made to the appropriation for the current fiscal year for "Salaries and expenses" for administrative expenses (not to exceed $800,000), and any such transfers shall be without regard to the limitation under that appropriation on the amount available for such expenses: *Provided further*, That transfers may be made from this appropriation to the "Vessel operations revolving fund" for losses resulting from expenses of experimental ship operations.

SALARIES AND EXPENSES

For expenses necessary for carrying into effect the Merchant Marine Act, 1936, and other laws administered by the Maritime Administration, $15,500,000, within limitations as follows:

Administrative expenses, including not to exceed $1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator, and not to exceed $1,250 for representation allowances, $8,854,000;

Maintenance of shipyard facilities and operation of warehouses, $696,000;

Reserve fleet expenses, $5,950,000.

MARITIME TRAINING

For training cadets as officers of the Merchant Marine at the Merchant Marine Academy at Kings Point, New York; not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy, to be expended in his discretion; and uniform and textbook allowances for cadet midshipmen, at an average yearly cost of not to exceed $300 per cadet; $3,495,000: *Provided*, That, except as herein provided for uniform and textbook allowances, this appropriation shall not be used for compensation or allowances for cadets: *Provided further*, That reimbursement may be made to this appropriation for expenses in support of activities financed from the appropriations for "Research and development" and "Ship construction".

STATE MARINE SCHOOLS

For financial assistance to State marine schools and the students thereof as authorized by the Maritime Academy Act of 1958 (72 Stat. 622–624), $1,405,000, of which $250,000 is for maintenance and repair of vessels loaned by the United States for use in connection with such State marine schools, and $1,155,000, to remain available until expended, is for liquidation of obligations incurred under authority granted by said Act, to enter into contracts to make payments for expenses incurred in the maintenance and support of marine schools, and to pay allowances for uniforms, textbooks, and subsistence of cadets at State marine schools. 46 USC 1381 note.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

No additional vessel shall be allocated under charter, nor shall any vessel be continued under charter by reason of any extension of chartering authority beyond June 30, 1949, unless the charterer shall agree that the Maritime Administration shall have no obligation upon redelivery to accept or pay for consumable stores, bunkers, and slopchest items, except with respect to such minimum amounts of bunkers as the Maritime Administration considers advisable to be retained on the vessel and that prior to such redelivery all consumable stores, slopchest items, and bunkers over and above such minimums shall be removed from the vessel by the charterer at his own expense.

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts. 49 Stat. 1985. 46 USC 1245.

BUREAU OF PUBLIC ROADS

LIMITATION ON GENERAL ADMINISTRATIVE EXPENSES

Necessary expenses of administration and research (not to exceed $43,800,000), including maintenance of a National Register of Revoked Motor Vehicle Operators' Licenses, as authorized by law (74 Stat. 526), and purchase of fifty passenger motor vehicles of which forty-four shall be for replacement only, shall be paid, in accordance with law, from appropriations made available by this Act to the Bureau of Public Roads and from advances and reimbursements received by the Bureau of Public Roads. 23 USC 313 note.

Of the total amount available from appropriations of the Bureau of Public Roads for general administrative and research expenses pursuant to the provisions of title 23, United States Code, section 104 (a), $100,000 shall be available for carrying out the provisions of title 23, United States Code, section 309. 72 Stat. 889, 914.

FEDERAL-AID HIGHWAYS (TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, to remain available until expended, $3,249,150,000, or so much thereof as may be available in and derived from the "Highway trust fund"; which sum is composed of $1,339,157,314, the balance of the amount authorized for the fiscal year 1962, and $1,907,494,772 (or so much thereof as may be available in and derived from the "Highway trust fund"), a part of the amount authorized to be appropriated for the fiscal year 1963, $2,261,713 for reimbursement of the sum expended for the repair or reconstruction of highways and bridges which have been damaged or destroyed by floods, hurricanes, or landslides, as provided by title 23, United States Code, section 125, and $236,201 for reimbursement of the sums expended for the design and construction of bridges upon and across dams, as provided by title 23, United States Code, section 320.

73 Stat. 612.

72 Stat. 917.

IMPROVEMENT OF THE PENTAGON ROAD NETWORK (TRUST FUND)

For expenses necessary for the improvement of routes on the Pentagon Road Network, to be conveyed to the Commonwealth of Virginia, as authorized by the Act of September 26, 1961 (75 Stat. 670), to remain available until expended, $500,000, to be derived from the Highway Trust Fund.

FOREST HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 204, pursuant to contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $33,000,000, which sum is composed of $3,950,000, the balance of the amount authorized to be appropriated for the fiscal year 1962, and $29,050,000, a part of the amount authorized to be appropriated for the fiscal year 1963: *Provided*, That this appropriation shall be available for the rental, purchase, construction, or alteration of buildings and sites necessary for the storage and repair of equipment and supplies used for road construction and maintenance but the total cost of any such item under this authorization shall not exceed $15,000.

72 Stat. 906.

PUBLIC LANDS HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 209, pursuant to the contract authorization granted by title 23, United States Code, section 203, to remain available until expended, $4,000,000, which sum is a part of the amount authorized to be appropriated for the fiscal year 1963.

INTER-AMERICAN HIGHWAY

For necessary expenses for construction of the Inter-American Highway, in accordance with the provisions of section 212 of title 23 of the United States Code, to remain available until expended, $15,000,000, of which $6,000,000 is for liquidation of obligations incurred pursuant to the contract authorization granted by section 4 of the Federal-Aid Highway Act of 1962 (76 Stat. 1146).

GENERAL PROVISIONS—BUREAU OF PUBLIC ROADS

Not to exceed $10,000 may be expended during the current fiscal year for services of individuals employed pursuant to section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates in excess of $50 per diem. 60 Stat. 810.

TRANSPORTATION RESEARCH

For necessary expenses for conducting transportation research activities, $2,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 302. During the current fiscal year applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (5 U.S.C. 596a), to the extent and in the manner prescribed by said Act. 63 Stat. 907.

SEC. 303. During the current fiscal year appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but, unless otherwise specified, at rates for individuals not to exceed $75 per diem; and uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131). 68 Stat. 1114.

This title may be cited as the "Department of Commerce Appropriation Act, 1964". Citation of title.

TITLE IV—THE JUDICIARY

Judiciary Appropriation Act, 1964.

SUPREME COURT OF THE UNITED STATES

SALARIES

For the Chief Justice and eight Associate Justices, and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court, $1,588,000.

PRINTING AND BINDING SUPREME COURT REPORTS

For printing and binding the advance opinions, preliminary prints, and bound reports of the Court, $138,000.

MISCELLANEOUS EXPENSES

For miscellaneous expenses, to be expended as the Chief Justice may approve, including purchase of one passenger motor vehicle (at not to exceed $5,000 for replacement only) and hire of passenger motor vehicles, $85,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance 48 Stat. 668. 5 USC 1071 note, 2251 note.

with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); $348,000.

AUTOMOBILE FOR THE CHIEF JUSTICE

For purchase, exchange, lease, driving, maintenance, and operation of an automobile for the Chief Justice of the United States, $7,400.

BOOKS FOR THE SUPREME COURT

For books and periodicals for the Supreme Court, to be purchased by the Librarian of the Supreme Court, under the direction of the Chief Justice, $35,000.

COURT OF CUSTOMS AND PATENT APPEALS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge, $388,000.

CUSTOMS COURT

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the court; $989,000: *Provided*, That traveling expenses of judges of the Customs Court shall be paid upon the written certificate of the judge.

60 Stat. 810.

COURT OF CLAIMS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and for other necessary expenses, including stenographic and other fees and charges necessary in the taking of testimony, and travel, $1,100,000.

REPAIRS AND IMPROVEMENTS

For necessary repairs and improvements to the Court of Claims buildings, to be expended under the supervision of the Architect of the Capitol, $9,500.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, the Panama Canal Zone, and Guam); justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; and annuities of widows of Justices of the Supreme Court of the United States in accordance with title 28, United States Code, section 375; $11,200,000.

68 Stat. 12.

68 Stat. 918.

SALARIES OF SUPPORTING PERSONNEL

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $30,650,000: *Provided*, That the compensation of secretaries and law clerks of circuit and district judges shall be fixed by the Director of the Administrative Office of the United States Courts without regard to the Classification Act of 1949, as amended, except that the salary of a secretary shall conform with that of the General Schedule grades (GS) 5, 6, 7, 8, 9, or 10, as the appointing judge shall determine, and the salary of a law clerk shall conform with that of the General Schedule grades (GS) 7, 8, 9, 10, 11, or 12, as the appointing judge shall determine, subject to review by the Judicial Conference of the United States if requested by the Director, such determination by the judge otherwise to be final: *Provided further*, That (exclusive of step increases corresponding with those provided for by title VII of the Classification Act of 1949, as amended, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by one judge shall not exceed $17,670 per annum, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $23,465 per annum.

76 Stat. 843.
5 USC 1071 note.
5 USC 1121-1125.

FEES OF JURORS AND COMMISSIONERS

For fees, expenses, and costs of jurors; compensation of jury commissioners; fees of United States commissioners and other committing magistrates acting under title 18, United States Code, section 3041; and compensation of voting referees fixed by the court pursuant to the provisions of the Civil Rights Act of 1960 (74 Stat. 86); $5,500,000.

62 Stat. 815.
42 USC 1971 note.

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, and the cost of contract statistical services for the office of Register of Wills of the District of Columbia, $4,500,000: *Provided*, That this sum shall be available in an amount not to exceed $16,500 for expenses of attendance at meetings concerned with the work of Federal probation when incurred on the written authorization of the Director of the Administrative Office of the United States Courts: *Provided further*, That no part of this appropriation may be used for payment of actual expenses of subsistence in excess of $25 per diem.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, $1,590,000: *Provided*, That not to exceed $110,000 of the appropriations contained in this title shall be available for the study of rules of practice and procedure.

SALARIES OF REFEREES

For salaries of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68), not to exceed $2,550,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act.

60 Stat. 326; 73 Stat. 259.

EXPENSES OF REFEREES

60 Stat. 326, 329; 52 Stat. 872.

For expenses of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), not to exceed $5,250,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act.

GENERAL PROVISIONS—THE JUDICIARY

Reimbursement to U. S.

SEC. 402. Sixty per centum of the expenditures for the District Court of the United States for the District of Columbia from all appropriations under this title and 30 per centum of the expenditures for the United States Court of Appeals for the District of Columbia from all appropriations under this title shall be reimbursed to the United States from any funds in the Treasury to the credit of the District of Columbia.

U. S. Court of Appeals, reports.

SEC. 403. The reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than $6.50 per volume.

Citation of title.

This title may be cited as the "Judiciary Appropriation Act, 1964".

TITLE V—RELATED AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchase and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; not to exceed $70,000 for expenses of travel; rent of office and garage space in foreign countries; purchase (one medium sedan, at not to exceed $3,000, for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; $1,800,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $985,000: *Provided*, That the compensation of any employee paid from funds provided under this head shall not exceed $20,500 per annum.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates for individuals not to exceed $75 per diem; hire of passenger motor vehicles; and uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); $2,575,000.

60 Stat. 810.

68 Stat. 1114.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry on the activities of the Foreign Claims Settlement Commission, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); allowances and benefits similar to those provided by title IX of the Foreign Service Act of 1946, as amended, as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; and advances of funds abroad; not to exceed $50,000 for expenses of travel; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; purchase of two passenger motor vehicles for use in The Federal Republic of Germany; and employment of aliens; $1,455,000, and in addition $607,000 (to be merged with this appropriation) to be derived from the appropriation "Payment of Philippine War Damage Claims."

22 USC 1131-1158.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger motor vehicles, $7,000,000, and in addition there may be transferred to this appropriation (a) not to exceed $30,000 from the appropriation "Trade adjustment loan assistance," for administrative expenses of activities financed under that appropriation, and (b) not to exceed $27,300,000 from the revolving fund, Small Business Administration, for administrative expenses in connection with activities financed under said fund: *Provided*, That the amount authorized for transfer from the revolving fund, Small Business Administration, may be increased, with the approval of the Bureau of the Budget, by such amount (not exceeding $500,000) as may be required to finance administrative expenses incurred in the making of disaster loans: *Provided further*, That 10 per centum of the amount authorized to be transferred from the revolving fund, Small Business Administration, shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, only in such amounts and at such times as may be necessary to carry out the business loan program.

31 USC 665.

TRADE ADJUSTMENT LOAN ASSISTANCE

For loans as authorized by section 2 of the Act of July 25, 1962 (Public Law 87–550), $1,500,000, to remain available without fiscal year limitation.

76 Stat. 221.
15 USC 637a.

REVOLVING FUND

For additional capital for the revolving fund authorized by the Small Business Act of 1953, as amended, to be available without fiscal year limitations, $90,000,000.

72 Stat. 384.
15 USC 631 note.

SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

For expenses necessary for the Special Representative for Trade Negotiations, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $75 per diem, $465,000.

60 Stat. 810.

SUBVERSIVE ACTIVITIES CONTROL BOARD

SALARIES AND EXPENSES

For necessary expenses of the Subversive Activities Control Board, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), not to exceed $30,000 for expenses of travel, and not to exceed $500 for the purchase of newspapers and periodicals, $425,000.

TARIFF COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Tariff Commission, including subscriptions to newspapers (not to exceed $300), not to exceed $70,000 for expenses of travel, and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $75 per diem for individuals, $3,145,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the Tariff Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative: *Provided further*, That no part of the foregoing appropriation shall be used for making any special study, investigation, or report at the request of any other agency of the executive branch of the Government unless reimbursement is made for the cost thereof.

46 Stat. 701.
19 USC 1336–1338.

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities authorized by the Act of September 26, 1961 (75 Stat. 631), $7,500,000.

22 USC 2551 note.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 8 of 1953, the Mutual Educational and Cultural Exchange Act (75 Stat. 527), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international information activities, including employment, without regard to the civil service and classification laws, of (1) persons on a temporary basis (not to exceed $120,000), (2) aliens within the United States, and (3) aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages (such aliens to be investigated for such employment in accordance with procedures established by the Secretary of State and the Attorney General); travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); entertainment within the United States not to exceed $500; hire of passenger motor vehicles; insurance on official motor vehicles in foreign countries; services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); payment of tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries; advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; employment of aliens, by contract, for service abroad; purchase of ice and drinking water abroad; payment of excise taxes on negotiable instruments abroad; actual expenses of preparing and transporting to their former homes the remains of persons, not United States Government employees, who may die away from their homes while participating in activities authorized under this appropriation; radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, script-writing, translation, and engineering services, by contract or otherwise; maintenance, improvement, and repair of properties used for information activities in foreign countries; fuel and utilities for Government-owned or leased property abroad; rental or lease for periods not exceeding five years of offices, buildings, grounds, and living quarters for officers and employees engaged in informational activities abroad; travel expenses for employees attending official international conferences, without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under the Travel Expense Act of 1949, but at rates not in excess of comparable allowances approved for such conferences by the Secretary of State; and purchase of objects for presentation to foreign governments, schools, or organizations; $134,000,000, of which not less than $11,000,000 shall be used to purchase foreign currencies or credits owed to or owned by the Treasury of the United States: *Provided*, That not to exceed $110,000 may be used for representation abroad: *Provided further*, That this appropriation shall be available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, when any part of such travel or transportation begins in

67 Stat. 642.
5 USC 133z-15 note.
22 USC 2451 note.
62 Stat. 6; 75 Stat. 538.
60 Stat. 999.
60 Stat. 810.
63 Stat. 62; 73 Stat. 471.
31 USC 529.
63 Stat. 166.
5 USC 835 note.
Travel outside U. S.

the current fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during the current year: *Provided further*, That passenger motor vehicles used abroad exclusively for the purposes of this appropriation may be exchanged or sold, pursuant to section 201(c) of the Act of June 30, 1949 (40 U.S.C. 481(c)), and the exchange allowances or proceeds of such sales shall be available for replacement of an equal number of such vehicles and the cost, including the exchange allowance of each such replacement, except buses and station wagons, shall not exceed $1,500: *Provided further*, That, notwithstanding the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the United States Information Agency is authorized, in making contracts for the use of international shortwave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities: *Provided further*, That existing appointments and assignments to the Foreign Service Reserve for the purposes of foreign information and educational activities which expire during the current fiscal year may be extended for a period of one year in addition to the period of appointment or assignment otherwise authorized.

63 Stat. 384.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For purchase of foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency, as authorized by law, $11,750,000, to remain available until expended.

SPECIAL INTERNATIONAL EXHIBITIONS

For expenses necessary to carry out the functions of the United States Information Agency under section 102(a)(3) of the "Mutual Educational and Cultural Exchange Act of 1961" (75 Stat. 527), $7,200,000, to remain available until expended: *Provided*, That not to exceed a total of $10,550 may be expended for representation.

76 Stat. 263.
22 USC 2452.

SPECIAL INTERNATIONAL EXHIBITIONS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For purchase of foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency in connection with special international exhibitions under the Mutual Educational and Cultural Exchange Act of 1961 (75 Stat. 527), $450,000, to remain available until expended: *Provided*, That not to exceed $1,250 may be expended for representation.

22 USC 2451 note.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception, purchase and installation of necessary equipment for radio transmission and reception, without regard to the provisions of the Act of June 30, 1932 (40 U.S.C. 278a), and acquisition of land and interests in land by purchase, lease, rental, or otherwise, $12,070,000, to remain available until expended: *Provided*, That this appropriation shall be available for acquisition of land outside the continental United States without regard to section 355 of the Revised Statutes (40 U.S.C. 255), and title to any land so acquired shall be approved by the Director of the United States Information Agency. 47 Stat. 412, 1517.

INFORMATIONAL MEDIA GUARANTEE FUND

For the "Informational media guarantee fund", for partial restoration of realized impairment to the capital used in carrying on the authority to make informational media guarantees, as provided in section 1011 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1442), $750,000. 68 Stat. 862; 70 Stat. 563.

TITLE VI—FEDERAL PRISON INDUSTRIES, INCORPORATED

The following corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation, and in accord with the 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 amended, as may be necessary in carrying out the program set forth in the budget for the fiscal year 1964 for such corporation including purchase (not to exceed ten) and hire of passenger motor vehicles, except as hereinafter provided: 61 Stat. 584. 31 USC 849.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $650,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed $1,450,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest. 60 Stat. 810.

93-025 O-64-53

TITLE VII—GENERAL PROVISIONS

Publicity or propaganda.

SEC. 701. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 702. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

Restriction.

SEC. 703. No part of any appropriation contained in this Act shall be used to conduct or assist in conducting any program (including but not limited to the payment of salaries, administrative expenses, and the conduct of research activities) related directly or indirectly to the establishment of a national service corps or similar domestic peace corps type of program.

Short title.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1964".

Approved December 30, 1963.

Public Law 88-246

December 30, 1963
[S. 2311]

AN ACT

To provide for the preparation and printing of compilations of materials relating to annual national high school and college debate topics.

Debate subjects. Selection and compilation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress is authorized and directed to prepare compilations of pertinent excerpts, bibliographical references, and other appropriate materials relating to (1) the subject selected annually by the National University Extension Association as the national high school debate topic and (2) the subject selected annually by the American Speech Association as the national college debate topic. In preparing such compilations the Librarian shall include materials which in his judgment are representative of, and give equal emphasis to, the opposing points of view on the respective topics.

Printing as Senate and House documents.

SEC. 2. The compilations on the high school debate topics shall be printed as Senate documents and the compilations on the college debate topics shall be printed as House documents, the cost of which shall be charged to the congressional allotment for printing and binding. Additional copies of such documents may be printed in such quantities and distributed in such manner as the Joint Committee on Printing directs.

Approved December 30, 1963.

Public Law 88-247

December 30, 1963
[H. J. Res. 880]

JOINT RESOLUTION

Establishing that the second regular session of the Eighty-eighth Congress convene at noon on Tuesday, January 7, 1964.

88th Congress. Second session.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second regular session of the Eighty-eighth Congress shall begin at noon on Tuesday, January 7, 1964.

Approved December 30, 1963.

Public Law 88-248

AN ACT

December 30, 1963
[H. R. 6868]

Making appropriations for the Legislative Branch for the fiscal year ending June 30, 1964, and for other purposes.

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 Legislative Branch for the fiscal year ending June 30, 1964, and for other purposes, namely:

Legislative Branch Appropriation Act, 1964.

SENATE

COMPENSATION OF THE VICE PRESIDENT AND SENATORS, MILEAGE OF THE PRESIDENT OF THE SENATE AND SENATORS, AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

COMPENSATION OF THE VICE PRESIDENT AND SENATORS

For compensation of the Vice President and Senators of the United States, $2,471,140.

MILEAGE OF PRESIDENT OF THE SENATE AND OF SENATORS

For mileage of the President of the Senate and of Senators, $58,370.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT, AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $2,000; and Minority Leader of the Senate, $2,000; in all, $14,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, at rates of compensation to be fixed by him in basic multiples of $5 per month, $136,710.

CHAPLAIN

Chaplain of the Senate, $9,430.

OFFICE OF THE SECRETARY

For office of the Secretary, $897,885, including $128,000 required for the purposes specified and authorized by section 74b of title 2, United States Code: *Provided*, That effective July 1, 1963, the basic compensation of the printing clerk shall be $5,700 in lieu of $5,400.

60 Stat. 839.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, $2,731,965.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority, at rates of compensation to be fixed by the chairman of said committee, $82,740.

For clerical assistance to the Conference of the Minority, at rates of compensation to be fixed by the chairman of said committee, $82,740.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants and messenger service for Senators, $13,609,650.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of Sergeant at Arms and Doorkeeper, $2,704,615: *Provided*, That effective July 1, 1963, the Sergeant at Arms may employ two additional assistant chief telephone operators at $2,580 basic per annum each in lieu of two telephone operators at $1,980 each, one additional messenger acting as assistant doorkeeper at $2,580 basic per annum in lieu of one messenger at $2,100, the basic per annum compensation of the administrative officer shall be $5,280 in lieu of $4,140, and the title of positions shall be changed as follows: wagonmaster to truck driver, assistant wagonmaster to assistant truck driver, two female attendants ladies' retiring room to two attendants, laborer in charge of private passage to skilled laborer.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND THE MINORITY

For the offices of the Secretary for the Majority and the Secretary for the Minority, $135,195.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For four clerical assistants, two for the Majority Whip and two for the Minority Whip, at rates of compensation to be fixed in basic multiples of $60 per annum by the respective Whips, $15,165 each; in all, $30,330.

OFFICIAL REPORTERS OF DEBATES

For office of the Official Reporters of Debates, $231,555.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $247,260: *Provided*, That effective July 1, 1963, one additional employee in the Office of the Legislative Counsel of the Senate may be designated as Senior Counsel, and the compensation of the additional employee so designated shall be equal to the gross per annum rate presently authorized for other employees so designated.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $175,585 for each such committee; in all, $351,170.

AUTOMOBILES AND MAINTENANCE

For purchase, exchange, driving, maintenance, and operation of four automobiles, one for the Vice President, one for the President Pro Tempore, one for the Majority Leader, and one for the Minority Leader, $37,840.

FURNITURE

For service and materials in cleaning and repairing furniture, and for the purchase of furniture, $31,190: *Provided*, That the furniture purchased is not available from other agencies of the Government.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, including $380,000 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, $4,025,760.

60 Stat. 831.
2 USC 190b.

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $2.03 per hour per person, $36,700.

MAIL TRANSPORTATION

For maintaining, exchanging, and equipping motor vehicles for carrying the mails and for official use of the offices of the Secretary and Sergeant at Arms, $16,560.

MISCELLANEOUS ITEMS

For miscellaneous items, exclusive of labor, $2,458,860, including $90,000 for payment to the Architect of the Capitol in accordance with section 4 of Public Law 87–82, approved July 6, 1961.

75 Stat. 199.
40 USC 174j-4.

POSTAGE STAMPS

For postage stamps for the Offices of the Secretaries for the Majority and Minority, $140; and for airmail and special-delivery stamps for Office of the Secretary, $160; Office of the Sergeant at Arms, $125; Senators and the President of the Senate, as authorized by law, $61,610, and the maximum allowance per capita of $550 is increased to $610 for the fiscal year 1964 and thereafter; for maintenance of a supply of stamps in the Senate Post Office, $1,500; in all, $63,535.

STATIONERY (REVOLVING FUND)

For stationery for Senators and the President of the Senate, $181,800; and for stationery for committees and officers of the Senate, $13,200; in all, $195,000, to remain available until expended.

COMMUNICATIONS

For an amount for communications which may be expended interchangeably for payment, in accordance with such limitations and restrictions as may be prescribed by the Committee on Rules and Administration, of charges on official telegrams and long-distance telephone calls made by or on behalf of Senators or the President of the Senate, such telephone calls to be in addition to those authorized by

the provisions of the Legislative Branch Appropriation Act, 1947 (60 Stat. 392; 2 U.S.C. 46c, 46d, 46e), as amended, and the First Deficiency Appropriation Act, 1949 (63 Stat. 77; 2 U.S.C. 46d–1), $15,150.

70 Stat. 360; 72 Stat. 442.

HOUSE OF REPRESENTATIVES

SALARIES, MILEAGE FOR THE MEMBERS, AND EXPENSE ALLOWANCE OF THE SPEAKER

COMPENSATION OF MEMBERS

For compensation of Members (wherever used herein the term "Member" shall include Members of the House of Representatives and the Resident Commissioner from Puerto Rico), $10,622,500.

MILEAGE OF MEMBERS AND EXPENSE ALLOWANCE OF THE SPEAKER

For mileage of Members and expense allowance of the Speaker, as authorized by law, $200,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers and employees, as authorized by law, as follows:

OFFICE OF THE SPEAKER

For the Office of the Speaker, $94,875.

OFFICE OF THE PARLIAMENTARIAN

For the Office of the Parliamentarian, $75,380, including the Parliamentarian and $2,000 for preparing the Digest of the Rules as authorized by law, and in addition the Parliamentarian may, subject to the approval of the Speaker, hereafter employ and fix the compensation of such assistants and other employees as necessary for the performance of the duties of the Office.

OFFICE OF THE CHAPLAIN

For the Office of the Chaplain, $9,425.

OFFICE OF THE CLERK

For the Office of the Clerk, including $127,330 for the House Recording Studio, $1,220,000.

COMMITTEE EMPLOYEES

For committee employees, including the Committee on Appropriations, $3,125,000.

OFFICE OF THE SERGEANT AT ARMS

For the Office of the Sergeant at Arms, including $8,000 for additional clerical assistants, $661,600.

OFFICE OF THE DOORKEEPER

For the Office of the Doorkeeper, $1,150,410.

SPECIAL AND MINORITY EMPLOYEES

For six minority employees, $94,595.

For the office of the majority floor leader, including $2,000 for official expenses of the majority leader, $77,760.

For the office of the minority floor leader, including $2,000 for official expenses of the minority leader, $60,100.

For the office of the majority whip, including $8,100 basic lump-sum clerical assistance, $40,100.

For the office of the minority whip, including $8,100 basic lump-sum clerical assistance, $40,100.

For two printing clerks, one for the majority caucus room and one for the minority caucus room, to be appointed by the majority and minority leaders, respectively, $14,515.

For a technical assistant in the office of the attending physician, to be appointed by the attending physician, subject to the approval of the Speaker, $12,345.

OFFICE OF THE POSTMASTER

For the Office of the Postmaster, including $9,700 for employment of substitute messengers, and extra services of regular employees when required at the basic salary rate of not to exceed $2,100 per annum each, $359,525.

OFFICIAL REPORTERS OF DEBATES

For official reporters of debates, $217,120.

OFFICIAL REPORTERS TO COMMITTEES

For official reporters to committees, $219,345.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $660,000, of which such amount as may be necessary may be transferred to the appropriation under this heading for the fiscal year 1963.

60 Stat. 834.
2 USC 72a.

OFFICE OF THE LEGISLATIVE COUNSEL

For salaries and expenses of the Office of the Legislative Counsel of the House, $252,530.

MEMBERS' CLERK HIRE

For clerk hire, necessarily employed by each Member in the discharge of his official and representative duties, $21,300,000.

CONTINGENT EXPENSES OF THE HOUSE

FURNITURE

For furniture and materials for repairs of the same, including labor, tools, and machinery for furniture repair shops, and for the purchase of packing boxes, $269,620.

MISCELLANEOUS ITEMS

For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, including the sum of $60,000 for payment to the Architect of the Capitol in accordance with section 208 of the Act approved October 9, 1940 (Public Law 812); the exchange, operation, maintenance, and repair of the Clerk's motor vehicles; the exchange, operation, maintenance, and repair of the folding room motortruck; the exchange, maintenance, operation, and repair of the post office motor vehicles for carrying the mails; not to exceed $5,000 for the purposes authorized by section 1 of House Resolution 348, approved June 29, 1961; the sum of $600 for hire of automobile for the Sergeant at Arms; materials for folding; and for stationery for the use of committees, departments, and officers of the House; $2,800,000, of which such amount as may be necessary may be transferred to the appropriation under this heading for the fiscal year 1963.

54 Stat. 1056.
40 USC 174k.

REPORTING HEARINGS

For stenographic reports of hearings of committees other than special and select committees, $175,000, of which such amount as may be necessary may be transferred to the appropriation under this heading for the fiscal year 1963.

SPECIAL AND SELECT COMMITTEES

For salaries and expenses of special and select committees authorized by the House, $3,300,000, of which such amount as may be necessary may be transferred to the appropriation under this heading for the fiscal year 1963.

OFFICE OF THE COORDINATOR OF INFORMATION

For salaries and expenses of the Office of the Coordinator of Information, $121,855.

TELEGRAPH AND TELEPHONE

For telegraph and telephone service, exclusive of personal services, $1,670,000, of which such amount as may be necessary may be transferred to the appropriation under this head for the fiscal year 1963.

STATIONERY (REVOLVING FUND)

For a stationery allowance of $1,800 for each Member for the second session of the Eighty-eighth Congress, $784,800, to remain available until expended.

ATTENDING PHYSICIAN'S OFFICE

For medical supplies, equipment, and contingent expenses of the emergency room and for the attending physician and his assistants, including an allowance of $1,500 to be paid to the attending physician in equal monthly installments as authorized by the Act approved June 27, 1940 (54 Stat. 629), and including an allowance of $75 per month each to five assistants as provided by the House resolutions adopted July 1, 1930, January 20, 1932, November 18, 1940, and May 21, 1959, and Public Law 242, Eighty-fourth Congress, $16,545.

69 Stat. 499.

POSTAGE STAMPS

Postage stamp allowances for the second session of the Eighty-eighth Congress, as follows: Postmaster, $320; Clerk, $640; Sergeant at Arms, $480; Doorkeeper, $400; airmail and special-delivery postage stamps for each Member, the Speaker, the majority and minority leaders, the majority and minority whips, and to each standing committee, as authorized by law; $182,840.

FOLDING DOCUMENTS

For folding speeches and pamphlets, at a gross rate not exceeding $2.72 per thousand or for the employment of personnel at a gross rate not exceeding $2.04 per hour per person, $251,300.

REVISION OF LAWS

For preparation and editing of the laws as authorized by 1 U.S.C. 202, 203, 213, $20,765, to be expended under the direction of the Committee on the Judiciary. 61 Stat. 637, 638, 640.

SPEAKER'S AUTOMOBILE

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the Speaker, $10,600.

MAJORITY LEADER'S AUTOMOBILE

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the majority leader of the House, $10,500.

MINORITY LEADER'S AUTOMOBILE

For purchase, exchange, hire, driving, maintenance, repair, and operation of an automobile for the minority leader of the House, $10,500.

ADMINISTRATIVE PROVISION

Salaries or wages paid out of the items herein for the House of Representatives shall hereafter be computed at basic rates, plus increased and additional compensation, as authorized and provided by law.

JOINT ITEMS

For joint committees, as follows:

JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

For an amount to enable the Joint Committee on Reduction of Nonessential Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941 (55 Stat. 726), to remain available during the existence of the Committee, $29,750, to be disbursed by the Secretary of the Senate.

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $235,000.

JOINT COMMITTEE ON ATOMIC ENERGY

For salaries and expenses of the Joint Committee on Atomic Energy, $311,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $123,530.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

For salaries and expenses of the Joint Committee on Internal Revenue Taxation, $344,440.

JOINT COMMITTEE ON IMMIGRATION AND NATIONALITY POLICY

For salaries and expenses of the Joint Committee on Immigration and Nationality Policy, $20,000.

JOINT COMMITTEE ON DEFENSE PRODUCTION

For all necessary expenses of the Joint Committee on Defense Production as authorized by the Defense Production Act of 1950, as amended, $69,550.

64 Stat. 798.
50 USC app. 2061.

For other joint items, as follows:

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including $25 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House, as may be designated by the Chairman of the Board; $36,700.

CAPITOL POLICE BOARD

To enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, $144,000. Such sum shall be expended only for payment of salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Commissioners of the District of Columbia are authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and are authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police

55 Stat. 456.
54 Stat. 629; 60 Stat. 408.
40 USC 213a and note.

during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person who was a member of such police on July 1, 1940, shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail: *Provided further*, That the Commissioners of the District of Columbia are directed to pay the captain and the lieutenant detailed under the authority of this paragraph the same salary as that paid the two lieutenants so detailed in fiscal year 1955 plus $625 and such increase in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents and that the Commissioners of the District of Columbia are directed to pay the deputy chief detailed under the authority of this paragraph the same salary as that paid in fiscal year 1961 plus $1,025 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent and that the Commissioners of the District of Columbia are directed to pay the uniformed lieutenant detailed under the authority of this paragraph and serving as acting captain a salary of the rank of captain and such increases in basic compensation as may be subsequently provided by law.

No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided*, That the Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds.

EDUCATION OF PAGES

For education of congressional pages and pages of the Supreme Court, pursuant to section 243 of the Legislative Reorganization Act, 1946, $77,025, which amount shall be advanced and credited to the applicable appropriation of the District of Columbia, and the Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe.

60 Stat. 839.
2 USC 88a.

PENALTY MAIL COSTS

For expenses necessary under section 2 of Public Law 286, Eighty-third Congress, $4,867,374, to be available immediately.

The foregoing amounts under "other joint items" shall be disbursed by the Clerk of the House.

67 Stat. 614; 74 Stat. 663. 39 USC 4167 and note.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the Eighty-eighth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, $13,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, Assistant Architect of the Capitol, and Second Assistant Architect of the Capitol, at salary rates of $20,700, $19,000, and $17,500 per annum, respectively, and other personal services at rates of pay provided by law; $442,500.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies and to meet unforeseen expenses in connection with activities under his care, $50,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including minor improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); personal and other services; cleaning and repairing works of art, without regard to section 3709 of the Revised Statutes, as amended; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; not to exceed $500 for expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $1,428,500: *Provided*, That the unobligated balance of the appropriation under this head for the fiscal year 1962, heretofore continued available until June 30, 1963, is hereby continued available until June 30, 1964.

68 Stat. 1114.

41 USC 5.

EXTENSION OF THE CAPITOL

For an additional amount for "Extension of the Capitol", $700,000: *Provided*, That the proviso to the paragraph entitled "Extension of the Capitol" in the Legislative Appropriation Act, 1956, as amended, is amended by striking out "and to obligate the additional sums herein authorized prior to the actual appropriation thereof", and by substituting in lieu thereof "and, prior to any appropriations being provided for extension, reconstruction, and replacement of the west central portion of the United States Capitol, to obligate such sums as may be necessary for the employment of nongovernmental engineering and other necessary services and for test borings and other necessary incidental items required to make a survey, study and examination of the structural condition of such west central portion, to make reports of findings, and to make recommendations with respect to such remedial measures as may be deemed necessary, including the feasibility of corrective measures in conjunction with extension of such west central portion."

69 Stat. 515, 516.

PLANNING FOR RESTORATION OF OLD SENATE CHAMBER AND OLD SUPREME COURT CHAMBER IN THE CAPITOL

To enable the Architect of the Capitol to prepare working drawings, specifications, and estimates of cost for restoration of the Old Senate Chamber on the principal floor of the Capitol and the Old Supreme Court Chamber on the ground floor of the Capitol substantially to the condition in which these chambers existed and were furnished when last occupied in 1859 and 1860, respectively, by the United States Senate and the United States Supreme Court, $37,500.

CAPITOL GROUNDS

For care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant; personal and other services; care of trees; planting; fertilizers; repairs to pavements, walks, and roadways; waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without regard to section 3709 of the Revised Statutes, as amended; $476,000. 41 USC 5.

LEGISLATIVE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $50,500.

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; including eight attendants at $1,800 each; for the care and operation of the Senate Office Buildings, including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); to be expended under the control and supervision of the Architect of the Capitol; in all, $2,535,300: *Provided*, That there is hereby authorized to be established and maintained, in an amount not to exceed $50, a petty cash fund for small purchases necessary for such care and operation of the buildings, which shall be reimbursed by vouchers properly chargeable to this and successor appropriations. 68 Stat. 1114.

HOUSE OFFICE BUILDINGS

For maintenance, including equipment; waterproof wearing apparel; uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes, as amended; miscellaneous items; and for all necessary services; $1,778,000.

ACQUISITION OF PROPERTY, CONSTRUCTION, AND EQUIPMENT, ADDITIONAL HOUSE OFFICE BUILDING

To enable the Architect of the Capitol, under the direction of the House Office Building Commission, to continue to provide for the acquisition of property, construction, and equipment of an additional fireproof office building for the use of the House of Representatives,

and other changes and improvements, authorized by the Additional House Office Building Act of 1955 (69 Stat. 41, 42), $20,000,000.

40 USC 175 note.

CAPITOL POWER PLANT

For lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, legislative garage, and for air-conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office, Washington City Post Office, and Folger Shakespeare Library, reimbursement for which shall be made and covered into the Treasury; personal and other services, fuel, oil, materials, waterproof wearing apparel, and all other necessary expenses in connection with the maintenance and operation of the plant; $2,213,000.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For necessary expenditures for mechanical and structural maintenance, including improvements, equipment, supplies, waterproof wearing apparel, and personal and other services, $3,388,200, of which not to exceed $20,000 shall be available for expenditure without regard to section 3709 of the Revised Statutes, as amended, and of which $2,225,000 shall remain available until expended.

41 USC 5.

FURNITURE AND FURNISHINGS

For furniture, partitions, screens, shelving, and electrical work pertaining thereto and repairs thereof, office and library equipment, apparatus, and labor-saving devices, $180,000.

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden and the nurseries, buildings, grounds, collections, and equipment pertaining thereto, including personal services; waterproof wearing apparel; not to exceed $25 for emergency medical supplies; traveling expenses, including bus fares, not to exceed $275; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; purchase and exchange of motor trucks; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; purchase of botanical books, periodicals, and books of reference, not to exceed $100; all under the direction of the Joint Committee on the Library; $454,500.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care, and maintenance of the Library Buildings; special clothing; and expenses of the Library of Congress Trust Fund

Board not properly chargeable to the income of any trust fund held by the Board; $9,726,000, together with $258,000 to be derived by transfer from the appropriation "Salaries and expenses, National Science Foundation", of which $28,000 shall be retransferred to the appropriation "Distribution of catalog cards, salaries and expenses".

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $1,781,000.

LEGISLATIVE REFERENCE SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), $2,119,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration. 60 Stat. 836.

DISTRIBUTION OF CATALOG CARDS

SALARIES AND EXPENSES

For necessary expenses for the preparation and distribution of catalog cards and other publications of the Library, $3,042,000.

BOOKS FOR THE GENERAL COLLECTIONS

For necessary expenses (except personal services) for acquisition of books, periodicals, and newspapers, and all other material for the increase of the Library, $670,000, to remain available until expended.

BOOKS FOR THE LAW LIBRARY

For necessary expenses (except personal services) for acquisition of books, legal periodicals, and all other material for the increase of the law library, $110,000, to remain available until expended.

BOOKS FOR THE BLIND

SALARIES AND EXPENSES

For necessary salaries and expenses to carry out the provisions of the Act approved March 3, 1931 (2 U.S.C. 135a), as amended, $1,900,000. 46 Stat. 1487; 71 Stat. 630.

ORGANIZING AND MICROFILMING THE PAPERS OF THE PRESIDENTS

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Act of August 16, 1957 (71 Stat. 368), $112,800, to remain available until expended. 2 USC 131 note.

PRESERVATION OF AMERICAN MOTION PICTURES

For expenses necessary for the conversion of American motion pictures now in the custody of the Library from nitrate film to safety base film, $50,000.

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For necessary expenses for carrying out the provisions of section 104(n) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(n)), to remain available until expended, $978,000, of which $898,000 shall be available for the purchase of foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States: *Provided*, That this appropriation shall be available to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad.

72 Stat. 1790.

ADMINISTRATIVE PROVISIONS

Appropriations in this Act available to the Library of Congress for salaries shall be available for expenses of investigating the loyalty of Library employees; special and temporary services (including employees engaged by the day or hour or in piecework); and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

60 Stat. 810.

Not to exceed ten positions in the Library of Congress may be exempt from the provisions of appropriation Acts concerning the employment of aliens during the current fiscal year, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise meets the general requirements for employment in the Library of Congress.

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

For authorized printing and binding for the Congress; not to exceed $7,500 for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 182); printing, binding, and distribution of the Federal Register (including the Code of Federal Regulations) as authorized by law (44 U.S.C. 309, 311, 311a); and printing and binding of Government publications authorized by law to be distributed without charge to the recipients; $18,200,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

49 Stat. 1546.

49 Stat. 502; 67 Stat. 388; *Ante*, p. 343; 56 Stat. 1045.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the Act entitled "An Act to regulate and fix rates of pay for employees and officers of the Government Printing Office", approved June 7, 1924 (44 U.S.C. 40); travel expenses (not to exceed $1,500); price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying books to depository libraries; $5,242,000: *Provided*, That $200,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments. 43 Stat. 658.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For additional capital for the "Government Printing Office Revolving Fund," $3,550,000, together with $6,450,000 to be derived by transfer from the appropriation "Acquisition of site and construction of annex", to remain available until expended: *Provided*, That during the current fiscal year said revolving fund shall be available for the purchase of one passenger motor vehicle (station wagon) for replacement only.

GENERAL PROVISIONS

SEC. 102. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles.

SEC. 103. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto: *Provided further*, That the provisions relating to positions and salaries thereof carried in House Resolutions 603 and 773 of the Eighty-seventh Congress and House Resolution 225 of the Eighty-eighth Congress shall be the permanent law with respect thereto: *Provided further*, That the provisions of House Resolution 735 of the Eighty-seventh Congress shall be the permanent law with respect thereto. 46 Stat. 32. 2 USC 60a note.

93-025 O-64-54

SEC. 104. No part of any amount appropriated in this Act shall be available to finance, under authority of section 4167(a) of title 39, United States Code, the mailing and delivering of mail matter sent through the mails after October 2, 1962, with a simplified form of address under the franking privilege by any Member or Member-elect of the United States Senate to postal patrons, including those patrons on rural or star routes; nor shall any part of any amount appropriated in this Act be so available with respect to the mailing and delivering of such mail matter so addressed by any Member or Member-elect of the House of Representatives beyond the district which such Member or Member-elect was elected to represent.

74 Stat. 663.

Short title.

This Act may be cited as the "Legislative Branch Appropriation Act, 1964".

Approved December 30, 1963.

Public Law 88-249

December 30, 1963
[S. 1175]

AN ACT

To revise the boundaries of the Carlsbad Caverns National Park in the State of New Mexico, and for other purposes.

Carlsbad Caverns National Park.
Boundaries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Carlsbad Caverns National Park situated in the State of New Mexico shall consist of the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 24 south, range 23 east: south half section 35; section 36.

Township 24 south, range 24 east: sections 25 to 29, inclusive; sections 31 to 36, inclusive.

Township 24 south, range 25 east: south half southeast quarter section 19; south half south half section 20; south half south half section 21; southwest quarter southwest quarter section 26; sections 27 to 33, inclusive; west half section 34; northwest quarter northeast quarter section 34.

Township 25 south, range 22 east: sections 24, 25, 35, and 36.

Township 25 south, range 23 east: sections 1 to 33, inclusive; northwest quarter section 34.

Township 25 south, range 24 east: north half section 1; west half section 2; northeast quarter section 2; sections 3 to 8, inclusive; west half section 9; northeast quarter section 9; northwest quarter section 10; west half section 17; northeast quarter section 17; section 18; northwest quarter section 19.

Township 25 south, range 25 east: north half section 5; north half section 6.

Township 26 south, range 22 east: north half section 1; west half southwest quarter section 1; section 2; section 11; west half west half section 12; northwest quarter section 14.

Township 26 south, range 23 east: northwest quarter section 6.

All of which contains 46,786.11 acres, more or less.

And the tract of land, including Rattlesnake Springs, lying in section 23, township 25 south, range 24 east, New Mexico principal meridian, acquired by the United States for water right purposes by warranty deed dated January 23, 1934, recorded in Eddy County, New Mexico, records in deedbook 64 on page 97, containing 79.87 acres, more or less.

SEC. 2. (a) For the purpose of acquiring the State-owned lands lying within the area described in section 1 of this Act, consisting of 2,721.12 acres, and described as follows:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 24 south, range 23 east: section 36.
Township 24 south, range 24 east: section 32.
Township 24 south, range 25 east: section 32.
Township 25 south, range 24 east: lots 1, 2, 3, and 4, south half north half, southwest quarter section 2.
Township 26 south, range 22 east: south half section 2, the Secretary of the Interior may, subject to such terms, conditions, and reservations as may be necessary or are in the public interest, including the reservation of surface rights-of-way across Federal lands situated in township 25 south, range 24 east, New Mexico principal meridian, for the construction of roads and utility lines between park headquarters and Rattlesnake Springs, exchange the following described 2,719.80 acres of public land of approximately equal value:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 24 south, range 25 east: southeast quarter section 34.
Township 25 south, range 24 east: south half section 1; west half section 11; west half section 14; section 15; southeast quarter section 17.
Township 25 south, range 25 east: south half section 5; lot 6, northeast quarter southwest quarter, southeast quarter section 6.
Township 26 south, range 22 east: west half west half section 13; north half northeast quarter section 14.

(b) For the purpose of acquiring the private lands or interests in lands lying within the area described in section 1 of this Act, the Secretary of the Interior may, subject to such terms, conditions, and reservations as may be necessary, exchange on an approximately equal value basis any of the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

Township 25 south, range 24 east: southeast quarter section 9; south half, northeast quarter section 10.
Township 26 south, range 22 east: south half, south half northeast quarter section 14.

(c) Notwithstanding section 2(a) of this Act, when an exchange involves lands in section 32, township 24 south, range 24 east, New Mexico principal meridian, which the State of New Mexico has leased, the Secretary may compensate a lessee for the reasonable value of his improvements to the lands. Reasonable value shall be determined by the Secretary of the Interior by obtaining an impartial appraisal.

SEC. 3. The Secretary is authorized to convey to the State of New Mexico a right-of-way over lands between the western boundary of the southeast quarter of section 34, township 24 south, range 25 east, and the vicinity of the caverns for the use of the State in constructing a park-type road for public use thereon: *Provided*, That the State may construct a road which shall meet the general standards of National Park Service roads and shall agree to reconvey its interests in such lands and any improvements thereon, without cost to the United States, upon completion of such road. The location of the road shall be determined by the Secretary, after consultation with officials of the State of New Mexico.

SEC. 4. There are hereby authorized to be appropriated not more than $500 to carry out the purposes of this Act. Appropriation.

SEC. 5. Section 4 of the Act of May 14, 1930 (46 Stat. 279; 16 U.S.C. 407c), is repealed. Repeal.

Approved December 30, 1963.

Public Law 88-250

December 30, 1963
[H. R. 6754]

AN ACT

Making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1964, and for other purposes.

Department of Agriculture and Related Agencies Appropriation Act, 1964.

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 Department of Agriculture and related agencies for the fiscal year ending June 30, 1964; namely:

DEPARTMENT OF AGRICULTURE

TITLE I—GENERAL ACTIVITIES

AGRICULTURAL RESEARCH SERVICE

SALARIES AND EXPENSES

For expenses necessary to perform agricultural research relating to production, utilization, nutrition and consumer use, to control and eradicate pests and plant and animal diseases, and to perform related inspection, quarantine and regulatory work, and meat inspection: *Provided*, That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed $75,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed two for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to title 5, United States Code, section 565a, for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building (except headhouses connecting greenhouses) shall not exceed $20,000, except for three buildings to be constructed or improved at a cost not to exceed $45,000 each, and the cost of altering any one building during the fiscal year shall not exceed $7,500 or 7.5 per centum of the cost of the building, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to a total of $100,000 for facilities at Beltsville, Maryland:

58 Stat. 742.

60 Stat. 810.

58 Stat. 742.

Research: For research and demonstrations on the production and utilization of agricultural products; home economics or nutrition and consumer use of agricultural and associated products; and related research and services; and for acquisition of land by donation, exchange, or purchase at a nominal cost not to exceed $100, $91,496,700: *Provided*, That, in addition, not to exceed $15,000,000 may be transferred from the Commodity Credit Corporation to this appropriation, in accordance with the Act of June 29, 1948 (5 U.S.C. 714b), for utilization research and development, cost of production research, and other related research designed to reduce surplus commodities held or to be held by the Commodity Credit Corporation, including $10,000,000 for the planning, construction, alteration and equipping of research facilities, which amount shall remain available until expended: *Provided further*, That hereafter the Administrator of the Agricultural Research Service may enter into agreements with and receive funds from any State, other political subdivision, organization, or individual for the purpose of conducting cooperative research projects with such cooperators: *Provided further*, That the limitations

62 Stat. 1070.
15 USC 714b.

contained herein shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113(a)): *Provided further*, That the Secretary of Agriculture is authorized to acquire approximately two-tenths of an acre of land at Pasadena, California; 62 Stat. 198.

Plant and animal disease and pest control: For operations and measures, not otherwise provided for, to control and eradicate pests and plant and animal diseases and for carrying out assigned inspection, quarantine, and regulatory activities, as authorized by law, including expenses pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), $64,449,000, of which $1,500,000 shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended, for the control of outbreaks of insects and plant diseases to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by any State of at least 40 per centum: *Provided further*, That no funds shall be available for carrying out the screwworm eradication program that does not require minimum matching by State or local sources of at least 50 per centum of the expenses of production, irradiation, and release of the screwworm flies: *Provided further*, That, in addition, in emergencies which threaten the livestock or poultry industries of the country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred under this head in the next preceding fiscal year shall be merged with such transferred amounts; 61 Stat. 7. 31 USC 665.

Meat inspection: For carrying out the provisions of laws relating to Federal inspection of meat, and meat-food products, and the applicable provisions of the laws relating to process or renovated butter, $27,931,000.

Special fund: To provide for additional labor to be employed under contracts and cooperative agreements to strengthen the work at research installations in the field, not more than $1,000,000 of the amount appropriated under this head for the previous fiscal year may be used by the Administrator of the Agricultural Research Service in departmental research programs in the current fiscal year, the amount so used to be transferred to and merged with the appropriation otherwise available under "Salaries and expenses, Research".

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For purchase of foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for market development research authorized by section 104(a) and for agricultural and forestry research and other functions related thereto authorized by section 104(k) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(a)(k)), to remain available until expended, $1,250,000: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for the purchase of the foregoing currencies: *Provided further*, That funds appropriated herein shall be used to purchase such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph, and such foreign currencies shall, 68 Stat. 456. 72 Stat. 275.

68 Stat. 456; 73 Stat. 606. 7 USC 1704.

pursuant to the provisions of section 104(a), be set aside for sale to the Department before foreign currencies which accrue under said title I are made available for other United States uses: *Provided further*, That not to exceed $25,000 of this appropriation shall be available for purchase of foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), as amended by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

58 Stat. 742.
60 Stat. 810.

COOPERATIVE STATE EXPERIMENT STATION SERVICE

PAYMENTS AND EXPENSES

For payments to agricultural experiment stations, for grants for cooperative forestry research, and for other expenses, including $39,363,000 to carry into effect the provisions of the Hatch Act, approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a–361i), including administration by the United States Department of Agriculture; $500,000 for payments authorized under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623); $1,000,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (76 Stat. 806–807); $310,000 for penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended; and $460,000 for necessary expenses of the Cooperative State Experiment Station Service, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed $25,000 for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); in all, $41,633,000.

69 Stat. 671.
60 Stat. 1089.
16 USC 582a-582a-7.
7 USC 361f.

EXTENSION SERVICE

COOPERATIVE EXTENSION WORK, PAYMENTS AND EXPENSES

Payments to States and Puerto Rico: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953 (7 U.S.C. 341–348), the Act of August 11, 1955 (7 U.S.C. 347a) and the Act of October 5, 1962 (76 Stat. 745), $65,725,000; and payments and contracts for such work under section 204(b)–205 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623–1624), $1,570,000; in all, $67,295,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, shall not be paid to any State or Puerto Rico prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

67 Stat. 83.
69 Stat. 683.
7 USC 349.

Retirement and Employees' Compensation costs for extension agents: For cost of employer's share of Federal retirement and for reimbursement for benefits paid from the Employees' Compensation Fund for cooperative extension employees, $7,272,500.

Penalty mail: For costs of penalty mail for cooperative extension agents and State extension directors, $3,113,000.

Federal Extension Service: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953 (7 U.S.C. 341–348), the Act of August 11, 1955 (7 U.S.C. 347a) and the Act of October 5, 1962 (76 Stat. 745), and extension aspects of the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $2,500,000.

60 Stat. 1087.

FARMER COOPERATIVE SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the Act of July 2, 1926 (7 U.S.C. 451–457), and for conducting research relating to the economic and marketing aspects of farmer cooperatives, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), $1,201,000. 44 Stat. 802. 60 Stat. 1087.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures as may be necessary to prevent floods and the siltation of reservoirs); operation of conservation nurseries; classification and mapping of soils; dissemination of information; purchase and erection or alteration of permanent buildings; and operation and maintenance of aircraft, $98,339,000: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $2,500, except for one building to be constructed at a cost not to exceed $25,000 and eight buildings to be constructed or improved at a cost not to exceed $15,000 per building and except that alterations or improvements to other existing permanent buildings costing $2,500 or more may be made in any fiscal year in an amount not to exceed $500 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f), in demonstration projects: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed $5,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the service. 49 Stat. 163. 58 Stat. 742. 60 Stat. 810.

WATERSHED PROTECTION

For expenses necessary to conduct surveys, investigations, and research and to carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1001–1008), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), to remain available until expended, $63,607,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for watershed protection purposes: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed $100,000 shall be available for em- 68 Stat. 666.

ployment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided further*, That not to exceed $3,000,000, together with the unobligated balance of funds previously appropriated for loans and related expense, shall be available for such purposes.

60 Stat. 810.

FLOOD PREVENTION

For expenses necessary, in accordance with the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701–709, 16 U.S.C. 1006a), as amended and supplemented, and in accordance with the provisions of laws relating to the activities of the Department, to perform works of improvement, including funds for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed $100,000 for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), to remain available until expended; $25,465,000, with which shall be merged the unexpended balances of funds heretofore appropriated or transferred to the Department for flood prevention purposes: *Provided*, That no part of such funds shall be used for the purchase of lands in the Yazoo and Little Tallahatchie watersheds without specific approval of the county board of supervisors of the county in which such lands are situated: *Provided further*, That not to exceed $1,000,000, together with the unobligated balance of funds previously appropriated for loans and related expense, shall be available for such purposes.

49 Stat. 1570.
33 USC 701a-701h.
70 Stat. 1090.
58 Stat. 742.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956 (16 U.S.C. 590p), $13,622,000, to remain available until expended.

70 Stat. 1115.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development, and for sound land use, pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), $1,500,000, to remain available until expended: *Provided*, That not to exceed $500,000 of such amount shall be available for loans and related expenses under subtitle A of the Consolidated Farmers Home Administration Act of 1961, as amended: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed $50,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

49 Stat. 163.
75 Stat. 307.
7 USC 1922-1929.

ECONOMIC RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; and for analyses of supply and demand for farm products in

60 Stat. 1087.

foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products; $9,912,000: *Provided*, That not less than $350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed $75,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a): *Provided further*, That not less than $145,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

58 Stat. 742.

60 Stat. 810.

STATISTICAL REPORTING SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Statistical Reporting Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $11,290,500: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop.

60 Stat. 1087.

AGRICULTURAL MARKETING SERVICE

MARKETING RESEARCH AND SERVICE

For expenses necessary to carry on research and service to improve and develop marketing and distribution relating to agriculture as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, including the administration of marketing regulatory acts connected therewith; research and development, including related cost and efficiency evaluations, and services relating to agricultural marketing and distribution, for carrying out regulatory acts connected therewith, and for administration and coordination of payments to States; and this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed $25,000 shall be available for employment at rates not to exceed $75 per diem under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a) in carrying out section 201(a) to 201(d), inclusive, of title II of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1291) and section 203(j) of the Agricultural Marketing Act of 1946, $42,498,975: *Provided*, That appropriations hereunder shall be available pursuant to 5 U.S.C. 565a for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of erecting any one building during the fiscal year shall not exceed $20,000, except for one building to be constructed at a cost not to exceed $45,000, and the cost of altering any one building during the fiscal year shall not exceed $7,500 or 7.5 per centum of the cost of the building, whichever is greater.

52 Stat. 36.
7 USC 1622.
58 Stat. 742.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,500,000.

60 Stat. 1089.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the Special Milk Program, as authorized by the Act of August 8, 1961 (7 U.S.C. 1446, note), $100,000,000.

74 Stat. 84; 75 Stat. 319.

SCHOOL LUNCH PROGRAM

For necessary expenses to carry out the provisions of the National School Lunch Act (42 U.S.C. 1751–1760), $137,000,000: *Provided*, That no part of this appropriation shall be used for nonfood assistance under section 5 of said Act: *Provided further*, That $45,000,000 shall be transferred to this appropriation from funds available under section 32 of the Act of August 24, 1935, for purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the National School Lunch Act.

60 Stat. 230.

REMOVAL OF SURPLUS AGRICULTURAL COMMODITIES (SECTION 32)

No funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used for any purpose other than commodity program expenses as authorized therein, and other related operating expenses, except for (1) transfers to the Department of the Interior as authorized by the Fish and Wildlife Act of August 8, 1956, (2) transfers otherwise provided in this Act, (3) not more than $4,754,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961, (4) not more than $45,000,000 for expenses for the Pilot Food Stamp Program, and (5) not more than $16,000,000 for transfer to the Commodity Credit Corporation to be used to increase domestic consumption of any farm commodity or farm commodities determined by the Secretary of Agriculture to be in surplus supply, and hereafter such sums (not in excess of $25,000,000 in any one year) as may be approved by the Congress shall be available for such purpose, such authorization not to restrict authority in existing law, of which amount $11,000,000 shall remain available until expended for construction and equipping of research facilities determined to be needed as a result of a special survey.

49 Stat. 774.

70 Stat. 1119. 16 USC 742a note.

50 Stat. 246. 7 USC 674. 75 Stat. 294. 7 USC 1911 note.

FOREIGN AGRICULTURAL SERVICE

SALARIES AND EXPENSES

For necessary expenses for the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $35,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $18,699,500: *Provided*, That not less than $255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm

68 Stat. 908.

70 Stat. 1034.

commodities in world trade on a competitive basis: *Provided further*, That, in addition, not to exceed $3,117,000 of the funds appropriated by section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), shall be merged with this appropriation and shall be available for all expenses of the Foreign Agricultural Service. 49 Stat. 774.

COMMODITY EXCHANGE AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1–17a), $1,095,000. 42 Stat. 998; 49 Stat. 1491.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

EXPENSES, AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); Sugar Act of 1948, as amended (7 U.S.C. 1101–1161); sections 7 to 15, 16(a), 16(d), 16(e), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g–590(o), 590p(a), and 590q; 76 Stat. 606–607) as added by section 132 of the Act of August 8, 1961; subtitles B and C of the Soil Bank Act (7 U.S.C. 1831–1837, 1802–1814, and 1816); and laws pertaining to the Commodity Credit Corporation, $106,549,500: *Provided*, That, in addition, not to exceed $94,885,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed $40,051,000 under the limitation on Commodity Credit Corporation administrative expenses): *Provided further*, That other funds made available to Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That no part of the funds appropriated or made available under this Act shall be used, (1) to influence the vote in any referendum; (2) to influence agricultural legislation except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations. 70 Stat. 191, 196; 73 Stat. 552. 62 Stat. 792. 52 Stat. 31. 16 USC 590k.

SUGAR ACT PROGRAM

For necessary expenses to carry into effect the provisions of the Sugar Act of 1948 (7 U.S.C. 1101–1161), $78,000,000, to remain available until June 30 of the next succeeding fiscal year. 61 Stat. 922; 70 Stat. 217.

AGRICULTURAL CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended (16 U.S.C. 590g–590(o), 590p(a), and 590q), including not to exceed $6,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $215,000,000, to remain available until December 31 49 Stat. 1148.

of the next succeeding fiscal year for compliance with the programs of soil-building and soil- and water-conserving practices authorized under this head in the Department of Agriculture and Related Agencies Appropriation Acts, 1962 and 1963, carried out during the period July 1, 1961, to December 31, 1963, inclusive: *Provided*, That none of the funds herein appropriated shall be used to pay the salaries or expenses of any regional information employees or any State information employees, but this shall not preclude the answering of inquiries or supplying of information at the county level to individual farmers: *Provided further*, That no portion of the funds for the 1964 program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetland Types 3 (III), 4 (IV), and 5 (V) in United States Department of the Interior, Fish and Wildlife Service Circular 39, Wetlands of the United States, 1956: *Provided further*, That necessary amounts shall be available for administrative expenses in connection with the formulation and administration of the 1964 program of soil-building and soil- and water-conserving practices, including related wildlife conserving practices, under the Act of February 29, 1936, as amended (amounting to $250,000,000, including administration, except that no participant shall receive more than $2,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community): *Provided further*, That not to exceed 5 per centum of the allocation for the current year's agricultural conservation program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out agricultural conservation practices: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other farming material, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out farming practices approved by the Secretary under programs provided for herein: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18, United States Code, section 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

75 Stat. 233.
76 Stat. 1210.

49 Stat. 1148.
16 USC 590g-590q.

53 Stat. 1147;
54 Stat. 767.
5 USC 118i *et seq.*
62 Stat. 792.

CONSERVATION RESERVE PROGRAM

For necessary expenses to carry out a conservation reserve program as authorized by subtitles B and C of the Soil Bank Act (7 U.S.C. 1831–1837, 1802–1814, and 1816), and to carry out liquidation activities for the acreage reserve program, to remain available until expended, $294,000,000, with which may be merged the unexpended balances of funds heretofore appropriated for soil bank programs: *Provided*, That no part of these funds shall be paid on any contract which is illegal under the law due to the division of lands for the purpose of evading limits on annual payments to participants.

70 Stat. 191, 196; 73 Stat. 552.

LAND-USE ADJUSTMENT PROGRAM

For necessary expenses to promote the conservation and economic use of land pursuant to the provisions of section 16(e) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h, 590p), as amended by the Act of September 27, 1962 (76 Stat. 606), $11,350,000, to remain available until expended.

OFFICE OF RURAL AREAS DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Office of Rural Areas Development in providing leadership, coordination, liaison, and related services in the rural areas development activities of the Department, $120,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed $3,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

58 Stat. 742.

60 Stat. 810.

OFFICE OF THE GENERAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, $3,973,500.

OFFICE OF INFORMATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Information for the dissemination of agricultural information and the coordination of informational work and programs authorized by Congress in the Department, $1,684,000, of which total appropriation not to exceed $537,000 may be used for farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct (7 U.S.C. 417), and not less than two hundred and thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by section 73 of the Act of January 12, 1895 (44 U.S.C. 241): *Provided*, That in the preparation of motion pictures or exhibits by the Department, this

34 Stat. 690.

28 Stat. 612.

appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed $10,000 shall be available for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

58 Stat. 742.
60 Stat. 810.

NATIONAL AGRICULTURAL LIBRARY

SALARIES AND EXPENSES

For necessary expenses of the National Agricultural Library, $1,426,140.

LIBRARY FACILITIES

For the preparation of plans, specifications, and drawings for the National Agricultural Library, $450,000, to remain available until expended.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of Agriculture and for general administration of the Department of Agriculture, including expenses of the National Agricultural Advisory Commission; repairs and alterations; and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, $3,750,000: *Provided*, That this appropriation shall be reimbursed from applicable appropriations for travel expenses incident to the holding of hearings as required by the Administrative Procedures Act (5 U.S.C. 1001): *Provided further*, That not to exceed $2,500 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

60 Stat. 237.

TITLE II—CREDIT AGENCIES

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–924), as follows:

49 Stat. 1363; 63 Stat. 948.

LOAN AUTHORIZATIONS

For loans in accordance with said Act, and for carrying out the provisions of section 7 thereof, to be borrowed from the Secretary of the Treasury in accordance with the provisions of section 3(a) of said Act, as follows: Rural electrification program, $425,000,000, of which $150,000,000 shall be placed in reserve to be borrowed under the same terms and conditions to the extent that such amount is required during the current fiscal year under the then existing conditions for the expeditious and orderly development of the rural electrification program; and rural telephone program, $70,000,000.

7 USC 907.
7 USC 903.

SALARIES AND EXPENSES

For administrative expenses, including not to exceed $500 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574), and not to exceed $150,000 for employment under section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $11,247,000.

FARMERS HOME ADMINISTRATION

DIRECT LOAN ACCOUNT

Direct loans and advances under subtitles A and B, and advances under section 335(a) for which funds are not otherwise available, of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), as amended, may be made from funds available in the Farmers Home Administration direct loan account as follows: real estate loans, $60,000,000; and operating loans, $300,000,000, of which $50,000,000 shall be placed in reserve to be used only to the extent required during current fiscal year under the then existing conditions for the expeditious and orderly conduct of the loan program.

75 Stat. 315.
7 USC 1985.

RURAL HOUSING LOANS

For additional rural housing loans as authorized by Title V of the Housing Act of 1949, as amended, $25,000,000, to remain available until expended.

42 USC 1471-1485.

RURAL RENEWAL

For necessary expenses, including administrative expenses, in carrying out rural renewal activities under section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended, $1,200,000.

76 Stat. 607.
7 USC 1011.

RURAL HOUSING FOR THE ELDERLY REVOLVING FUND

For loans pursuant to section 515(a) of the Housing Act of 1949, as amended (42 U.S.C. 1484; 76 Stat. 671), including advances pursuant to section 335(a) of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1985) in connection with security for such loans, $3,500,000.

42 USC 1485.

SALARIES AND EXPENSES

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1921), as amended, title V of the Housing Act of 1949, as amended (42 U.S.C. 1471–1484), and the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440–444); $38,925,900, together with not more than $1,050,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farmers Home Administration Act of 1961, as amended, and section 514(b)(3) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed $500,000 of the funds available for the various programs administered by this Agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (5 U.S.C. 574) to meet unusual or heavy workload increases.

64 Stat. 98.
75 Stat. 309.
7 USC 1929.
75 Stat. 186.
42 USC 1484.
58 Stat. 742.

TITLE III—CORPORATIONS

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency 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 amended, as may be necessary

61 Stat. 584.
31 USC 849.

in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, $7,080,000.

FEDERAL CROP INSURANCE CORPORATION FUND

Not to exceed $3,505,000 of administrative and operating expenses may be paid from premium income.

COMMODITY CREDIT CORPORATION

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained during the fiscal year ending June 30, 1962, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a–11, 713a–12), $2,699,400,000.

75 Stat. 391.

LIMITATION ON ADMINISTRATIVE EXPENSES

Nothing in this Act shall be so construed as to prevent the Commodity Credit Corporation from carrying out any activity or any program authorized by law: *Provided*, That not to exceed $41,650,000 shall be available for administrative expenses of the Corporation: *Provided further*, That $1,000,000 of this authorization shall be available only to expand and strengthen the sales program of the Corporation pursuant to authority contained in the Corporation's charter: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

31 USC 665.

TITLE IV—FOREIGN ASSISTANCE PROGRAMS

PUBLIC LAW 480

For expenses during fiscal year 1964, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701–1709, 1721–1724, 1731–1736), to remain available until expended, as follows: (1) Sale of surplus agricultural commodities for foreign currencies pursuant to title I of said Act, $1,452,000,000; (2) commodities disposed of for emergency famine relief to friendly peoples pursuant to title II of said Act, $215,451,000; and (3) long-term supply contracts pursuant to title IV of said Act, $52,515,000.

68 Stat. 455, 457; 73 Stat. 610.

INTERNATIONAL WHEAT AGREEMENT

For expenses during fiscal year 1964 and unrecovered prior years' costs, including interest thereon, under the International Wheat Agreement Act of 1949, as amended (7 U.S.C. 1641–1642), $86,218,000, to remain available until expended. 63 Stat. 945.

BARTERED MATERIALS FOR SUPPLEMENTAL STOCKPILE

For expenses during fiscal year 1964 and unrecovered prior years' costs related to strategic and other materials acquired as a result of barter or exchange of agricultural commodities or products and transferred to the supplemental stockpile pursuant to Public Law 540, Eighty-fourth Congress (7 U.S.C. 1856), $82,860,000, to remain available until expended. 70 Stat. 200.

TITLE V—RELATED AGENCIES

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $2,785,000 (from assessments collected from farm credit agencies) shall be obligated during the current fiscal year for administrative expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed five hundred and fifteen passenger motor vehicles, of which four hundred and ninety-eight shall be for replacement only, and for the hire of such vehicles. Passenger motor vehicles.

SEC. 602. Provisions of law prohibiting or restricting the employment of aliens shall not apply to employment under the appropriation for the Foreign Agricultural Service. Employment of aliens.

SEC. 603. Funds available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131). Uniform allowances. 68 Stat. 1114.

SEC. 604. No part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast, except as to damage threatened or caused by insects and pests, with respect to future prices of cotton or the trend of same. Restriction.

SEC. 605. Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside of the United States. Twine.

SEC. 606. Not less than $1,500,000 of the appropriations of the Department for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7 U.S.C. 427, 1621–1629; 42 U.S.C. 1891–1893), shall be available for contracting in accordance with said Acts. Contracting. 60 Stat. 1082, 1087; 72 Stat. 1793.

SEC. 607. No part of the funds appropriated by this Act shall be used to conduct or assist in conducting any program (including but

not limited to the payment of salaries, administrative expenses, and the conduct of research activities) related directly or indirectly to the establishment of a national service corps or similar domestic peace corps type of program.

Short title.

This Act may be cited as the "Department of Agriculture and Related Agencies Appropriation Act, 1964".

Approved December 30, 1963.

Public Law 88-251

December 30, 1963
[S. 1319]

AN ACT

To amend chapter 35 of title 18, United States Code, with respect to the escape or attempted escape of juvenile delinquents.

Juvenile delinquents, escape.
62 Stat. 734.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 751 of title 18, United States Code, is amended by inserting the subsection symbol "(a)" at the beginning thereof, and by adding, immediately following subsection (a) of such section as hereby so designated, a new subsection to read as follows:

"(b) Whoever escapes or attempts to escape from the custody of the Attorney General or his authorized representative, or from any institution in which he is confined by direction of the Attorney General, or from any custody under or by virtue of any process issued under the laws of the United States by any court, judge, or commissioner, or from the custody of an officer or employee of the United States pursuant to lawful arrest, shall, if the custody or confinement is by virtue of a lawful arrest for a violation of any law of the United States not punishable by death or life imprisonment and committed before such person's eighteenth birthday, and as to whom the Attorney General has not specifically directed the institution of criminal proceedings, or by virtue of a commitment as a juvenile delinquent under section 5034 of this title, be fined not more than $1,000 or imprisoned not more than one year, or both. Nothing herein contained shall be construed to affect the discretionary authority vested in the Attorney General pursuant to section 5032 of this title."

62 Stat. 858; 76 Stat. 52.

62 Stat. 857.

62 Stat. 735.

SEC. 2. Section 752 of such title is amended by inserting the subsection symbol "(a)" at the beginning thereof, and by adding, immediately following subsection (a) of such section as hereby so designated, a new subsection to read as follows:

"(b) Whoever rescues or attempts to rescue or instigates, aids, or assists the escape or attempted escape of any person in the custody of the Attorney General or his authorized representative, or of any person arrested upon a warrant or other process issued under any law of the United States or from any institution in which he is confined by direction of the Attorney General, shall, if the custody or confinement is by virtue of a lawful arrest for a violation of any law of the United States not punishable by death or life imprisonment and committed before such person's eighteenth birthday, and as to whom the Attorney General has not specifically directed the institution of criminal proceedings, or by virtue of a commitment as a juvenile delinquent under section 5034 of this title, be fined not more than $1,000 or imprisoned not more than one year, or both."

Approved December 30, 1963.

Public Law 88-252

AN ACT

December 30, 1963
[H. R. 7431]

Making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1964, and for other purposes.

FEDERAL FUNDS

FEDERAL PAYMENT TO DISTRICT OF COLUMBIA

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That there are appropriated for the District of Columbia for the fiscal year ending June 30, 1964, out of (1) the general fund of the District of Columbia (unless otherwise herein specifically provided), hereinafter known as the general fund, such fund being composed of the revenues of the District of Columbia other than those applied by law to special funds, and $37,500,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1963), (2) the highway fund (when designated as payable therefrom), established by law (D.C. Code, title 47, ch. 19), including the motor vehicle parking account (when designated as payable therefrom), established by law (Public Law 87–408), (3) the water fund (when designated as payable therefrom), established by law (D.C. Code, title 43, ch. 15), and $1,924,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1963), (4) the sanitary sewage works fund (when designated as payable therefrom), established by law (Public Law 364, 83d Congress), and $944,000, which is hereby appropriated for the purpose out of any money in the Treasury not otherwise appropriated (to be advanced July 1, 1963), and (5) the metropolitan area sanitary sewage works fund (when designated as payable therefrom), established by law (Public Law 85–515); and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, $19,300,000, which, together with balances of previous appropriations for this purpose, shall remain available until expended, for loans authorized by the Act of May 18, 1954 (68 Stat. 101), the Act of June 6, 1958 (72 Stat. 183), and the Act of August 27, 1963 (77 Stat. 130), to be advanced upon request of the Commissioners to the following funds: general fund, $11,300,000 and sanitary sewage works fund, $8,000,000.

District of Columbia Appropriation Act, 1964.

D.C. Code 47-1901 to 47-1919.

D.C. Code 40-808.

D.C. Code 43-1501 to 43-1541.

68 Stat. 104.
D.C. Code 43-1602.

74 Stat. 210.
D.C. Code 43-1621.

D.C. Code 43-1540, 9-220.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

For expenses necessary for functions under this general head:

GENERAL OPERATING EXPENSES

General operating expenses, plus so much as may be necessary to compensate the Engineer Commissioner at a rate equal to each civilian member of the Board of Commissioners of the District of Columbia, hereafter in this Act referred to as the Commissioners; $17,882,878, of which $375,000 (to remain available until expended) shall be available solely for District of Columbia employees' disability compensation and $250,000 shall remain available until December 31, 1964, for the purpose of conducting the 1964 Presidential election in the District of Columbia, and $164,200 shall be payable from the high-

way fund (including $50,200 from the motor vehicle parking account), $23,900 from the water fund, and $6,400 from the sanitary sewage works fund: *Provided*, That the certificate of the Commissioners shall be sufficient voucher for the expenditure of $2,500 of this appropriation for such purposes, exclusive of ceremony expenses, as they may deem necessary: *Provided further*, That, for the purpose of assessing and reassessing real property in the District of Columbia, $5,000 of the appropriation shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not in excess of $100 per diem.

60 Stat. 810.

PUBLIC SAFETY

Public Safety, including employment of consulting physicians, diagnosticians, and therapists at rates to be fixed by the Commissioners; purchase of seventy-two passenger motor vehicles (including sixty-one for police-type use without regard to the general purchase price limitation for the current fiscal year but not in excess of $100 per vehicle above such limitation) of which seventy are for replacement purposes; $65,971,660, of which $119,700 shall be transferred to the judiciary and disbursed by the Administrative Office of the United States Courts for expenses of the Legal Aid Agency for the District of Columbia and $3,355,000 shall be payable from the highway fund (including $111,000 from the motor vehicle parking account) $1,688 from the water fund, and $1,689 from the sanitary sewage works fund: *Provided*, That not to exceed $50,000 of any funds from appropriations available to the District of Columbia may be used to match financial contributions from the Department of Defense to the District of Columbia Office of Civil Defense for the purchase of civil defense equipment and supplies approved by the Department of Defense, when authorized by the Commissioners: *Provided further*, That the Fire Department is authorized to replace not to exceed five passenger carrying vehicles annually whenever the cost of repair to any damaged vehicles exceeds three-fourths the cost of the replacement.

EDUCATION

Education, including purchase of seven passenger motor vehicles, the development of national defense education programs and for matching Federal grants under the National Defense Education Act of September 2, 1958 (72 Stat. 1580), as amended, $63,860,593, of which $643,921 shall be for development of vocational education in the District of Columbia in accordance with the Act of June 8, 1936, as amended.

20 USC 401 note.

60 Stat. 775; 70 Stat. 925; 72 Stat. 1597. 20 USC 15i note, 15aaa. 39 Stat. 582. 5 USC 58, 59 note.

Section 6 of the Legislative, Executive, and Judicial Appropriation Act, approved May 10, 1916, as amended, shall not apply from July 1 to August 24, 1963, to teachers of the public schools of the District of Columbia when employed by any of the branches of the United States Government or by any department or agency of the District of Columbia government.

PARKS AND RECREATION

Parks and recreation, including the purchase, acquisition, and transportation of specimens for the National Zoological Park, $9,066,861, of which $25,000 shall be payable from the highway fund.

HEALTH AND WELFARE

Health and Welfare, including reimbursement to the United States for services rendered to the District of Columbia by Freedmen's Hospital; and for care and treatment of indigent patients in institutions, including those under sectarian control, under contracts to be made by the Director of Public Health; $70,526,048: *Provided*, That the inpatient rate and outpatient rate under such contracts and for services rendered by Freedmen's Hospital shall not exceed $34 per diem and the outpatient rate shall not exceed $5.75 per visit, and the inpatient rate for services rendered by Saint Elizabeths Hospital for patient care shall be at a rate of $9.49: *Provided further*, That this appropriation shall be available for the furnishing of medical assistance to individuals sixty-five years of age or older who are residing in the District of Columbia without regard to the requirement of one-year residence contained in District of Columbia Appropriation Act, 1946, under the heading "Operating Expenses, Gallinger Municipal Hospital," and this appropriation shall also be available to render assistance to such individuals who are temporarily absent from the District of Columbia: *Provided further*, That the authorization included under the heading "Department of Public Health," in the District of Columbia Appropriation Act, 1961, for compensation of convalescent patients as an aid to their rehabilitation is hereby extended to the Department of Vocational Rehabilitation.

59 Stat. 282.

74 Stat. 21.

HIGHWAYS AND TRAFFIC

Highways and Traffic, including $68,247 for traffic safety education without reference to any other law; $240 for membership in the American Association of Motor Vehicle Administrators; rental of three passenger-carrying motor vehicles for use by the Commissioners; and purchase of fifty passenger motor vehicles, including forty-nine for replacement only; $12,407,984, of which $8,465,584 shall be payable from the highway fund (including $2,804,300 from the motor vehicle parking account): *Provided*, That this appropriation shall not be available for the purchase of driver-training vehicles.

SANITARY ENGINEERING

Sanitary Engineering, including the purchase of twenty-one passenger motor vehicles including nineteen for replacement only, $21,851,100, of which $204,000 shall be payable from the highway fund (motor vehicle parking account), $7,220,300 shall be payable from the water fund, $4,165,990 shall be payable from the sanitary sewage works fund, and $32,760 shall be payable from the Metropolitan Area Sanitary Sewage Works fund.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with sections 108, 217 and 402 of the Act of May 18, 1954 (68 Stat. 103, 109 and 110), as amended; section 7 of the Act of September 7, 1957 (71 Stat. 619), as amended; section 1 of the Act of June 6, 1958 (72 Stat. 183); and section 4 of the Act of June 12, 1960 (74 Stat. 211), including interest as required thereby, $4,989,800, of which $1,841,700 shall be payable from the highway fund, $1,124,000 shall be payable from the water fund, $149,000 shall be payable from the sanitary sewage works fund.

D.C. Code 43-1540, 43-1616, 7-133.

D.C. Code 2-1725.

D.C. Code 9-220.

D.C. Code 43-1623.

CAPITAL OUTLAY

For reimbursement to the United States of funds loaned in compliance with section 4 of the Act of May 29, 1930 (46 Stat. 482), as amended, the Act of August 7, 1946 (60 Stat. 896), as amended, the Act of May 14, 1948 (62 Stat. 235); construction projects as authorized by the Acts of April 22, 1904 (33 Stat. 244), February 16, 1942 (56 Stat. 91), May 18, 1954 (68 Stat. 105), June 6, 1958 (72 Stat. 183), and August 20, 1958 (72 Stat. 686); including acquisition of sites; preparation of plans and specifications for the following buildings and facilities: Raymond Elementary School addition, new junior high school in the vicinity of 16th and Irving Streets Northwest, new junior high school in the vicinity of Bruce and Robinson Streets Southeast, new elementary school in the vicinity of Wheeler Road and Mississippi Avenue Southeast, West End Branch Library, Washington Cottage addition at the Maple Glen School and Industrial Arts Building at the Youth Center; and elementary school in the vicinity of 17th and E Streets, Northeast; for conducting preliminary surveys for the construction of a juvenile facility, and the installation of a sprinkler system at the District of Columbia Jail; erection of the following structures, including building improvement and alteration and the treatment of grounds: Rudolph Elementary School addition, Hendley Elementary School addition, Kimball Elementary School addition, heating plant addition at the District of Columbia Village, Rabaut Junior High School, North Dakota and Kansas Avenues Northwest, Roper Junior High School, 48th and Meade Streets Northeast, Hine Junior High School replacement, Bunker Hill Elementary School addition, Southwest Branch Library, Engine Company Number 18 replacement, Dog Pound replacement, a children's cottage at the Junior Village, street cleaning tool houses replacement; $388,000 for the purchase of equipment for new school buildings; to remain available until expended, $46,536,500, of which $6,700,000 shall not become available for expenditure until July 1, 1964, $10,755,400 shall be payable from the highway fund, $2,970,000 shall be payable from the water fund, and $8,674,000 shall be payable from the sanitary sewage works fund, and $1,199,600 shall be available for construction services by the Director of Buildings and Grounds or by contract for architectural engineering services, as may be determined by the Commissioners, and the funds for the use of the Director of Buildings and Grounds shall be advanced to the appropriation account, "Construction services, Department of Buildings and Grounds": *Provided*, That $228,271 of funds heretofore appropriated under the heading "Capital Outlay, Public Building Construction" in the District of Columbia Appropriation Act, 1961, is hereby rescinded: *Provided further*, That not to exceed $49,000 of funds heretofore appropriated under the heading "Capital Outlay, Washington Aqueduct," in such Act shall be available for improvements at the Dalecarlia Plant.

D.C. Code 11-103.
D.C. Code 43-1510; 40-804; 7-133; 9-220.
74 Stat. 26.

GENERAL PROVISIONS

Vouchers.

SEC. 2. Except as otherwise provided herein, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official without countersignature.

Maximum amount.

SEC. 3. Whenever in this Act an amount is specified within an appropriation for particular purposes or object of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount which may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 4. Appropriations in this Act shall be available, when authorized or approved by the Commissioners, for allowances for privately owned automobiles used for the performance of official duties at 8 cents per mile but not to exceed $25 a month for each automobile, unless otherwise therein specifically provided, except that one hundred and forty-three (fifty for investigators in the Department of Public Welfare and eighteen for venereal disease investigators in the Department of Public Health) such allowances at not more than $410 each per annum may be authorized or approved by the Commissioners. Automobile allowances.

SEC. 5. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Commissioners: *Provided*, That the total expenditures for this purpose shall not exceed $65,000. Travel expenses.

SEC. 6. Appropriations in this Act shall be available for services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a). 60 Stat. 810.

SEC. 7. The disbursing officials designated by the Commissioners are authorized to advance to such officials as may be approved by the Commissioners such amounts and for such purposes as the Commissioners may determine. Advances.

SEC. 8. Appropriations in this Act shall not be used for or in connection with the preparation, issuance, publication, or enforcement of any regulation or order of the Public Utilities Commission requiring the installation of meters in taxicabs, or for or in connection with the licensing of any vehicle to be operated as a taxicab except for operation in accordance with such system of uniform zones and rates and regulations applicable thereto as shall have been prescribed by the Public Utilities Commission. Restrictions.

SEC. 9. Appropriations in this Act shall not be available for the payment of rates for electric current for street lighting in excess of 2 cents per kilowatt-hour for current consumed.

SEC. 10. All motor-propelled passenger-carrying vehicles (including watercraft) owned by the District of Columbia shall be operated and utilized in conformity with section 16 of the Act of August 2, 1946 (5 U.S.C. 77, 78), and shall be under the direction and control of the Commissioners, who may from time to time alter or change the assignment for use thereof, or direct the alteration of interchangeable use of any of the same by officers and employees of the District, except as otherwise provided in this Act. "Official purposes" shall not apply to the Commissioners of the District of Columbia or in cases of officers and employees the character of whose duties makes such transportation necessary, but only as to such latter cases when the same is approved by the Commissioners. 60 Stat. 810.

SEC. 11. Appropriations contained in this Act for Highways and Traffic, and Sanitary Engineering shall be available for snow and ice control work when ordered by the Commissioners in writing.

SEC. 12. Appropriations in this Act shall be available, when authorized by the Commissioners, for the rental of quarters without reference to section 6 of the District of Columbia Appropriation Act, 1945. 58 Stat. 532.

SEC. 13. Appropriations in this Act shall be available for the furnishing of uniforms when authorized by the Commissioners. D.C. Code 1-243.

SEC. 14. There are hereby appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments which have been entered against the government of the District of Columbia, including refunds authorized by section 10 of the Act approved April 23, 1924 (43 Stat.

D.C. Code 47-1910.

108): *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of paragraph 3, subsection (c) of section 11 of title XII of the District of Columbia Income and Franchise Tax Act of 1947, as amended.

70 Stat. 78.
D.C. Code 47-1586j.

SEC. 15. Except as otherwise provided herein, limitations and legislative provisions contained in the District of Columbia Appropriation Act, 1961, shall be continued for the fiscal year 1964: *Provided*, That the limitation for "Construction Services, Department of Buildings and Grounds" contained in the District of Columbia Appropriation Act, 1961, shall be increased from 6 to 7 per centum of appropriations for construction projects.

74 Stat. 23.

Short title.

This Act may be cited as the "District of Columbia Appropriation Act, 1964".

Approved December 30, 1963.

Public Law 88-253

December 30, 1963
[H. R. 8667]

AN ACT

Authorizing additional appropriations for the prosecution of comprehensive plans for certain river basins.

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

CENTRAL AND SOUTHERN FLORIDA

River Basins.
Flood control.

That the following works of improvement for the benefit of navigation and the control of destructive floodwaters and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and the supervision of the Chief of Engineers in accordance with the respective reports hereinafter designated and subject to sections 201 and 202 of the Flood Control Act of 1962 (Public Law 87-874; 76 Stat. 1180), and the monetary authorizations for the following river basin plans, under the jurisdiction of the Secretary of the Army, are hereby increased as provided in this Act. Penstocks and other similar facilities adapted to possible future use in the development of hydroelectric power shall be installed in any dam authorized by this Act for construction by the Secretary of the Army on recommendation of the Chief of Engineers and the Federal Power Commission and approval by such Secretary. The projects authorized in this Act shall be initiated as expeditiously and prosecuted as vigorously as may be consistent with budgetary requirements.

WEST BRANCH SUSQUEHANNA RIVER BASIN

An additional sum of $2,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in the West Branch of the Susquehanna River Basin, authorized by the Flood Control Act of September 3, 1954.

68 Stat. 1257.

CAPE FEAR RIVER BASIN

The project for the comprehensive development of the Cape Fear River Basin, North Carolina, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 508, Eighty-seventh Congress, at an estimated cost of $25,143,000: *Provided*, That the Secretary of the Army and the Secretary of Agriculture shall conduct joint investigations and surveys of the upper tributaries of the Cape Fear River in

the interest of watershed protection and flood prevention, and the conservation, development, utilization, and disposal of water, such surveys and investigations and the report thereon to be prepared and submitted in compliance with the provisions of Public Law 639, Eighty-seventh Congress, and said surveys and investigations are hereby authorized. 76 Stat. 438. 16 USC 1009 and note.

That in addition to previous authorizations, there is hereby authorized to be appropriated the sum of $21,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in central and southern Florida, authorized by the Act of June 30, 1948, as amended and supplemented. 62 Stat. 1176.

APALACHICOLA RIVER BASIN, GEORGIA

The general plan for the comprehensive development of the Flint River Basin, Georgia, for flood control and other purposes recommended by the Chief of Engineers in House Document Numbered 567, Eighty-seventh Congress, is approved and the construction of the Spewrell Bluff Reservoir on the Flint River, Georgia, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in said report at an estimated cost of $63,200,000.

BRAZOS RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $30,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in the Brazos River Basin, authorized by the Flood Control Act of September 3, 1954, as amended and supplemented. 68 Stat. 1259.

ARKANSAS RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $157,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in the Arkansas River Basin, authorized by the Flood Control Act of June 28, 1938, as amended and supplemented. 52 Stat. 1218.

That the modification of the existing project for the Dardanelle lock and dam, Arkansas, in order to provide for the construction of a sewage outfall system for the city of Russellville, Arkansas, as authorized by the Flood Control Act of 1962 (76 Stat. 1185), is hereby modified to provide that the United States shall assume the full cost of constructing said facilities, at an estimated additional Federal cost of $404,000.

WHITE RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $8,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in the White River Basin, authorized by the Flood Control Act of June 28, 1938, as amended and supplemented.

RED RIVER BASIN

The Waurika Dam and Reservoir on Beaver Creek, Oklahoma, is hereby authorized substantially in accordance with the recommendations of the Chief of Engineers in Senate Document Numbered 33, Eighty-eighth Congress, at an estimated cost of $25,100,000: *Provided*, That nothing in this Act shall be construed as authorizing the acquisition of additional lands for establishment of a national wildlife refuge at the reservoir.

MISSOURI RIVER BASIN

An additional sum of $80,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in the Missouri River Basin, authorized by the Flood Control Act of June 28, 1938, as amended and supplemented.

The comprehensive plan for flood control and other purposes in the Missouri River Basin, authorized by the Flood Control Act of June 28, 1938, as amended and supplemented, is further modified to include such bank protection or rectification works at or below the Garrison Reservoir as in the discretion of the Chief of Engineers and the Secretary of the Army may be found necessary, at an estimated cost of $3,000,000.

OHIO RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $150,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in the Ohio River Basin, authorized by the Flood Control Act of June 22, 1936,
49 Stat. 1586. as amended and supplemented.

The proviso in the second paragraph under the heading "Ohio River Basin" in the Flood Control Act of 1960 (Public Law 86-645;
74 Stat. 496. 74 Stat. 496) is amended to read as follows: "*Provided*, That construction of the project shall not be commenced until the power marketing agency has informed the Secretary of the Army that the power generated by the project can be sold at rates which will insure repayment within fifty years, with interest, of all costs allocated to power."

UPPER MISSISSIPPI RIVER BASIN

An additional sum of $11,000,000 for the prosecution of the comprehensive plan for flood control and other purposes in the Upper Mississippi River Basin, authorized by the Flood Control Act of
52 Stat. 1218. June 28, 1938, as amended and supplemented.

LOS ANGELES-SAN GABRIEL RIVER BASIN

In addition to previous authorizations there is hereby authorized to be appropriated the sum of $30,000,000, for the prosecution of the comprehensive plan for flood control and other purposes in the Los Angeles-San Gabriel River Basin authorized by the Flood Control
55 Stat. 647. Act of August 18, 1941, as amended and supplemented.

COLUMBIA RIVER BASIN

In addition to previous authorizations, there is hereby authorized to be appropriated the sum of $195,000,000 for the projects and plans for the Columbia River Basin, including the Willamette River Basin,
52 Stat. 1222. authorized by the Flood Control Acts of June 28, 1938, August 18,
55 Stat. 648. 1941, December 22, 1944, July 24, 1946, May 17, 1950, September 3,
58 Stat. 902. 1954, July 3, 1958, July 14, 1960, and October 23, 1962.
60 Stat. 650.
64 Stat. 177. SEC. 2. In addition to previous authorizations, there is hereby
68 Stat. 1264. authorized to be appropriated the sum of $16,000,000 for the prosecu-
72 Stat. 315. tion of the comprehensive plan adopted by section 9(a) of the Act
74 Stat. 499. approved December 22, 1944 (Public Law Numbered 534, Seventy-
76 Stat. 1193. eighth Congress), as amended and supplemented by subsequent Acts
58 Stat. 891. of Congress, for continuing the works in the Missouri River Basin authorized to be undertaken under said plan by the Secretary of the Interior.

Approved December 30, 1963.

Public Law 88-254

JOINT RESOLUTION

December 30, 1963
[H. J. Res. 848]

To provide for the designation of the month of February in each year as "American Heart Month".

American Heart Month.
Annual proclamation, authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue annually a proclamation (1) designating February as American Heart Month, (2) inviting the Governors of the States and territories of the United States to issue proclamations for like purposes, and (3) urging the people of the United States to give heed to the nationwide problem of the heart and blood vessel diseases, and to support all essential programs required to bring about its solution.

Approved December 30, 1963.

Public Law 88-255

JOINT RESOLUTION

December 30, 1963
[H. J. Res. 680]

Requesting the President to designate 1964 as "United States Customs Year".

United States Customs Year.
Proclamation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to proclaim the calendar year 1964 as "United States Customs Year" marking the one hundred and seventy-fifth anniversary of the establishment of the United States Customs Service, in recognition of the one and three quarters centuries of dedicated service to the United States; and calling upon the American people to observe this anniversary with appropriate ceremonies and activities.

Approved December 30, 1963.

Public Law 88-256

AN ACT

December 30, 1963
[H. R. 9413]

To provide for the coinage of 50-cent pieces bearing the likeness of John Fitzgerald Kennedy.

John F. Kennedy 50-cent pieces, coinage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in lieu of the coinage of the 50-cent piece known as the Franklin half dollar, there shall be coined a silver 50-cent piece which shall bear on one side the likeness of the late President of the United States, John Fitzgerald Kennedy, and on the other side an appropriate design to be prescribed by the Secretary of the Treasury.

Approved December 30, 1963.

Public Law 88-257

December 31, 1963
[H. R. 9140]

AN ACT

Making appropriations for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions for the fiscal year ending June 30, 1964, and for other purposes.

Public Works Appropriation Act, 1964.

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, 1964, for certain civil functions administered by the Department of Defense, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Saint Lawrence Seaway Development Corporation, the Tennessee Valley Authority and certain river basin commissions, and for other purposes, namely:

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CEMETERIAL EXPENSES

SALARIES AND 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 two passenger motor vehicles 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, and graves used by the Army in commercial cemeteries; $10,800,000: *Provided*, 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 $17,000, 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 reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

CORPS OF ENGINEERS—CIVIL

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, surveys and studies of projects prior to authorization for construction, $19,115,000, to remain available until expended: *Provided*, That $210,000 of this appropriation shall be transferred to the United States Fish and Wild-

life Service for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army. 16 USC 661 note.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction); $827,146,500, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by 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 $500,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army. Restriction.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; financing the United States share of the cost of operation and maintenance of the remedial works in the Niagara River; activities of the California Debris Commission; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; removal of obstructions to navigation; and emergency flood control and shore protection activities; $154,000,000, to remain available until expended.

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 and the Beach Erosion Board; commercial statistics; and miscellaneous investigations; $15,000,000.

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), $77,862,000, to remain available until expended. 45 Stat. 534; 49 Stat. 1511.

UNITED STATES SECTION, SAINT LAWRENCE RIVER JOINT BOARD OF ENGINEERS

For necessary expenses of the United States section of the Saint Lawrence River Joint Board of Engineers, established by Executive Order 10500, dated November 4, 1953, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $100 per day for individuals; $10,000: *Provided*, That no part of these funds shall be obligated until agreement has been entered into, by the United States Government and the United States entity authorized to construct the power works in the International Rapids section of the Saint Lawrence River, providing for the reimbursement of the expenditures of the United States section of this Board by the construction entity.

3 CFR 1949-1953, Comp., p. 978.
60 Stat. 810.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manners authorized by section 19(b) of the Act of July 7, 1958 (72 Stat. 336), uniforms, or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131), 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 one hundred and eighty-three for replacement only) and hire of passenger motor vehicles.

5 USC 2318.
68 Stat. 1114.

THE PANAMA CANAL

CANAL ZONE GOVERNMENT

OPERATING EXPENSES

For operating expenses necessary for the Canal Zone Government, including operation of the Postal Service of the Canal Zone; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131); expenses incident to conducting hearings on the Isthmus; expenses of special training of employees of the Canal Zone Government as authorized by law (5 U.S.C. 2301 et seq.); contingencies of the Governor; residence for 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, $25,725,000.

72 Stat. 327.

CAPITAL OUTLAY

For acquisition of land and land under water and acquisition, construction, and replacement of improvements, facilities, structures, and equipment, as authorized by law (2 C.Z. Code, Sec. 2; 2 C.Z. Code, Sec. 371), including the purchase of not to exceed nine passenger motor vehicles for replacement only, of which seven are for police-type use without regard to the general purchase price limitation for the current fiscal year; and expenses incident to the retirement of such assets; $6,500,000, to remain available until expended: *Provided*, That notwithstanding the limitation under this head in the Second Supplemental Appropriation Act, 1961, appropriations for "capital

76A Stat. 7, 26.
74 Stat. 827.

outlay" may be used for expenses related to the construction of quarters for non-U.S. citizen employees at a unit cost not exceeding $16,500.

PANAMA CANAL COMPANY

CORPORATION

The Panama Canal Company is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to it and in accordance 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 amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation, except as hereinafter provided: 61 Stat. 584.

No real property or rights to the use of real property, or activity shall be disposed of or transferred by license, lease, or otherwise except to another agency of the United States Government unless specifically approved by the appropriate legislative committees of the House and Senate.

LIMITATION ON GENERAL AND ADMINISTRATIVE EXPENSES, PANAMA CANAL COMPANY

Not to exceed $9,285,000 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, including operation of tourist vessels and guide services, which shall be computed on an accrual basis. Funds available to the Panama Canal Company for operating expenses shall be available for the purchase of not to exceed sixteen passenger motor vehicles for replacement only, including one limousine at not to exceed $7,800 and for uniforms or allowances therefor, as authorized by the Act of September 1, 1954, as amended (5 U.S.C. 2131). 68 Stat. 114.

GENERAL PROVISIONS—THE PANAMA CANAL

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 $30,000: *Provided*, That the rates for individuals shall not exceed $100 per diem. 60 Stat. 810.

TITLE II—DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau, as follows: 43 USC 371 note.

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, including not to exceed $400,000 for investigations of projects in Alaska, to remain available until expended, $10,294,000, of which $8,902,000 shall be derived from the reclamation fund and $500,000 shall be derived from the Colorado River development fund: *Pro-*

vided, That none of this appropriation shall be used for more than one-half of the cost of an investigation requested by a State, municipality, or other interest: *Provided further*, That $340,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Bureau of Reclamation.

16 USC 661 note.

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, $185,431,000, of which $75,000,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer.

Restriction.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and of other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, $38,000,000, of which $31,408,000 shall be derived from the reclamation fund and $1,645,000 shall be derived from the Colorado River Dam fund: *Provided*, That funds advanced for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and the unexpended balances of such advances shall be credited to the appropriation for the next succeeding fiscal year.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a–421d), and August 6, 1956 (43 U.S.C. 422a–422k), as amended (71 Stat. 48), including expenses necessary for carrying out the program, $12,367,000 to remain available until expended: *Provided*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

69 Stat. 244.
70 Stat. 1044.
43 USC 388.

UPPER COLORADO RIVER STORAGE PROJECT

For the Upper Colorado River Storage Project, as authorized by the Act of April 11, 1956 (43 U.S.C. 620d), to remain available until expended, $97,989,200, of which $94,036,700 shall be available for the "Upper Colorado River Basin Fund" authorized by section 5 of said Act of April 11, 1956, and $3,952,500 shall be available for construction of recreational and fish and wildlife facilities authorized by section 8 thereof, and may be expended by bureaus of the Department through or in cooperation with State or other Federal agencies, and advances to such Federal agencies are hereby authorized: *Provided*, That no part of the funds herein appropriated shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any National Monument.

70 Stat. 107.

70 Stat. 110.
43 USC 620g.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of Reclamation and in the regional offices of the Bureau of Reclamation, $10,000,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

59 Stat. 54.

SPECIAL FUNDS

Sums herein referred to as being derived from the reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a), respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the heads "Operation and Maintenance" and "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

32 Stat. 388.

45 Stat. 1057; 54 Stat. 774.

ADMINISTRATIVE PROVISIONS

Appropriations to the Bureau of Reclamation shall be available for purchase of not to exceed eighty-five passenger motor vehicles for replacement only; purchase of one aircraft; payment of claims for damage to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expense of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiation and administration of interstate compacts without reimbursement or return under the reclamation laws; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461–467): *Provided*,

58 Stat. 487.

49 Stat. 666.

That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for reconnaissance, basin surveys, and general engineering and research under the head "General Investigations".

59 Stat. 54.

Allotments to the Missouri River Basin project from the appropriation under the head "Construction and Rehabilitation" shall be available additionally for said project for those functions of the Bureau of Reclamation provided for under the head "General Investigations" (but this authorization shall not preclude use of the appropriation under said head within that area), and for the continuation of investigations by agencies of the Department on a general plan for the development of the Missouri River Basin. Such allotments may be expended through or in cooperation with State and other Federal agencies, and advances to such agencies are hereby authorized.

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law: *Provided*, That net revenues not to exceed $140,000 arising from the lease of grazing and agricultural lands within the Tule Lake and Lower Klamath Lake Divisions as determined by the Secretary may be credited to the cost heretofore and hereafter incurred for the Klamath project water rights program, notwithstanding the provisions of section 2(c) of the Act of June 17, 1944 and sections 2(a), 2(b), 2(c) of the Act of August 1, 1956.

58 Stat. 279.
70 Stat. 799.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

43 USC 612 note.
Restrictions.

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation.

Limitation.

Not to exceed $225,000 may be expended from the appropriation "Construction and rehabilitation" for work by force account on any one project or Missouri Basin unit and then only when such work is unsuitable for contract or no acceptable bid has been received and, other than otherwise provided in this paragraph or as may be necessary to meet local emergencies, not to exceed 12 per centum of the construction allotment for any project from the appropriation "Construction and rehabilitation" contained in this Act shall be available for construction work by force account: *Provided*, That this paragraph shall not apply to work performed under the Rehabilitation and Betterment Act of 1949 (63 Stat. 724).

43 USC 504 and note.

The amount of $241,160 shall be available from "Refunds and returns" for transfer to the Yuma County Water Users Association, representing the amount of credits accumulated as a reserve for depreciation and/or replacement of Siphon Drop powerplant, Yuma project, Arizona-California; this sum to be transferred to the Yuma County Water Users Association only after a contract providing for

the custody, use, or expenditure of said money and containing terms satisfactory to the Secretary has been entered into with said association.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, as authorized by law, $36,204,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of the Bonneville transmission system and of marketing electric power and energy, $13,500,000.

ADMINISTRATIVE PROVISIONS

Appropriations of the Bonneville Power Administration shall be available to carry out all the duties imposed upon the Administrator pursuant to law. Appropriations made herein to the Bonneville Power Administration shall be available in one fund, except that the appropriation herein made for operation and maintenance shall be available only for the service of the current fiscal year.

Other than as may be necessary to meet local emergencies, not to exceed 12 per centum of the appropriation for construction herein made for the Bonneville Power Administration shall be available for construction work by force account or on a hired-labor basis.

SOUTHEASTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $1,000,000. 58 Stat. 890.

SOUTHWESTERN POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $3,000,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of not to exceed four passenger motor vehicles, for replacement only, $1,500,000.

CONTINUING FUND

Not to exceed $4,500,000 shall be available during the current fiscal year from the continuing fund for all costs in connection with the purchase of electric power and energy, and rentals for the use of transmission facilities.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Emergency funds.

SEC. 201. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Fire prevention.

SEC. 202. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

Operation of warehouses, etc.

SEC. 203. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

47 Stat. 417.

Restriction.

SEC. 204. No part of any funds made available by this Act to the Southwestern Power Administration may be made available to any other agency, bureau, or office for any purposes other than for services rendered pursuant to law to the Southwestern Power Administration.

TITLE III—INDEPENDENT OFFICES

ATOMIC ENERGY COMMISSION

OPERATING EXPENSES

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); hire, maintenance and operation of aircraft; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed $30,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; $2,342,669,000, and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955 (42 U.S.C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That of such amount $100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient

68 Stat. 919.
42 USC 2011 note.
60 Stat. 810.
69 Stat. 471.

voucher for the sum therein expressed to have been expended: *Provided further*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That no part of this appropriation shall be used in connection with the payment of a fixed fee to any contractor or firm of contractors engaged under a cost-plus-a-fixed-fee contract or contracts at any installation of the Commission, where that fee for community management is at a rate in excess of $90,000 per annum, or for the operation of a transportation system where that fee is at a rate in excess of $45,000 per annum.

PLANT AND CAPITAL EQUIPMENT

For expenses of the Commission, as authorized by law, in connection with the purchase and construction of plant and the acquisition of capital equipment and other expenses incidental thereto necessary in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase (not to exceed four hundred and twenty-three for replacement only, including two at not to exceed $3,000 each) and hire of passenger motor vehicles; $400,000,000, to remain available until expended: *Provided*, That the obligated balance as of June 30, 1963, of amounts included in appropriations to the Atomic Energy Commission for "Operating expenses", for capital equipment not related to construction, shall be merged with this appropriation: *Provided further*, That the unexpended balance as of June 30, 1963, of the appropriation "Plant acquisition and construction" shall be merged with this appropriation: *Provided further*, That not to exceed $30,000,000 for a spectral shift power reactor may be transferred from this appropriation to the appropriation for "Operating expenses", if the Commission determines such transfer to be necessary to carry out such cooperative power reactor demonstration program as may be authorized by law.

68 Stat. 919.
42 USC 2011 note.

GENERAL PROVISIONS

Any appropriation available under this or any other Act to the Atomic Energy Commission may initially be used subject to limitations in this Act during the fiscal year 1964 to finance the procurement of materials, services, or other costs which are a part of work or activities for which funds have been provided in any other appropriation available to the Commission: *Provided*, That appropriate transfers or adjustments between such appropriations shall subsequently be made for such costs on the basis of actual application determined in accordance with generally accepted accounting principles.

Not to exceed 5 per centum of appropriations made available for the fiscal year 1964 for "Operating expenses" and "Plant and capital equipment" may be transferred between such appropriations, but neither such appropriation, except as otherwise provided herein, shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

Transfer of funds.

Reports to congressional committees.

No part of any appropriation herein shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Com-

Restriction on fellowships.

mission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: *Provided*, That any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages, stipend, grant, or expenses for which are paid from any appropriation contained herein 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 penal clause shall be in addition to, and not in substitution for, any other provisions of existing law.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, 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 amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such Corporation, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

LIMITATION ON ADMINISTRATIVE EXPENSES, SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Not to exceed $429,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed $2,000 for official entertainment expenses to be expended upon the approval or authority of the Administrator, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 2131), and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a) at rates for individuals not to exceed $100 per day: *Provided*, That not to exceed $5,000 may be expended for services of individuals employed at rates in excess of $50 per day.

68 Stat. 1114.
60 Stat. 810.

TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including purchase (one for replacement only) and hire, maintenance, and operation of aircraft, and purchase (not to exceed one hundred and ninety for replacement only) and hire of passenger motor vehicles, $47,142,000, to remain available until expended.

48 Stat. 58.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $38,000.

CONTRIBUTION TO THE DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $117,000.

TITLE IV

FUNDS APPROPRIATED TO THE PRESIDENT

PUBLIC WORKS ACCELERATION

For an additional amount for expenses necessary to enable the President to provide for carrying out the purposes of the Public Works Acceleration Act, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), but at rates for individuals not to exceed $75 per diem, $30,000,000.

76 Stat. 541.
42 USC 2641 note.
60 Stat. 810.

TITLE V—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 501. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (5 U.S.C. 78), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $1,500 except station wagons for which the maximum shall be $1,950.

60 Stat. 810.

SEC. 502. Unless otherwise specified and during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, had filed a declaration of intention to become a citizen of the United States prior to such date, (3) is a person who owes allegiance to the United States, or (4) is an alien from Poland or the Baltic countries lawfully admitted to the United States for permanent residence: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Penalty.

Exception.

SEC. 503. Appropriations of the executive departments and independent establishments for the current fiscal year, available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with title II of the Act of September 6, 1960 (74 Stat. 793).

5 USC 3033-3038.

SEC. 504. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 505. No part of any appropriation contained in this or any other Act for the current fiscal year shall be used to pay in excess of $4 per volume for the current and future volumes of the United States Code, Annotated, and such volumes shall be purchased on condition and with the understanding that latest published cumulative annual pocket parts issued prior to the date of purchase shall be furnished free of charge, or in excess of $4.25 per volume for the current or future volumes of the Lifetime Federal Digest, or in excess of $6.50 per volume for the current or future volumes of the Modern Federal Practice Digest.

SEC. 506. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to the Government Corporation Control Act, as amended (31 U.S.C. 841), shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

59 Stat. 597.

60 Stat. 810.

SEC. 507. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

31 USC 724.

SEC. 508. During the current fiscal year, any foreign currencies held by the United States which have been or may be reserved or set aside for specified programs or activities of any agency may be carried on the books of the Treasury in unfunded accounts.

SEC. 509. No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

Short title.

This Act may be cited as the "Public Works Appropriation Act, 1964".

Approved December 31, 1963.

Public Law 88-258

AN ACT

January 6, 1964
[H. R. 9499]

Making appropriations for Foreign Aid and related agencies for the fiscal year ending June 30, 1964, and for other purposes.

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, 1964, namely:

Foreign Aid and Related Agencies Appropriation Act, 1964.

TITLE I—FOREIGN AID (MUTUAL SECURITY)

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, as amended, to remain available until June 30, 1964, unless otherwise specified herein, as follows:

75 Stat. 424.
22 USC 2151 note.

ECONOMIC ASSISTANCE

Development grants: For expenses authorized by section 212, $155,000,000.

22 USC 2172.
Ante, p. 381.

American schools and hospitals abroad: For expenses authorized by section 214(c), $14,300,000.

22 USC 2174.

American hospitals and schools abroad (special foreign currency program): For expenses authorized by section 214(c), $4,700,000, to be used to purchase foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

International organizations and programs: For expenses authorized by section 302, $116,000,000.

22 USC 2222.

Supporting assistance: For expenses authorized by section 402, $330,000,000.

22 USC 2242.

Contingency fund: For expenses authorized by section 451(a), $50,000,000.

22 USC 2261.

Inter-American social and economic cooperation program: For expenses authorized by section 2 of the Latin American Development Act (74 Stat. 870), as amended, $135,000,000, to remain available until expended.

22 USC 1943.

Alliance for Progress, development loans: For assistance authorized by section 252, $375,000,000, to remain available until expended.

76 Stat. 258.

Alliance for Progress, development grants: For expenses authorized by section 252, $80,000,000.

22 USC 2212.

Development loans: For expenses authorized by section 202(a), $687,300,000, to remain available until expended: *Provided*, That no part of this appropriation may be used to carry out the provisions of section 205 of the Foreign Assistance Act of 1961, as amended.

22 USC 2162.
22 USC 2165.

Administrative expenses: For expenses authorized by section 637(a), $50,000,000.

22 USC 2397.

Administrative and other expenses: For expenses authorized by section 637(b) of the Foreign Assistance Act of 1961, as amended, and by section 305 of the Mutual Defense Assistance Control Act of 1951, as amended, $2,700,000.

75 Stat. 463.
22 USC 1613d.

Unobligated balances as of June 30, 1963, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, except as otherwise provided by law, are hereby continued available for the fiscal year 1964 for the same general purposes for which appropriated and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obli-

68 Stat. 830.
31 USC 200.

22 USC 1751 note. 22 USC 2151 note.

gated against appropriations heretofore made under the authority of the Mutual Security Act of 1954, as amended, and the Foreign Assistance Act of 1961, as amended, for the same general purpose as any of the subparagraphs under "Economic Assistance", are hereby continued available for the same period as the respective appropriations in such subparagraphs for the same general purpose: *Provided*, That such purpose relates to a project or program previously justified to Congress and the Committees on Appropriations of the House of Representatives and the Senate are notified prior to the reobligation of funds for such projects or programs.

Notification of congressional committees.

MILITARY ASSISTANCE

22 USC 2312. 22 USC 2396.

Military assistance: For expenses authorized by section 504(a) of the Foreign Assistance Act of 1961, as amended, including administrative expenses authorized by section 636(g)(1) of such Act, which shall not exceed $24,000,000 for the current fiscal year, and purchase of passenger motor vehicles for replacement only for use outside the United States: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new automotive vehicles outside of the United States, $1,000,000,000.

GENERAL PROVISIONS

Flood control and reclamation programs, etc.

SEC. 101. None of the funds herein appropriated (other than funds appropriated under the authorization for "International organizations and programs") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation and other water and related land resource programs and projects proposed for construction within the United States of America as per memorandum of the President dated May 15, 1962.

Engineering and architectural fees.

SEC. 102. Obligations made from funds herein appropriated for engineering and architectural fees and services to any individual or group of engineering and architectural firms on any one project in excess of $25,000 shall be reported to the Committees on Appropriations of the Senate and House of Representatives at least twice annually.

Reports to Congress.

Restrictions.

SEC. 103. Except for the appropriations entitled "Contingency fund" and "Development loans", not more than 20 per centum of any appropriation item made available by this title shall be obligated and/or reserved during the last month of availability.

SEC. 104. None of the funds herein appropriated nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

Seating of Communist China in U.N., opposition.

SEC. 105. The Congress hereby reiterates its opposition to the seating in the United Nations of the Communist China regime as the representative of China, and it is hereby declared to be the continuing sense of the Congress that the Communist regime in China has not demonstrated its willingness to fulfill the obligations contained in the Charter of the United Nations and should not be recognized to represent China in the United Nations. In the event of the seating of representatives of the Chinese Communist regime in the Security Council or General Assembly of the United Nations the President is requested to inform the Congress insofar as is compatible with the requirements of national security, of the implications of this action upon the foreign policy of

Notification of Congress by the President.

the United States and our foreign relationships, including that created by membership in the United Nations, together with any recommendations which he may have with respect to the matter.

Distinctions because of race or religion.

SEC. 106. It is the sense of Congress that any attempt by foreign nations to create distinctions because of their race or religion among American citizens in the granting of personal or commercial access or any other rights otherwise available to United States citizens generally is repugnant to our principles; and in all negotiations between the United States and any foreign state arising as a result of funds appropriated under this title these principles shall be applied as the President may determine.

Cuba.
Restrictions on assistance to certain countries.
22 USC 2151 note.
22 USC 1611-1611d.

SEC. 107. (a) No assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry to Cuba, so long as it is governed by the Castro regime, in addition to those items contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended, any arms, ammunition, implements of war, atomic energy materials, or any other articles, materials, or supplies of primary strategic significance used in the production of arms, ammunition, and implements of war or of strategic significance to the conduct of war, including petroleum products.

Presidential determination.
Report to Congress.

(b) No economic assistance shall be furnished under the Foreign Assistance Act of 1961, as amended, to any country which sells, furnishes, or permits any ships under its registry to carry items of economic assistance to Cuba, so long as it is governed by the Castro regime, unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the Foreign Relations and Appropriations Committees of the Senate and the Foreign Affairs and Appropriations Committees of the House of Representatives. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the committees and shall contain a statement by the President of the reasons for such determination.

Publication in F. R.

Procurement outside U.S.
Report to Congress.

SEC. 108. Any obligation made from funds provided in this title for procurement outside the United States of any commodity in bulk and in excess of $100,000 shall be reported to the Committees on Appropriations of the Senate and the House of Representatives at least twice annually: *Provided*, That each such report shall state the reasons for which the President determined, pursuant to criteria set forth in section 604(a) of the Foreign Assistance Act of 1961, as amended, that foreign procurement will not adversely affect the economy of the United States.

22 USC 2354.

Communist nations.
Restriction on military assistance.

SEC. 109. (a) No assistance shall be furnished to any nation, whose government is based upon that theory of government known as communism under the Foreign Assistance Act of 1961, as amended, for any arms, ammunition, implements of war, atomic energy materials, or any articles, materials, or supplies, such as petroleum, transportation materials of strategic value, and items of primary strategic significance used in the production of arms, ammunition, and implements of war, contained on the list maintained by the Administrator pursuant to title I of the Mutual Defense Assistance Control Act of 1951, as amended.

Restriction on economic assistance.
22 USC 2174.
Report to Congress.

(b) No economic assistance shall be furnished to any nation whose government is based upon that theory of government known as communism under the Foreign Assistance Act of 1961, as amended (except section 214(b)), unless the President determines that the withholding of such assistance would be contrary to the national interest and reports such determination to the Foreign Affairs and Appropriations Committees of the House of Representatives and Foreign Relations

and Appropriations Committees of the Senate. Reports made pursuant to this subsection shall be published in the Federal Register within seven days of submission to the committees and shall contain a statement by the President of the reasons for such determination.

Publication in F. R.

SEC. 110. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

75 Stat. 424.
22 USC 2151 note.

SEC. 111. None of the funds appropriated or made available under this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to make payments with respect to any contract for the performance of services outside the United States by United States citizens where such citizens have not been investigated for loyalty and security in the same manner and to the same extent as would apply if they were regularly employed by the United States.

Contracts outside U.S.

SEC. 112. None of the funds appropriated or made available under this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to make payments with respect to any capital project financed by loans or grants from the United States where the United States has not directly approved the terms of the contracts and the firms to provide engineering, procurement, and construction services on such project.

Capital projects.

SEC. 113. Of the funds appropriated or made available pursuant to this Act not more than $6,000,000 may be used during the fiscal year ending June 30, 1964, in carrying out section 241 of the Foreign Assistance Act of 1961, as amended.

22 USC 2201.

SEC. 114. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to pay in whole or in part any assessments, arrearages or dues of any member of the United Nations.

U. N. dues, restriction.

SEC. 115. Foreign currencies not to exceed $200,000, made available for loans pursuant to section 104(e) of the Agricultural Trade Development and Assistance Act of 1954, as amended, shall be available during the current fiscal year for expenses incurred incident to such loans.

68 Stat. 456; 71 Stat. 345.
7 USC 1704.

SEC. 116. None of the administrative expense or other funds herein appropriated shall be available in connection with the use of receipts of United States dollars, derived from loan repayments and interest collections, in the Development Loan Fund and Alliance for Progress revolving funds.

SEC. 117. Receipts of United States dollars in the Development Loan Fund and Alliance for Progress revolving funds, derived from loan repayments and interest collections, may hereafter, when so specified in appropriation Acts, be used for the purposes for which such revolving funds are available.

SEC. 118. None of the funds made available by this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be obligated on or after April 30, 1964, for financing, in whole or in part, the direct costs of any contract for the construction of facilities and installations in any underdeveloped country, unless the President shall, on or before such date, have promulgated regulations designed to assure, to the maximum extent consistent with the national interest and the avoidance of excessive costs to the United States, that none of the funds made available by this Act and thereafter obligated shall be used to finance the direct costs under such contracts for construction work performed by persons other than qualified nationals of the recipient

country or qualified citizens of the United States: *Provided, however*, That the President may waive the application of this amendment if it is important to the national interest.

TITLE II—FOREIGN AID (OTHER)

FUNDS APPROPRIATED TO THE PRESIDENT

PEACE CORPS

For expenses necessary to enable the President to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, including purchase of not to exceed five passenger motor vehicles for use outside the United States, $92,100,000, together with the unobligated balance of the appropriation under this head for the fiscal year 1963, of which not to exceed $19,900,000 shall be available for administration and program support costs.

Ante, p. 359.
22 USC 2502.

DEPARTMENT OF THE ARMY—CIVIL FUNCTIONS

RYUKYU ISLANDS, ARMY

ADMINISTRATION

For expenses, not otherwise provided for, necessary to meet the responsibilities and obligations of the United States in connection with the government of the Ryukyu Islands, as authorized by the Act of July 12, 1960 (74 Stat. 461), as amended (76 Stat. 742); services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), of individuals not to exceed ten in number; not to exceed $4,000 for contingencies for the High Commissioner, to be expended in his discretion; hire of passenger motor vehicles and aircraft; purchase of six passenger motor vehicles, of which four shall be for replacement only; and construction, repair, and maintenance of buildings, utilities, facilities, and appurtenances; $10,000,000, of which not to exceed $2,300,000 shall be available for administrative and information expenses, and $2,000,000 shall be available for transfer to the Ryukyu Domestic Water Corporation for construction of a portion of the integrated island water system: *Provided*, That expenditures from this appropriation may be made outside continental United States when necessary to carry out its purposes, without regard to sections 355 and 3648, Revised Statutes, as amended, section 4774(d) of title 10, United States Code, civil service or classification laws, or provisions of law prohibiting payment of any person not a citizen of the United States: *Provided further*, That funds appropriated hereunder may be used, insofar as practicable, and under such rules and regulations as may be prescribed by the Secretary of the Army to pay ocean transportation charges from United States ports, including territorial ports, to ports in the Ryukyus for the movement of supplies donated to, or purchased by, United States voluntary nonprofit relief agencies registered with and recommended by the Advisory Committee on Voluntary Foreign Aid or of relief packages consigned to individuals residing in such areas: *Provided further*, That the President may transfer to any other department or agency any function or functions provided for under this appropriation, and there shall be transferred to any such department or agency, without reimbursement and without regard to the appropriation from which procured, such property as the Director of the Bureau of the Budget shall determine to relate primarily to any function or functions so transferred.

60 Stat. 810.

40 USC 255; 31 USC 529.

70A Stat. 269.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

ASSISTANCE TO REFUGEES IN THE UNITED STATES

For expenses necessary to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Public Law 87–510), relating to aid to refugees within the United States, including hire of passenger motor vehicles, and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), $39,717,137, together with the unobligated balance of the appropriation under this head for the fiscal year 1963.

76 Stat. 121.
22 USC 2601 note.
60 Stat. 810.

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to international organizations", $18,374,000.

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide assistance to refugees, as authorized by law, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); hire of passenger motor vehicles; and services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a); $10,550,000: *Provided*, That no funds herein appropriated shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere.

60 Stat. 999.

FUNDS APPROPRIATED TO THE PRESIDENT

INVESTMENT IN INTER-AMERICAN DEVELOPMENT BANK

For payment of subscriptions to the Inter-American Development Bank for expansion of the Fund for Special Operations, $50,000,000, to remain available until expended: *Provided*, That this paragraph shall be effective only upon enactment into law of authorizing legislation.

SUBSCRIPTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment of the fourth installment of the subscription of the United States to the International Development Association, $61,656,000, to remain available until expended.

TITLE III—EXPORT-IMPORT BANK OF WASHINGTON

The Export-Import Bank of Washington is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, 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 amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation, except as hereinafter provided:

61 Stat. 584.
31 USC 849.

LIMITATION ON OPERATING EXPENSES

Not to exceed $1,314,366,000 (of which not to exceed $963,500,000 shall be for development loans) shall be authorized during the current fiscal year for other than administrative expenses.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $3,500,000 (to be computed on an accrual basis) shall be available during the current fiscal year for administrative expenses, including services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 55a), at rates not to exceed $75 per diem for individuals, purchase of one passenger motor vehicle (for replacement only) at not to exceed $3,000, and not to exceed $9,000 for entertainment allowances for members of the Board of Directors: *Provided*, That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance shall be considered as nonadministrative expenses for the purposes hereof.

60 Stat. 810.

None of the funds made available because of the provisions of this Title shall be used by the Export-Import Bank to either guarantee the payment of any obligation hereafter incurred by any Communist country (as defined in section 620(f) of the Foreign Assistance Act of 1961, as amended) or any agency or national thereof, or in any other way to participate in the extension of credit to any such country, agency, or national, in connection with the purchase of any product by such country, agency, or national, except when the President determines that such guarantees would be in the national interest and reports each such determination to the House of Representatives and the Senate within 30 days after such determination.

Extension of credit to Communist countries, restriction.

76 Stat. 261.
22 USC 2370.

Presidential determination.

TITLE IV—LEGISLATIVE BRANCH

SENATE

For payment to Nancy P. Kefauver, widow of Estes Kefauver, late a Senator from the State of Tennessee, $22,500.

CONTINGENT EXPENSES OF THE SENATE

Miscellaneous Items

For an additional amount for "Miscellaneous items", fiscal year 1963, $190,000.

Miscellaneous Items

For an additional amount for "Miscellaneous items", $215,000: *Provided*, That effective January 1, 1964, the paragraph relating to official long-distance telephone calls to and from Washington, District of Columbia, under the heading "Contingent Expenses of the Senate" in Public Law 479, Seventy-ninth Congress (2 U.S.C. 46c), as amended, is amended by striking out the words "one hundred and

70 Stat. 360.

twenty" and inserting in lieu thereof "one hundred and sixty" and by striking out the words "six hundred" and inserting in lieu thereof "eight hundred".

Stationery (Revolving Fund)

For an additional amount for stationery, $60,600: *Provided*, That commencing with the fiscal year 1964 and thereafter the allowance for stationery for each Senator and the President of the Senate shall be at the rate of $2,400 per annum.

HOUSE OF REPRESENTATIVES

For payment to Mae Doyle Walter, widow of Francis E. Walter, late a Representative from the State of Pennsylvania, $22,500.

For payment to Clara H. Nygaard, widow of Hjalmar C. Nygaard, late a Representative from the State of North Dakota, $22,500.

For payment to Susan G. Gavin, widow of Leon H. Gavin, late a Representative from the State of Pennsylvania, $22,500.

CONTINGENT EXPENSES OF THE HOUSE

Miscellaneous Items

For an additional amount for "Miscellaneous items", $925,000.

Reporting Hearings

For an additional amount for "Reporting hearings", $48,000.

Special and Select Committees

For an additional amount for "Special and select committees", $665,500.

Telegraph and Telephone

For an additional amount for "Telegraph and telephone", $515,000.

Stationery (Revolving Fund)

For an additional amount for "Stationery (revolving fund)", to remain available until expended: first session of the Eighty-eighth Congress, $261,600; second session of the Eighty-eighth Congress, $261,600.

Postage Stamps

For an additional amount for "Postage stamps", to remain available until expended: first session of the Eighty-eighth Congress, $45,710; second session of the Eighty-eighth Congress, $45,710.

JOINT ITEMS

Education of Pages

For an additional amount for "Education of pages", $2,655, which amount shall be advanced and credited to the applicable appropriation of the District of Columbia.

TITLE V—CLAIMS AND JUDGMENTS

FEDERAL FUNDS

CLAIMS AND JUDGMENTS

For payment of claims as settled and determined by departments and agencies in accord with law, and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered 182, Eighty-eighth Congress, $12,982,095, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided, further*, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

DISTRICT OF COLUMBIA FUNDS

SETTLEMENT OF CLAIMS AND SUITS

For the payment of claims in excess of $250, approved by the Commissioners in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), $22,238, which shall be payable from the general fund of the District of Columbia. D.C. Code 1-902 to 1-906.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress. Publicity or propaganda.

SEC. 602. None of the funds herein appropriated shall be used for expenses of the Inspector General, Foreign Assistance, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering foreign assistance legislation, appropriations, or expenditures, has delivered to the office of the Inspector General, Foreign Assistance, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of the Inspector General, Foreign Assistance, relating to any review, inspection, or audit arranged for, directed, or conducted by him, unless and until there has been furnished to the General Accounting Office or to such committee or subcommittee, as the case may be, (A) the document, paper, communication, audit, review, finding, recommendation, report, or other material so requested or (B) a certification by the President, personally, that he has forbidden the furnishing thereof pursuant to such request and his reason for so doing. Restriction.

SEC. 603. Appropriations and other funds made available in acts making appropriations for the fiscal year ending June 30, 1964, shall be reserved and withheld from obligation through the apportionment procedure prescribed by law (31 U.S.C. 665) to the maximum extent possible, as determined by the Director of the Bureau of the Budget, on account of savings arising from enactment of any such acts after the beginning of such fiscal year. Nothing herein shall be construed to limit existing authority of law for reserving appropriations. Reservation of funds from obligation.

Restriction.

SEC. 604. No part of any appropriation contained in this Act shall be used to conduct or assist in conducting any program (including but not limited to the payment of salaries, administrative expenses, and the conduct of research activities) related directly or indirectly to the establishment of a national service corps or similar domestic peace corps type of program.

Short title.

This Act may be cited as the "Foreign Aid and Related Agencies Appropriation Act, 1964".

Approved January 6, 1964.

REORGANIZATION PLAN NO. 1 OF 1963

Reorganization Plan No. 1 of 1963

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 27, 1963, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended.

Transmitted May 27, 1963.
Effective July 27, 1963.
5 USC 133z note.

FRANKLIN D. ROOSEVELT LIBRARY

SECTION 1. All functions with respect to the Franklin D. Roosevelt Library now vested in the Secretary of the Interior are hereby transferred to the Administrator of General Services.

SEC. 2. The Administrator of General Services may from time to time make such provisions as he deems appropriate authorizing the performance of any function transferred by the provisions of this reorganization plan by any other officer, or by any employee or agency, of the General Services Administration.

SEC. 3. (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available or to be made available in connection with the functions transferred by the provisions of this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the General Services Administration at such time or times as the said Director shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 4. Section 401 of Reorganization Plan No. 3 of 1946 (60 Stat. 1099) is hereby superseded.

5 USC 133y-16 note.

PRIVATE LAWS

PRIVATE LAWS

FIRST SESSION, EIGHTY-EIGHTH CONGRESS

Private Law 88-1

AN ACT

April 26, 1963
[H. R. 1544]

To authorize David H. Forman and Julia Forman to bring suit against the United States to determine title to certain lands in Maricopa County, Arizona.

David H. and Julia Forman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That consent is hereby given that a civil action may be instituted against the United States within one year after the date of enactment of this Act by or on behalf of David H. Forman and Julia Forman in the United States District Court for the District of Arizona to determine their right, title, and interest in and to a parcel of land in the northeast quarter of section 2, township 1 north, range 3 east, Gila and Salt River base and meridian, Maricopa County, Arizona, described as follows: Beginning at a point on the north line of the said northeast quarter of the northeast quarter of section 2, said point being south 89 degrees 54 minutes 30 seconds west a distance of 661.37 feet from the northeast corner of said section 2; thence south 0 degrees 20 minutes 30 seconds east a distance of 33 feet to the true point of beginning; thence south 0 degrees 20 minutes 30 seconds east a distance of 111.08 feet to a point on the north right-of-way line of the Appropriators Canal; thence south 47 degrees 38 minutes 45 seconds east, along said north right-of-way line, a distance of 81.78 feet; thence south 0 degrees 22 minutes 30 seconds east a distance of 63.05 feet; thence north 47 degrees 38 minutes 45 seconds west, parallel to the south right-of-way line of said Appropriators Canal, a distance of 190.90 feet; thence north 0 degrees 20 minutes 30 seconds west a distance of 100.57 feet to a point 33 feet south of the north line of said northeast quarter northeast quarter; thence north 89 degrees 54 minutes 30 seconds east, parallel to the north line of said northeast quarter northeast quarter a distance of 80.06 feet to the point of beginning.

Approved April 26, 1963.

Private Law 88-2

April 26, 1963
[H. R. 2291]

AN ACT

Regarding a homestead entry of Lewis S. Cass.

Lewis S. Cass.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall reinstate the homestead entry of Lewis S. Cass (Anchorage Numbered XXXXXX) that was canceled because at the time the entry was made the land was in a withdrawn status, and the Secretary of the Interior is authorized to process the entry in accordance with the applicable provisions of law, subject to such modification of time requirements as he deems equitable in view of the prior cancellation of the entry.

Approved April 26, 1963.

Private Law 88-3

April 26, 1963
[H. R. 2294]

AN ACT

To authorize the Secretary of the Interior to convey certain land situated in the vicinity of Unalakleet, Alaska, to Mrs. William E. Beltz.

Mrs. William E. Beltz.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to issue, subject to the provisions of section 2, to Mrs. William E. Beltz a patent in fee (exclusive of oil, gas, and other mineral rights) to the following described tract of land, together with all buildings and other improvements thereon, situated in the vicinity of Unalakleet, Alaska: Post numbered 1 located on left limit of North River on sandbar approximately 400 feet east of the North River Bridge; thence 2,640 feet in an easterly direction following the river upstream to a narrow slough and following the slough to post numbered 2; thence 2,640 feet in a southerly direction (through timber) to post numbered 3; thence 2,640 feet in a westerly direction to post numbered 4 located on the bank of the North River; thence upstream in a northerly direction back to post numbered 1 approximately 2,640 feet from post numbered 4; such land being the same land described in the homestead settlement claim (No. XXXXXX) of the late William E. Beltz.

SEC. 2. The patent shall be subject to outstanding gravel permits and rights-of-way, the patent may be issued only after payment of the fees that the deceased entryman would have been required to pay, and the patent shall be based upon a survey made without cost to Mrs. Beltz.

Approved April 26, 1963.

Private Law 88-4

May 17, 1963
[S. 394]

AN ACT

To validate the homestead entries of Leo F. Reeves.

Leo F. Reeves.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the status of lots 3 and 4, section 1, township 4 north, range 11 west and lot 12 and the south twenty acres of lot 13, section 31, township 5 north, range 10 west, Seward meridian, Alaska, and the requirements of the homestead laws relating to settlement on entered lands, the

Secretary of the Interior is hereby authorized and directed to consider that the homestead entries of Leo F. Reeves of Soldatna, Alaska, Anchorage [redacted] and [redacted] became valid and subsisting as to the above-described lands as of the date of said Reeves' actual settlement on any portion thereof and to issue patent for the lands to the entryman upon the entryman's compliance with, and subject to, the homestead laws applicable to public lands in Alaska, and upon the entryman's payment to the Secretary of the Interior of the fair market value of lot 12 and the south twenty acres of lot 13, as determined by the Secretary of the Interior as of the date of approval of this Act.

Approved May 17, 1963.

Private Law 88-5

AN ACT

For the relief of certain aliens.

June 19, 1963
[S. 74]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of title III of the Immigration and Nationality Act, Doctor Olga Marie Ferrer ([redacted]) shall be held and considered to have been admitted to the United States for permanent residence on May 17, 1947, and to have complied with the residential and physical presence requirements of section 316 of the said Act.

Dr. Olga M. Ferrer.
66 Stat. 237.
8 USC 1401 *et seq.*
8 USC 1427.

SEC. 2. Section 2 of Private Law 87–673 is hereby amended by adding at the end thereof the following: "For the purposes of section 316 of the Immigration and Nationality Act, Doctor Mehmet Vecihi Kalaycioglu shall be held and considered to have complied with the residential and physical presence requirements of that section of the said Act."

Dr. Mehmet V. Kalaycioglu.
76 Stat. 1407.

SEC. 3. For the purposes of the Immigration and Nationality Act, Antonio Gutierrez Fernandez shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this section of this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Antonio G. Fernandez.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Approved June 19, 1963.

Private Law 88-6

AN ACT

For the relief of Lieutenant Claude V. Wells.

June 21, 1963
[H. R. 1286]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Lieutenant Claude V. Wells, United States Navy, retired, is relieved of any liability under the Act of July 31, 1894 (5 U.S.C. 62), to pay to the United States all amounts received by him as a civilian employee of the Department of the Navy from February 9, 1959, through September 17, 1960, and as an employee of the General Services Administration from September 18, 1960, through July 5, 1962; and is relieved of all liability to pay to the United States all amounts received by him as a retired commissioned officer of the United States Navy

Lt. Claude V. Wells.
28 Stat. 205; 43 Stat. 245.

47 Stat. 406.

between February 9, 1959, and July 5, 1962, in contravention of the Act of July 30, 1932 (5 U.S.C. 59a). In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lieutenant Claude V. Wells an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section.

SEC. 3. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 21, 1963.

Private Law 88-7

June 21, 1963
[H. R. 1561]

AN ACT

For the relief of Melborn Keat.

Melborn Keat.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to Melborn Keat, of Pen Argyl, Pennsylvania, in full settlement of his claims against the United States for the refund of the amount of a bail bond which another individual was required to post in connection with a hearing in Allentown, Pennsylvania, in April of 1960, which was furnished by the said Melborn Keat in the form of a certified check for $1,000 drawn to the order of a United States commissioner and delivered to him in his official capacity which amount was not returned because the check or the proceeds therefrom were never deposited with the United States district court: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved June 21, 1963.

Private Law 88-8

June 21, 1963
[H. R. 3626]

AN ACT

For the relief of Ronnie E. Hunter.

Ronnie E. Hunter.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle the claim of Ronnie E. Hunter, 6512 Lake Steilacoom

Avenue, Tacoma 99, Washington, for reimbursement of expenses incurred incident to the employment of expert witnesses to testify in his behalf at a special court-martial trial held at McChord Air Force Base, Washington, on August 18 and 21, 1961, and to allow in full and final settlement of the claim the sum of $200. There is hereby appropriated the sum of $200 for payment of said claim.

Approved June 21, 1963.

Private Law 88-9

AN ACT

For the relief of Robert O. Nelson and Harold E. Johnson.

June 21, 1963
[H. R. 4349]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the application of section 2 of the Act of July 31, 1894 (28 Stat. 205), as amended (5 U.S.C. 62) (pertaining to the concurrent holding of more than one Government office), is hereby waived with respect to the service performed, in good faith, by Retired Warrant Officer (Army of the United States) Robert O. Nelson as an employee of the Bureau of Old-Age and Survivors Insurance, Social Security Administration, from May 15, 1961, to February 16, 1962, inclusive; and with respect to the service performed, in good faith, by Retired Warrant Officer (Army of the United States) Harold E. Johnson as an employee of the Public Health Service from September 18, 1961, to June 22, 1962, inclusive.

Robert O. Nelson and Harold E. Johnson.

Approved June 21, 1963.

Private Law 88-10

AN ACT

To provide for the sale of certain reserved mineral interests of the United States in certain real property owned by Jack D. Wishart and Juanita H. Wishart.

July 8, 1963
[H. R. 1492]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall convey to Jack D. Wishart and Juanita H. Wishart of Marion County, Florida, all right, title, and interest of the United States in and to the real property described in section 2 of this Act, which right, title, and interest was reserved to the United States in the original deeds of conveyance executed by the United States, upon payment to the United States by the said Jack D. Wishart and Juanita H. Wishart of an amount equal to the fair market value of the interests of the United States conveyed under this Act, as determined by the Secretary of the Interior, plus such sum as may be fixed by the Secretary of the Interior to reimburse the United States for the administrative costs of the conveyance.

Jack D. and Juanita H. Wishart.

SEC. 2. The real property referred to in the first section of this Act is situated in Marion County, Florida, and is more particularly described as follows:

1. Northeast quarter of southwest quarter, northwest quarter of southeast quarter, southeast quarter of southwest quarter and west half of southwest quarter of southeast quarter of section 7, township 14 south, range 22 east, Tallahassee meridian, Florida.

2. East half of southwest quarter of southeast quarter and southeast quarter of southeast quarter of section 7, township 14 south, range 22 east, and the east half of northwest quarter of northeast quarter, east half of west half of northwest quarter of northeast quarter and northeast quarter of northeast quarter of section 18, township 14 south, range 22 east, Tallahassee meridian, Florida.

Approved July 8, 1963.

Private Law 88-11

July 11, 1963
[H. R. 1275]

AN ACT

For the relief of Miss Ann Super.

Ann Super.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ann Super may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Steve Super, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101.

8 USC 1155.

Approved July 11, 1963.

Private Law 88-12

July 11, 1963
[H. R. 1292]

AN ACT

For the relief of Carmela Calabrese DiVito.

Carmela C. DiVito.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Carmela Calabrese DiVito shall be held and considered to be the minor natural-born alien child of Pasquale and Lucy DiVito, citizens of the United States.

8 USC 1101, 1155.

Approved July 11, 1963.

Private Law 88-13

July 11, 1963
[H. R. 1332]

AN ACT

For the relief of Mario Rodrigues Fonseca.

Mario R. Fonseca.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mario Rodrigues Fonseca may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Mario Goncalves Fonseca, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101.

8 USC 1155.

Approved July 11, 1963.

Private Law 88-14

AN ACT

For the relief of Assunta DiLella Codella.

July 11, 1963
[H. R. 1736]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Assunta DiLella Codella may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Joseph A. Codella, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

Assunta D. Codella.

75 Stat. 650.
8 USC 1101.

8 USC 1155.

Approved July 11, 1963.

Private Law 88-15

AN ACT

For the relief of Josephine Maria (Bonaccorso) Bowtell.

July 11, 1963
[H. R. 3356]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Josephine Maria (Bonaccorso) Bowtell shall be deemed to be within the purview of section 354(5) of that Act.

Josephine M. Bowtell.

73 Stat. 274.
8 USC 1486.

Approved July 11, 1963.

Private Law 88-16

AN ACT

For the relief of Leroy Smallenberger, a referee in bankruptcy.

July 11, 1963
[H. R. 4773]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Administrative Office of the United States Courts shall pay, out of any appropriation available for payment of salaries of referees in bankruptcy of the district courts of the United States to Leroy Smallenberger, a referee in bankruptcy for the United States District Court, Western District of Louisiana, a retroactive increase in salary from $7,500 per year for service as a part-time referee to $15,000 a year for service as a full-time referee for the period July 1, 1962, through October 17, 1962, inclusive.

Leroy Smallenberger.

Approved July 11, 1963.

Private Law 88-17

AN ACT

For the relief of Yoo Chul Soo.

July 17, 1963
[S. 292]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Yoo Chul Soo may

Yoo Chul Soo.

be classified as an eligible orphan within the meaning of section 101 (b) (1) (F) of the said Act and a petition may be filed by the Reverend and Mrs. Gordon J. Milldrum, citizens of the United States, in behalf of the said Yoo Chul Soo pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101, 1155.

Approved July 17, 1963.

Private Law 88-18

July 17, 1963
[S. 312]

AN ACT

For the relief of Danusia Radochonski.

Danusia Radochonski.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Danusia Radochonski may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the said Act and a petition may be filed by Doctor and Mrs. Stephen P. Radochonski, citizens of the United States, in behalf of the said Danusia Radochonski pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101.

8 USC 1155.

Approved July 17, 1963.

Private Law 88-19

July 17, 1963
[S. 380]

AN ACT

To amend the Act of June 29, 1960 (Private Law 86-354).

May Hourani.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Act of June 29, 1960 (Private Law 86-354), be and is hereby amended by inserting in lieu of the words "the date of the enactment of this Act", the following date: "October 26, 1954".

74 Stat. A50.

Approved July 17, 1963.

Private Law 88-20

July 17, 1963
[S. 409]

AN ACT

For the relief of Yeng Burdick.

Yeng Burdick.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Yeng Burdick may be classified as an eligible orphan within the meaning of section 101(b)(1)(F), and a petition may be filed in behalf of the said Yeng Burdick by Sergeant and Mrs. Roger Burdick, citizens of the United States, pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101.

8 USC 1155.

Approved July 17, 1963.

Private Law 88-21

AN ACT

For the relief of Domenico Martino.

July 17, 1963
[S. 504]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (9) of section 212(a) of the Immigration and Nationality Act, Domenico Martino may be issued an immigrant visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act: *Provided*, That this Act shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

Domenico Martino.

66 Stat. 182; 75 Stat. 655.
8 USC 1182.

Approved July 17, 1963.

Private Law 88-22

AN ACT

For the relief of Millie Gail Mesa.

July 17, 1963
[S. 686]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of paragraph (7) of section 301(a) of the Immigration and Nationality Act, Mrs. Janis Lavern Mesa, a citizen of the United States, shall be held and considered to have resided in and to have been physically present in the United States, prior to the birth of her natural child, Millie Gail Mesa, for a period of five years after the said Mrs. Janis Lavern Mesa had attained the age of fourteen years.

66 Stat. 235.
8 USC 1401.

Approved July 17, 1963.

Private Law 88-23

AN ACT

For the relief of Peter Hopeton Maylor.

July 17, 1963
[S. 735]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Peter Hopeton Maylor shall be held and considered to be the alien child of Wilfred Shirly, a citizen of the United States: *Provided*, That the natural mother of the said Peter Hopeton Maylor shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Peter H. Maylor.

8 USC 1101, 1155.

Approved July 17, 1963.

Private Law 88-24

AN ACT

For the relief of Zofia Miecielica.

July 17, 1963
[S. 787]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Zofia Miecielica may

Zofia Miecielica.

75 Stat. 650.
8 USC 1101.
8 USC 1155.

be classified as an eligible orphan within the meaning of section 101 (b) (1) (F) of that Act, and a petition may be filed in behalf of the said Zofia Miecielica by Mr. and Mrs. John Miecielica, citizens of the United States, pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

Approved July 17, 1963.

Private Law 88-25

July 17, 1963
[S. 866]

AN ACT

For the relief of Enrico Petrucci.

Enrico Petrucci.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Enrico Petrucci may be classified as an eligible orphan within the meaning of section 101 (b) (1) (F) of the said Act and a petition may be filed by Mr. and Mrs. Matthew J. Hannon, citizens of the United States, in behalf of the said Enrico Petrucci pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101.
8 USC 1155.

Approved July 17, 1963.

Private Law 88-26

July 17, 1963
[H. R. 1267]

AN ACT

For the relief of Lawrence E. Bird.

Lawrence E. Bird.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,517.17 to Lawrence E. Bird, 5689 Valley Street, Dayton 24, Ohio, in full settlement of his claim against the United States for expenses incurred in January and February of 1960 in connection with replacing a well on his property destroyed by certain construction activities at Wright-Patterson Air Force Base, Ohio. This claim is not cognizable under the tort claims provisions of title 28, United States Code: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved July 17, 1963.

Private Law 88-27

AN ACT

For the relief of Barbara Theresa Lazarus.

August 12, 1963
[H. R. 1518]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of titles I and II of the Immigration and Nationality Act, the minor child, Barbara Theresa Lazarus, shall be held and considered to be the natural-born alien child of Hazel and Dudley Lazarus, lawfully resident aliens of the United States: *Provided*, That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Barbara T. Lazarus.
66 Stat. 166; 75 Stat. 651.
8 USC 1101-1105a, 1151-1362.

Approved August 12, 1963.

Private Law 88-28

AN ACT

For the relief of Bernard W. Flynn, Junior.

August 15, 1963
[S. 219]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bernard W. Flynn, Junior, of Alexandria, Virginia, the sum of $797, in full satisfaction of his claim against the United States for reimbursement of the expenses of travel and movement of dependents and household goods from Fort Worth, Texas, to Fort Belvoir, Virginia, in September 1961, the said Bernard W. Flynn, Junior, having accepted employment with the Fort Belvoir Research and Development Laboratories, Virginia, in reliance upon the erroneous advice of agents of the United States that he would be reimbursed for such expenses: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Bernard W. Flynn, Jr.

Approved August 15, 1963.

Private Law 88-29

AN ACT

For the relief of Etsuko Matsuo McClellan.

August 15, 1963
[S. 280]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, the minor child, Etsuko Matsuo McClellan, shall be held and considered to be the natural-born alien child of Sergeant Curtis O. McClellan and Jewell McClellan, citizens of the United States: *Provided*, That the natural parents of the said Etsuko Matsuo McClellan shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Etsuko M. McClellan.
8 USC 1101, 1155.

Approved August 15, 1963.

Private Law 88-30

August 15, 1963
[S. 752]

AN ACT

For the relief of Janos Kardos.

Janos Kardos.

66 Stat. 182.
8 USC 1182.

8 USC 1183.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(4) of the Immigration and Nationality Act, Janos Kardos may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking approved by the Attorney General be deposited as prescribed by section 213 of the said Act: *And provided further*, That this Act shall apply only to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Approved August 15, 1963.

Private Law 88-31

August 15, 1963
[S. 1326]

AN ACT

To provide for the conveyance of certain mineral interests of the United States in property in South Carolina to the record owners of the surface of that property.

Gus Loskoski and others.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall convey to those persons who, on the date of enactment of this Act, are the record owners of the surface rights thereof, all of the right, title, and interest of the United States in and to the real property consisting of fifty-three and three-tenths acres and more particularly described in the conveyance entered into between Gus Loskoski and Ola Loskoski as grantors and L. T. Vaughn and Sheron K. Vaughn as grantees, which conveyance is recorded in the office of the clerk of court for Anderson County, South Carolina, in deed book A–9 at page 257. Such conveyance shall be made only if application is made therefor by a record owner of the surface rights within one year after the date of enactment of this Act and upon payment to the United States by such record owner of such sum as may be fixed by the Secretary to reimburse the United States for the administrative cost of the conveyance plus the fair market value of the minerals as determined by the Secretary.

Approved August 15, 1963.

Private Law 88-32

August 15, 1963
[S. 1643]

AN ACT

To amend the Act entitled "An Act for the relief of the estate of Gregory J. Kessenich", approved October 2, 1962 (76 Stat. 1368).

Gregory J. Kessenich, estate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act for the relief of the estate of Gregory J. Kessenich", approved October 2, 1962 (76 Stat. 1368), is hereby amended by adding the following new section at the end thereof:

"SEC. 2. The estate of the said Gregory J. Kessenich is hereby relieved from all liability for payment to the United States of the amount of any income tax imposed under the laws of the United States on the sum referred to in the first section of this Act, and the Secretary of the Treasury or his delegate is authorized and directed to allow credit or refund to such estate of any amounts paid as income tax imposed on such sum.".

Approved August 15, 1963.

Private Law 88-33

AN ACT

August 19, 1963
[S. 192]

For the relief of Master Sergeant Benjamin A. Canini, United States Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 2732 of title 10, United States Code, the Secretary of the Army is authorized and directed to receive, consider, and act upon any claims of Master Sergeant Benjamin A. Canini, United States Army, of Tacoma, Washington, against the United States, filed within one year after the date of enactment of this Act, for compensation for damages and expenses sustained by him arising out of the malfunction of the heating unit of his Government-assigned quarters at Evreaux-Fauville Air Force Base, France, on January 30, 1957, as if such claims had been filed in the time and manner provided in such section, the said Benjamin A. Canini having submitted a timely oral claim but having failed to file a timely written claim as a result of erroneous advice by Government agents. Nothing in this Act shall constitute an admission of liability on the part of the United States.

M. Sgt. Benjamin A. Canini.
70A Stat. 152;
72 Stat. 1461.

Approved August 19, 1963.

Private Law 88-34

AN ACT

August 19, 1963
[S. 1003]

For the relief of the Middlesex Concrete Products and Excavating Corporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Middlesex Concrete Products and Excavating Corporation, of Woodbridge, New Jersey, the sum of $1,600, in full satisfaction of its claim against the United States for additional compensation for work performed at the direction of the Department of the Army in excess of the requirements of contract numbered DA-30-075-Eng-8601 for the construction of permanent family housing site work (outside lease lines) at Fort Wadsworth, New York, the Department of the Army being unable to pay such additional compensation because of the limitation on the expenditure of funds for such site work contained in section 505 of the Act of September 28, 1951 (12 U.S.C. 1748i).

Middlesex Concrete Products and Excavating Corp.

65 Stat. 365.

Approved August 19, 1963.

Private Law 88-35

August 20, 1963
[H. R. 2192]

AN ACT

Authorizing the readmittance of Walter Sowa, Junior, to the United States Naval Academy.

Walter Sowa, Jr.

70A Stat. 429, 431.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding sections 6954 and 6958(a)(1) of title 10, United States Code, the President is authorized to reappoint Walter Sowa, Junior, a former midshipman at the United States Naval Academy, as a midshipman in the appropriate class at such Academy.

Approved August 20, 1963.

Private Law 88-36

August 27, 1963
[H. R. 1206]

AN ACT

For the relief of Kazimierz Krupinski.

Kazimierz Krupinski.

66 Stat. 182; 75 Stat. 655.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(9) of the Immigration and Nationality Act, Kazimierz Krupinski may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved August 27, 1963.

Private Law 88-37

August 27, 1963
[H. R. 1393]

AN ACT

For the relief of Janet Lundie Farmer.

Janet L. Farmer.

66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(4) of the Immigration and Nationality Act, Janet Lundie Farmer may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That, unless the beneficiary is entitled to care under chapter 55 of title 10 of the United States Code, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

10 USC 1071-1085.

8 USC 1183.

Approved August 27, 1963.

Private Law 88-38

AN ACT

For the relief of Luigi Giuseppe Luraschi.

August 27, 1963
[H. R. 2309]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, the provisions of section 352(a)(1) shall be inapplicable in the case of Luigi Giuseppe Luraschi: *Provided*, That he establishes residence in the United States not later than September 3, 1965.

Approved August 27, 1963.

Luigi G. Luraschi.

66 Stat. 269.
8 USC 1484.

Private Law 88-39

AN ACT

For the relief of Lucia Carta Gallitto.

August 27, 1963
[H. R. 2450]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Lucia Carta Gallitto may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Mario Gallitto, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

Approved August 27, 1963.

Lucia C. Gallitto.

75 Stat. 650.
8 USC 1101.
8 USC 1155.

Private Law 88-40

AN ACT

For the relief of Mrs. Kazuko (Joseph James) Kapp.

August 27, 1963
[H. R. 3218]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Kazuko (Joseph James) Kapp, the widow of a United States citizen, shall be deemed to be within the purview of section 101(a)(27)(A) of the Immigration and Nationality Act, and the provisions of section 205 of that Act shall not be applicable in this case.

Approved August 27, 1963.

Mrs. Kazuko Kapp.

8 USC 1101, 1155.

Private Law 88-41

AN ACT

For the relief of Pong Yong Jin (also known as Pang Yong Chin).

August 27, 1963
[H. R. 3629]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Pong Yong Jin (also known as Pang Yong Chin) may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Donald A. Markham, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

Approved August 27, 1963.

Pong Yong Jin.

75 Stat. 650.
8 USC 1101, 1155.

Private Law 88-42

August 27, 1963
[H. R. 5094]

AN ACT

For the relief of Geoffrey Howard Smith.

Geoffrey H. Smith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Geoffrey Howard Smith shall be held and considered to have complied with the requirements of section 316 of the Act as they relate to residence and physical presence.

66 Stat. 242.
8 USC 1427.

Approved August 27, 1963.

Private Law 88-43

August 27, 1963
[H. R. 5834]

AN ACT

For the relief of Anthony Joseph Calandi.

Anthony J. Calandi.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Anthony Joseph Calandi may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Salvatore and Frances Calanni, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101, 1155.

Approved August 27, 1963.

Private Law 88-44

August 27, 1963
[H. R. 6567]

AN ACT

For the relief of Anthony Harry Giazikis.

Anthony H. Giazikis.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Anthony Harry Giazikis shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien, as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Approved August 27, 1963.

Private Law 88-45

August 28, 1963
[S. 1066]

AN ACT

For the relief of the E. L. K. Oil Company.

E. L. K. Oil Co.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 31 of the Mineral Leasing Act of February 25, 1920 (30 U.S.C. 188), the Secretary of the Interior is authorized and directed to receive, consider, and act upon any petition of the E. L. K. Oil Company, of Cheyenne, Wyoming, filed within one hundred and

41 Stat. 450;
76 Stat. 943.

eighty days after the date of enactment of this Act, for reinstatement of United States oil and gas lease "Wyoming 046887(C)", as if such petition had been filed within the time provided in such section and such section had been applicable thereto.

Approved August 28, 1963.

Private Law 88-46

AN ACT

For the relief of Asterio Quitoriano.

August 28, 1963
[H. R. 1232]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Asterio Quitoriano shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien, as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Asterio Quitoriano.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Approved August 28, 1963.

Private Law 88-47

AN ACT

For the relief of Clara G. Maggiora.

August 28, 1963
[H. R. 1237]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(3) and section 212(a)(4) of the Immigration and Nationality Act, Clara G. Maggiora may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Clara G. Maggiora.
66 Stat. 182.
8 USC 1182.

8 USC 1183.

Approved August 28, 1963.

Private Law 88-48

AN ACT

For the relief of Federico Lopez-Blanco.

August 28, 1963
[H. R. 1276]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(31) of the Immigration and Nationality Act, Federico Lopez-Blanco may be issued a visa and admitted to the United States for permanent residence if he is

Federico Lopez-Blanco.
66 Stat. 182.
8 USC 1182.

found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Approved August 28, 1963.

Private Law 88-49

August 28, 1963
[H. R. 1366]

AN ACT

For the relief of Vagharshag Hovannes Danielian.

Vagharshag H. Danielian.
8 USC 1182 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Act of July 14, 1960 (74 Stat. 504), Vagharshag Hovannes Danielian shall be held and considered to have been paroled into the United States on the date of the enactment of this Act, as provided for in the said Act of July 14, 1960.

Approved August 28, 1963.

Private Law 88-50

August 28, 1963
[H. R. 1398]

AN ACT

For the relief of Margaret Barker.

Margaret Barker.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Margaret Barker shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved August 28, 1963.

Private Law 88-51

August 28, 1963
[H. R. 1499]

AN ACT

For the relief of John (Ivica) Beg Farkas and Ann (Anka) Beg Farkas.

John B. and Ann B. Farkas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, John (Ivica) Beg Farkas and Ann (Anka) Beg Farkas may be classified as eligible orphans within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in their behalf by Mr. and Mrs. John J. Farkas, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101, 1155.

Approved August 28, 1963.

Private Law 88-52

AN ACT

For the relief of Eva Baker.

August 28, 1963
[H. R. 1731]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Eva Baker may be classified as an eligible orphan within the meaning of section 101 (b) (1) (F) of the Act, upon approval of a petition filed in her behalf by Mr. Robert W. Baker, a citizen of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

Eva Baker.

75 Stat. 650.
8 USC 1101, 1155.

Approved August 28, 1963.

Private Law 88-53

AN ACT

For the relief of Mrs. Rita M. Bravi.

August 28, 1963
[H. R. 1876]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(4) of the Immigration and Nationality Act, Mrs. Rita M. Bravi may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of that Act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Rita M. Bravi.

66 Stat. 182.
8 USC 1182.

8 USC 1183.

Approved August 28, 1963.

Private Law 88-54

AN ACT

For the relief of Francesco Di Giacomo.

August 28, 1963
[H. R. 2207]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(9) of the Immigration and Nationality Act, Francesco Di Giacomo may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Francesco Di Giacomo.

66 Stat. 182; 75 Stat. 655.
8 USC 1182.

Approved August 28, 1963.

Private Law 88-55

August 28, 1963
[H. R. 2239]

AN ACT
For the relief of Annunziata Sabatini.

Annunziata Sabatini.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Annunziata Sabatini may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Gaetano Sabatini, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101, 1155.

Approved August 28, 1963.

Private Law 88-56

August 28, 1963
[H. R. 2287]

AN ACT
For the relief of Shin Sook (Renee) Whang.

Shin Sook Whang.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, a petition filed in behalf of Shin Sook (Renee) Whang by Gladys Mary Patricia Lindsay may be approved pursuant to the provisions of section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1155.

Approved August 28, 1963.

Private Law 88-57

August 28, 1963
[H. R. 2444]

AN ACT
For the relief of Mrs. Mabel Constance Kennedy.

Mabel C. Kennedy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, the provisions of section 245(c) of that Act shall be inapplicable in the case of Mrs. Mabel Constance Kennedy.

72 Stat. 699.
8 USC 1255.

Approved August 28, 1963.

Private Law 88-58

August 28, 1963
[H. R. 2765]

AN ACT
For the relief of Mirko Jaksic.

Mirko Jaksic.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mirko Jaksic may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Mirko Jaksic, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101, 1155.

Approved August 28, 1963.

Private Law 88-59

AN ACT

For the relief of Michal Goleniewski.

August 28, 1963
[H. R. 5507]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Michal Goleniewski, lawfully admitted for permanent residence in the United States, shall be held to be included in the class of applicants for naturalization exempted from the provisions of section 313(a) of the Immigration and Nationality Act, as such class is specified in section 313(c) of the said Act, and that Michal Goleniewski shall be considered to have met the residence and physical presence requirements of section 316(a) of the said Act, and his petition for naturalization may be filed with any court having naturalization jurisdiction.

Michal Goleniewski.

66 Stat. 240, 242.
8 USC 1424, 1427.

Approved August 28, 1963.

Private Law 88-60

AN ACT

For the relief of Evanthia Christou.

September 17, 1963
[S. 495]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Evanthia Christou may be classified as an eligible orphan within the meaning of section 101(b)(1)(F), and a petition may be filed by Mr. and Mrs. Vincent G. Kouspos, citizens of the United States, in behalf of the said Evanthia Christou, pursuant to section 205(b) of the Immigration and Nationality Act, subject to all the conditions in that section relating to eligible orphans.

Evanthia Christou.

75 Stat. 650.
8 USC 1101, 1155.

Approved September 17, 1963.

Private Law 88-61

AN ACT

For the relief of Panagiota Makris.

September 17, 1963
[S. 506]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Panagiota Makris may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the said Act and a petition may be filed by Mrs. Yianoula Makris, a citizen of the United States, in behalf of the said Panagiota Makris pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

Panagiota Makris.

75 Stat. 650.
8 USC 1101, 1155.

Approved September 17, 1963.

Private Law 88-62

September 17, 1963
[S. 657]

AN ACT
For the relief of Doctor Mohammed Adham.

Dr. Mohammed Adham.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Doctor Mohammed Adham has resided in the United States since September 16, 1954, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

66 Stat. 242.
8 USC 1427.

Approved September 17, 1963.

Private Law 88-63

September 17, 1963
[S. 909]

AN ACT
For the relief of Marija Lovsin.

Marija Lovsin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Act of October 24, 1962 (Public Law 87-885), Marija Lovsin shall be deemed to be within the purview of section 1 of that Act.

76 Stat. 1247.
8 USC 1153 note.

Approved September 17, 1963.

Private Law 88-64

September 17, 1963
[S. 1154]

AN ACT
To provide for the sale of certain mineral rights to Christmas Lake, Incorporated, in Minnesota.

Christmas Lake, Inc.
Conveyance.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized and directed to convey by quitclaim deed, in return for the payment of an amount equal to the sum of the fair market value of the rights conveyed and such sum as may be fixed by the Secretary of the Interior to reimburse the United States for the administrative costs of the conveyance, to Christmas Lake, Incorporated, in Minnesota, all oil, gas, and other mineral rights which are held by the United States in the following described lands situated in Carver County, Minnesota: Tract A, registered land survey numbered 14, files of registrar of titles, Carver County, Minnesota.

Approved September 17, 1963.

Private Law 88-65

September 17, 1963
[S. 1230]

AN ACT
For the relief of Carlton M. Richardson.

Carlton M. Richardson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitation on the time within which applications for disability retirement are required to be filed under section 6 of the Civil Service Retirement Act as in effect in August 1956 (5 U.S.C., 1952 ed., 710) is hereby waived in favor of Carlton M. Richardson, a former employee of

62 Stat. 51;
63 Stat. 577.

the Department of the Air Force, and his claim for disability retirement under such Act shall be acted upon under the other applicable provisions of such Act as if his application had been timely filed, if he files application for such disability retirement within sixty days after the date of enactment of this Act. No benefits shall accrue by reason of the enactment of this Act for any period prior to the date of enactment of this Act.

SEC. 2. Notwithstanding any other provision of law, benefits payable by reason of the enactment of this Act shall be paid from the civil service retirement and disability fund.

Approved September 17, 1963.

Private Law 88-66

AN ACT

For the relief of J. Arthur Fields.

September 17, 1963
[S. 1489]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitation on the time for filing applications for disability retirement under section 7(b) of the Civil Service Retirement Act (5 U.S.C. 2257(b)) is hereby waived in favor of J. Arthur Fields of Tooele, Utah, former employee of the Tooele Ordnance Depot, and his claim for disability retirement under such Act shall be acted upon under the other applicable provisions of such Act as if his application had been timely filed, if he files application for such disability retirement within sixty days after the date of enactment of this Act.

J. Arthur Fields.

70 Stat. 750.

SEC. 2. Notwithstanding any other provision of law, benefits payable by reason of the enactment of this Act shall be paid from the civil service retirement and disability fund.

Approved September 17, 1963.

Private Law 88-67

AN ACT

To authorize the Commissioners of the District of Columbia to sell a right-of-way across a portion of the District Training School grounds at Laurel, Maryland, and for other purposes.

September 24, 1963
[H. R. 5081]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized and empowered, in their discretion, on behalf of the United States, to sell and convey to the Baltimore Gas and Electric Company a right-of-way over approximately seven acres of the grounds of the District Training School, located in the Fourth Election District of Anne Arundel County at Laurel, Maryland, for the purpose of installing thereon and maintaining a high voltage transmission line on towers to be constructed by said company. Any such sale shall be at fair market value, as determined by the said Commissioners, and subject to such conditions as they shall determine to be in the best interests of the United States and the District of Columbia, including, but not limited to, a requirement that the Baltimore Gas and Electric Company and its successors and assigns furnish any District of Columbia institution on such grounds with an alternate source of electric service and reserving to the United States and the District of Columbia an easement of access and travel over the right-of-way to be conveyed

District Training School grounds, Laurel, Md. Right-of-way.

under the authority of this Act: *Provided*, That whenever the said right-of-way no longer is maintained by said company for the purpose specified in the preceding sentence, all right, title, and interest of the said company in and to such right-of-way shall revert to the United States.

SEC. 2. The said Commissioners are further authorized to pay from the proceeds of such sale the reasonable and necessary expenses of the sale of the right-of-way sold pursuant to the provisions of this Act, and shall deposit the balance of the proceeds of the sale in the Treasury of the United States to the credit of the District of Columbia.

Approved September 24, 1963.

Private Law 88-68

October 11, 1963
[H. R. 1191]

AN ACT

For the relief of Wilmer R. Bricker.

Wilmer R. Bricker.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Wilmer R. Bricker, Lancaster, Pennsylvania, an employee in the postal field service, is hereby relieved of all liability to refund to the United States the sum of $388.53. Such sum represents the amount of certain overpayments of compensation made to the said Wilmer R. Bricker through administrative error in the determination of his longevity benefits as a postal field service employee. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wilmer R. Bricker, Lancaster, Pennsylvania, the sum certified to the Secretary of the Treasury by the Postmaster General as the sum of amounts paid to the United States by the said Wilmer R. Bricker, or withheld from amounts otherwise due him from the United States, by reason of the liability referred to in the first section of this Act: *Provided*, That no part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 11, 1963.

Private Law 88-69

October 11, 1963
[H. R. 1280]

AN ACT

For the relief of Jan Koss.

Jan Koss.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jan Koss may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Stephen Koss, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101, 1155.

Approved October 11, 1963.

Private Law 88-70

AN ACT

For the relief of Captain Leon M. Gervin.

October 11, 1963
[H. R. 1281]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Leon M. Gervin, United States Army, retired, of Los Gatos, California, is hereby relieved of liability to the United States in the amount of $120.33, representing an overpayment of accrued leave paid to him by the United States Army through an administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this Act.

Capt. Leon M. Gervin.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Captain Leon M. Gervin an amount equal to the aggregate of the amounts paid by him, or withheld from sums otherwise due him, in complete or partial satisfaction of the liability to the United States specified in the first section of this Act: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 11, 1963.

Private Law 88-71

AN ACT

For the relief of Elizabeth Kolloian Izmirian.

October 11, 1963
[H. R. 2303]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, a petition filed in behalf of Elizabeth Kolloian Izmirian by Mrs. Baizar Izmirian may be approved pursuant to the provisions of section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

Elizabeth K. Izmirian.

75 Stat. 650.
8 USC 1155.

Approved October 11, 1963.

Private Law 88-72

AN ACT

For the relief of Fiore Luigi Biasiotta.

October 11, 1963
[H. R. 3648]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Fiore Luigi Biasiotta may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Fiore Biasiotta, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

Fiore L. Biasiotta.

75 Stat. 650.
8 USC 1101, 1155.

Approved October 11, 1963.

Private Law 88-73

October 11, 1963
[H. R. 3762]

AN ACT

For the relief of Anna C. Chmielewski.

Anna C. Chmielewski.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Anna C. Chmielewski may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Joseph Chmielewski, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101, 1155.

Approved October 11, 1963.

Private Law 88-74

October 11, 1963
[H. R. 4075]

AN ACT

For the relief of Noriyuki Miyata.

Noriyuki Miyata.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Noriyuki Miyata may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Harry Y. Miyoshi, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101, 1155.

Approved October 11, 1963.

Private Law 88-75

October 11, 1963
[H. R. 7022]

AN ACT

For the relief of Marguerite Lefebvre Broughton.

Marguerite L. Broughton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(3) of the Immigration and Nationality Act, Marguerite Lefebvre Broughton may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That, unless the beneficiary is entitled to care under chapter 55, title 10, United States Code, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

66 Stat. 182.
8 USC 1182.

10 USC 1071-1085.

66 Stat. 188.
8 USC 1183.

Approved October 11, 1963.

Private Law 88-76

AN ACT

For the relief of William C. Doyle.

October 16, 1963
[H. R. 1192]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William C. Doyle, Lancaster, Pennsylvania, an employee in the postal field service, is hereby relieved of all liability to refund to the United States the sum of $310.15. Such sum represents the amount of certain overpayments of compensation made to the said William C. Doyle through administrative error in the determination of his longevity benefits as a postal field service employee. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States full credit shall be given for the amount for which liability is relieved by this Act.

William C. Doyle.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William C. Doyle, Lancaster, Pennsylvania, the sum certified to the Secretary of the Treasury by the Postmaster General as the sum of amounts paid to the United States by the said William C. Doyle, or withheld from amounts otherwise due him from the United States, by reason of the liability referred to in the first section of this Act: *Provided*, That no part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 16, 1963.

Private Law 88-77

AN ACT

For the relief of Kathryn Marshall.

October 16, 1963
[H. R. 1458]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Kathryn Marshall, 2320 Villa Road, Springfield, Ohio, is relieved of all liability to refund to the United States the sum of $565.20, representing an overpayment of salary between the period July 3, 1960, and July 3, 1962, due to an error in computation by Wright-Patterson Air Force Base, Ohio. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this section.

Kathryn Marshall.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Kathryn Marshall the amount certified to her by the Secretary of the Air Force as the aggregate amount paid to the United States by the said Kathryn Marshall, or withheld by the United States from amounts due her, on account of the liability referred to in the first section of this Act: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with

this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 16, 1963.

Private Law 88-78

October 16, 1963
[H. R. 1459]

AN ACT

For the relief of Oliver Brown.

Oliver Brown.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Oliver Brown, 122 East Routzong, Fairborn, Ohio, is relieved of all liability to refund to the United States the sum of $387.82, representing an overpayment of salary between the period July 10, 1960, and May 19, 1962, due to an error in computation by Wilkins Air Force Station, Shelby, Ohio. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Oliver Brown the amount certified to him by the Secretary of the Air Force as the aggregate amount paid to the United States by the said Oliver Brown, or withheld by the United States from amounts due him, on account of the liability referred to in the first section of this Act: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 16, 1963.

Private Law 88-79

October 16, 1963
[H. R. 1726]

AN ACT

For the relief of William H. Woodhouse.

William H. Woodhouse.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William H. Woodhouse, chief warrant officer, United States Navy, retired, of Levittown, Pennsylvania, is hereby relieved of all liability to repay to the United States the sum of $836, representing salary paid him during the period from June 25, 1962, through September 6, 1962, while he was an employee of the Department of Defense, in violation of the Act of July 31, 1894 (28 Stat. 162), as amended, the said William H. Woodhouse, having been erroneously advised by the Department of Defense prior to his employment that such Act was not applicable to him.

28 Stat. 205;
43 Stat. 245.
5 USC 62.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said William H. Woodhouse, the sum of any amounts received or withheld from him on account of the salary payments referred to in the first section of this Act.

Approved October 16, 1963.

Private Law 88-80

AN ACT

October 16, 1963
[H. R. 2751]

For the relief of Mrs. Jesse Franklin White.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 15 to 20, inclusive, of the Federal Employees' Compensation Act are hereby waived in favor of Mrs. Jesse Franklin White, of Oklahoma City, Oklahoma, and her claim for compensation for the death of her husband, Jesse Franklin White, a former employee of the Department of Agriculture, who died on August 28, 1932, shall be acted upon under the remaining provisions of such Act, as amended, if she files such claim with the Department of Labor (Bureau of Employees' Compensation) within six months after the enactment of this Act: *Provided*, That no benefits shall accrue by reason of this Act for any period prior to the date of enactment.

Mrs. Jesse F. White.
39 Stat. 746, 747.
5 USC 765-770.

Approved October 16, 1963.

Private Law 88-81

AN ACT

October 16, 1963
[H. R. 2770]

For the relief of Mrs. Justine M. Dubendorf.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Justine M. Dubendorf, of Silver Spring, Maryland, is relieved of liability to the United States in the amount of $686.41, representing an overpayment of compensation from March 12, 1956, through July 9, 1961, received by her while employed with the Army Command and Administrative Communications System, Washington, District of Columbia. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount for which liability is relieved by this Act.

Justine M. Dubendorf.

SEC. 2. The Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Mrs. Justine M. Dubendorf an amount equal to any sums which may have been withheld by the Department of the Army in partial satisfaction of the liability relieved in the first section of this Act: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 16, 1963.

Private Law 88-82

October 16, 1963
[H. R. 3219]

AN ACT

To provide for the payment of a reward as an expression of appreciation to Edwin and Bruce Bennett.

Edwin and Bruce Bennett.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edwin Bennett, of Sunderland, Massachusetts, the sum of $50, and to his brother, Bruce Bennett, of Sunderland, Massachusetts, the sum of $50. The payment of such sums is made in recognition of the honesty and integrity displayed by the said Edwin Bennett and Bruce Bennett when, on September 8, 1959 (being then twelve and seven years of age respectively), they found and turned over to the proper authorities certain bonds, cash, and other valuables which had been hidden by a deceased recluse who died in 1950 leaving his entire estate to the United States, and as an expression of grateful appreciation by the United States Government, which received approximately $1,200 as a result of their action.

Approved October 16, 1963.

Private Law 88-83

October 16, 1963
[H. R. 3450]

AN ACT

For the relief of Herbert B. Shorter, Senior.

Herbert B. Shorter, Sr.

54 Stat. 1061.
31 USC 71a.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the limitations contained in the Act of October 9, 1940 (31 Stat. sec. 71a), or in any other limiting statute, the application made by Herbert B. Shorter, Senior, of Pompano Beach, Florida, received by the General Accounting Office on April 29, 1957, for additional retainer pay for the period from February 1, 1940, to April 28, 1947, for United States Navy Fleet Reserve service shall be held and considered to have been timely filed and the Comptroller General of the United States is hereby authorized and directed to consider that claim and pay any amount found due the said Herbert B. Shorter, Senior, for the period covered by the claim.

Approved October 16, 1963.

Private Law 88-84

October 16, 1963
[H. R. 3843]

AN ACT

For the relief of Wallace J. Knerr.

Wallace J. Knerr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Wallace J. Knerr, of Philadelphia, Pennsylvania, is relieved of liability to pay to the United States the sum of $203.99, representing the aggregate amount of salary overpayments received by him from the United States Post Office Department during the period beginning June 28, 1958, and ending October 28, 1960, which overpayments were made as a result of administrative error. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Wallace J. Knerr, the sum of any payments received or withheld from him on account of the overpayment referred to in the first section of this Act: *Provided*, That no part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 16, 1963.

Private Law 88-85

AN ACT

October 16, 1963
[H. R. 4965]

For the relief of certain employees of the Foreign Service of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each of the following employees of the Foreign Service of the United States, the sum designated in full satisfaction of their claims against the United States for compensation for personal property lost while performing their official duties: Slator C. Blackiston, Junior, $50; Robert W. Chase, $92; William J. Murray, Junior, $1,448; Francoise G. Queneau, $535; Philip F. Snare, $59; Gerald J. Steiner, $600; Peter Zrowka, $1,950; William D. Wolle, $50.

Slator C. Blackiston, Jr. and others.

Approved October 16, 1963.

Private Law 88-86

AN ACT

October 16, 1963
[H. R. 5307]

For the relief of Edward T. Hughes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edward T. Hughes, of Concord, Massachusetts, the sum of $250.00. Such sum represents reimbursement to the said Edward T. Hughes for paying out of his own funds judgments rendered against him in the United States District Court, Boston, Massachusetts, as a result of an accident occurring when Edward T. Hughes was operating a Government vehicle in the course of his duties as an employee of the Post Office Department: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Edward T. Hughes.

Approved October 16, 1963.

Private Law 88-87

October 16, 1963
[H. R. 5811]

AN ACT

For the relief of L. C. Atkins and Son.

L. C. Atkins and Son.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Redevelopment Land Agency is authorized and directed to pay, out of funds made available to it by the Housing and Home Finance Administrator pursuant to the provisions of section 106(f) of the Housing Act of 1949, as amended, to L. C. Atkins and Son of the District of Columbia, the sum of $150. The payment of such sum shall be in full settlement of all claims of the said L. C. Atkins and Son against the United States for expenses and losses incurred by the said L. C. Atkins and Son in vacating business premises at the municipal fish wharves in the District of Columbia at the direction of the Board of Commissioners of the District of Columbia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

70 Stat. 1100; 75 Stat. 167. 42 USC 1456.

Approved October 16, 1963.

Private Law 88-88

October 16, 1963
[H. R. 5812]

AN ACT

For the relief of Quality Seafood, Incorporated.

Quality Seafood, Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the District of Columbia Redevelopment Land Agency is authorized and directed to pay, out of funds made available to it by the Housing and Home Finance Administrator pursuant to the provisions of section 106(f) of the Housing Act of 1949, as amended, to Quality Seafood, Incorporated, of the District of Columbia, the sum of $3,000. The payment of such sum shall be in full settlement of all claims of such corporation against the United States for expenses and losses incurred by it in vacating business premises at the municipal fish wharves in the District of Columbia at the direction of the Board of Commissioners of the District of Columbia: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

70 Stat. 1100; 75 Stat. 167. 42 USC 1456.

Approved October 16, 1963.

Private Law 88-89

AN ACT

For the relief of Robert L. Nolan.

October 16, 1963
[H. R. 6373]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $412.20 to Robert L. Nolan, an employee of the United States Weather Bureau, Department of Commerce, in full settlement of all claims against the United States for personal property owned by him which through no fault of his, was lost while he was carrying out his official duties: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Robert L. Nolan.

Approved October 16, 1963.

Private Law 88-90

AN ACT

For the relief of Mrs. Margaret L. Moore.

October 16, 1963
[H. R. 6443]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of the Civil Service Retirement Act (5 U.S.C. 2251 et seq.) and the Act of August 3, 1950, as amended (5 U.S.C. 61f et seq.), Mrs. Margaret L. Moore, of Arlington, Virginia, shall be held and considered to be entitled to the sums of $2,233.95 and $657.59, representing the respective balances due under said Acts in the case of Muriel I. Moore, deceased former employee of the Department of the Army. Payments under this Act shall be a bar to recovery by any other person.

Margaret L. Moore.
70 Stat. 736.
64 Stat. 395.

SEC. 2. No part of the money mentioned in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 16, 1963.

Private Law 88-91

AN ACT

For the relief of José Domenech.

October 16, 1963
[H. R. 2256]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That José Domenech, of Niagara Falls, New York, is hereby relieved of all liability for repayment to the United States of pay and allowances for excess leave used while on active duty with the United States

José Domenech.

Army for the period from October 19, 1951, to November 13, 1957, and erroneous payment of fourteen days accrued leave on the date of his discharge, in the amount of $314.32.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said José Domenech, the sum of any amounts received or withheld from him on account of the payments referred to in the first section of this Act: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 16, 1963.

Private Law 88-92

October 24, 1963
[S. 838]

AN ACT
For the relief of George Crokos.

George Crokos.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, George Crokos may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the said Act and a petition may be filed by Mr. and Mrs. Stelianos Crokos, citizens of the United States, in behalf of the said George Crokos pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101, 1155.

Approved October 24, 1963.

Private Law 88-93

October 24, 1963
[S. 1313]

AN ACT
For the relief of Tim L. Yen.

Tim L. Yen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(A) and 205 of the Immigration and Nationality Act, Tim L. Yen shall be held and considered to be the natural-born alien minor child of Mr. and Mrs. Don Y. Yen, citizens of the United States: *Provided*, That the natural parents of the said Tim L. Yen shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101, 1155.

Approved October 24, 1963.

Private Law 88-94

October 29, 1963
[H. R. 2268]

AN ACT
For the relief of Mrs. Geneva H. Trisler.

Geneva H. Trisler.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Geneva H. Trisler, of

Baton Rouge, Louisiana, the sum of $322.56. This sum represents the amount remaining due as compensation for services rendered the United States Post Office, Baton Rouge, Louisiana, during the period November 1, 1949, to and including May 7, 1952: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved October 29, 1963.

Private Law 88-95

AN ACT

For the relief of Specialist Five Curtis Melton, Junior.

October 29, 1963
[H. R. 6377]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Specialist Five Curtis Melton, Junior (serial number RA24977421), the sum of $1,000. The payment of such sum shall be in full settlement of the claim of the said Specialist Five Curtis Melton, Junior, against the United States for losses suffered by him as the result of damage to his automobile in December 1959 while it was parked in front of his off-post residence in Kirchheimbolanden, Germany, caused by an Army vehicle being driven without authority and not on an authorized mission by a member of the Armed Forces: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Sp5c. Curtis Melton, Jr.

Approved October 29, 1963.

Private Law 88-96

AN ACT

For the relief of Kaino Hely Auzis.

November 13, 1963
[S. 310]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of sections 203(a)(2) and 205 of the Immigration and Nationality Act, Kaino Hely Auzis shall be held and considered to be the natural-born alien daughter of Aileen Ellen Auzis and Anthony Adolph Auzis, citizens of the United States: *Provided*, That the natural parents of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Kaino H. Auzis.

8 USC 1153, 1155.

Approved November 13, 1963.

Private Law 88-97

November 13, 1963
[H. R. 1311]

AN ACT

For the relief of Jolan Berczeller.

Jolan Berczeller.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Jolan Berczeller. From and after the date of the enactment of this Act, the said Jolan Berczeller shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Approved November 13, 1963.

Private Law 88-98

November 13, 1963
[H. R. 1345]

AN ACT

For the relief of Peter Carson.

Peter Carson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Peter Carson may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Walter Carson, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101, 1155.

Approved November 13, 1963.

Private Law 88-99

November 13, 1963
[H. R. 2260]

AN ACT

For the relief of Mrs. Rozsi Neuman.

Rozsi Neuman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(3) of the Immigration and Nationality Act, Mrs. Rozsi Neuman may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That, unless the beneficiary is entitled to care under the Dependents' Medical Care Act (70 Stat. 250), a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

66 Stat. 182.
8 USC 1182.

37 USC 401 note.

66 Stat. 188.
8 USC 1183.

Approved November 13, 1963.

Private Law 88-100

AN ACT

November 13, 1963
[H. R. 2445]

For the relief of Mrs. Barbara Ray Van Olphen.

Barbara R. Van Olphen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(3) of the Immigration and Nationality Act, Mrs. Barbara Ray Van Olphen may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of that Act.

66 Stat. 182.
8 USC 1182.

8 USC 1183.

Approved November 13, 1963.

Private Law 88-101

AN ACT

November 13, 1963
[H. R. 2754]

For the relief of Mercedes Robinson Orr.

Mercedes R. Orr.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mercedes Robinson Orr may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Eric Orr, a lawfully resident alien and citizen of the United States, respectively, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101, 1155.

Subsection (c) of section 245 of the Immigration and Nationality Act shall be held to be inapplicable in the case of Mercedes Robinson Orr.

72 Stat. 699.
8 USC 1255.

Approved November 13, 1963.

Private Law 88-102

AN ACT

November 13, 1963
[H. R. 2757]

For the relief of Woo You Lyn (also known as Hom You Fong and Lyn Fong Y. Hom).

Woo You Lyn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 244 of the Immigration and Nationality Act, as amended, Woo You Lyn (also known as Hom You Fong and Lyn Fong Y. Hom) shall be held and considered to have been physically present in the United States since July 9, 1951.

76 Stat. 1247.
8 USC 1254.

Approved November 13, 1963.

Private Law 88-103

AN ACT

November 13, 1963
[H. R. 2968]

For the relief of Kazimierz Kurmas and Zdzislaw Kurmas.

Kazimierz and Zdzislaw Kurmas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Kazimierz Kurmas and Zdzislaw Kurmas may be classified as eligible orphans

75 Stat. 650. 8 USC 1101, 1155.

filed in their behalf by Stanislava Sawicki, a citizen of the United States, may be approved pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

Approved November 13, 1963.

Private Law 88-104

November 13, 1963 [H. R. 3384]

AN ACT

For the relief of Lee Suey Jom (also known as Tommy Lee and Lee Shue Chung).

Lee Suey Jom. 66 Stat. 163. 8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Lee Suey Jom (also known as Tommy Lee and Lee Shue Chung) shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 22, 1948, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Quota deduction.

Approved November 13, 1963.

Private Law 88-105

November 13, 1963 [H. R. 4145]

AN ACT

For the relief of certain individuals.

Comdr. C. N. Mitchell and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to each individual listed in section 2 of this Act the sum specified with respect to such individual. The payment of such sum shall be in full settlement of the claim of each such individual against the United States for loss of per diem allowance for the period October 21, 1959, to February 29, 1960, both dates inclusive, due to the erroneous modification of his orders.

SEC. 2. The claimants and the amount of each claim referred to in the first section of this Act are:

Commander C. N. Mitchell, [redacted], United States Navy, $1,402.00;

Lieutenant Commander R. F. Hale, [redacted], United States Navy, $1,348.00;

Lieutenant Commander W. J. Cowhill, [redacted], United States Navy, $1,502.00;

Lieutenant J. B. Richard, [redacted], United States Navy, $1,502.00;

Lieutenant P. (n) Durbin, [redacted], United States Navy, $1,502.00;

Lieutenant J. M. Will, Junior, [redacted], United States Navy, $1,388.00.

No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved November 13, 1963.

Private Law 88-106

AN ACT

For the relief of Doctor Pedro B. Montemayor, Junior.

November 13, 1963
[H. R. 6097]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Pedro B. Montemayor, Junior, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of June 24, 1958.

Dr. Pedro B. Montemayor, Jr.
66 Stat. 163.
8 USC 1101 note.

Approved November 13, 1963.

Private Law 88-107

AN ACT

For the relief of Wai Chan Cheng Liu.

November 13, 1963
[H. R. 6260]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Wai Chan Cheng Liu. From and after the date of the enactment of this Act, the said Wai Chan Cheng Liu shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Wai Chan Cheng Liu.

Approved November 13, 1963.

Private Law 88-108

AN ACT

For the relief of Elizabeth Mary Martin.

December 11, 1963
[H. R. 4760]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(3) of the Immigration and Nationality Act, Elizabeth Mary Martin may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

Elizabeth M. Martin.
66 Stat. 182.
8 USC 1182.
8 USC 1183.

Approved December 11, 1963.

Private Law 88-109

December 18, 1963
[H. R. 1414]

AN ACT

For the relief of Jan and Anna Smal (nee Dworzanski).

Jan and Anna Smal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jan Smal (nee Dworzanski) may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Joseph Smal, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101.
8 USC 1155.

SEC. 2. For the purposes of sections 203(a)(2) and 205 of the Immigration and Nationality Act, Anna Smal (nee Dworzanski) shall be held and considered to be the natural-born alien daughter of Mr. and Mrs. Joseph Smal, citizens of the United States.

66 Stat. 178, 180.
8 USC 1153, 1155.

Approved December 18, 1963.

Private Law 88-110

December 18, 1963
[H. R. 5753]

AN ACT

Relating to the effective date of the qualification of the Steamship Trade Association of Baltimore-Waterfront Guard Association pension fund as a qualified trust under section 401(a) of the Internal Revenue Code of 1954.

Steamship Trade Association of Baltimore, Inc. and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Steamship Trade Association of Baltimore, Incorporated-Waterfront Guard Association of the Port of Baltimore, Local 1852 Independent Watchmen's Association pension fund which was established by collective bargaining agreement effective April 1, 1955, and which has been held by the Internal Revenue Service to constitute a qualified trust under section 401(a) of the Internal Revenue Code of 1954, and to be exempt from taxation under section 501(a) of such Code, for years ending on or after June 2, 1962, shall be held and considered to have been a qualified trust under such section 401(a), and to have been exempt from taxation under section 501(a) for the period beginning on April 1, 1955, and ending on June 2, 1962, but only if it is shown to the satisfaction of the Secretary of the Treasury or his delegate that the trust has not in this period been operated in a manner which would jeopardize the interests of its beneficiaries.

68A Stat. 134.
26 USC 401.
26 USC 501.

Approved December 18, 1963.

Private Law 88-111

December 18, 1963
[H. R. 5902]

AN ACT

For the relief of Eric Voegelin and Luise Betty Onken Voegelin.

Eric and Luise Betty O. Voegelin.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, the provisions of section 352(a)(1) shall be inapplicable in the cases of Eric Voegelin and Luise Betty Onken Voegelin: *Provided*, That they establish residence in the United States not later than February 9, 1967.

66 Stat. 269.
8 USC 1484.

Approved December 18, 1963.

Private Law 88-112

AN ACT

For the relief of Generoso Bucci Cammisa.

December 18, 1963
[H. R. 6316]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Generoso Bucci Cammisa may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Joseph Cammisa, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans.

Generoso B. Cammisa.

75 Stat. 650.
8 USC 1101.

8 USC 1155.

Approved December 18, 1963.

Private Law 88-113

AN ACT

For the relief of Mrs. Ingrid Gudrun Schroder Brown.

December 18, 1963
[H. R. 7268]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(3) of the Immigration and Nationality Act, Mrs. Ingrid Gudrun Schroder Brown may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That, unless the beneficiary is entitled to care under chapter 55 of title 10 of the United States Code, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Ingrid G. S. Brown.

66 Stat. 182.
8 USC 1182.

10 USC 1071-1085.

8 USC 1183.

Approved December 18, 1963.

Private Law 88-114

AN ACT

To provide for the reinstatement and validation of United States oil and gas lease numbered Sacramento 037552-C, and for other purposes.

December 19, 1963
[H. R. 1233]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That, notwithstanding any decision to the contrary heretofore made by the Secretary of the Interior of the United States or his authorized agents or representatives, United States oil and gas lease numbered Sacramento 037552-C shall be held not to have terminated by operation of law or otherwise on April 30, 1960, but shall be deemed to be in full force and effect and the term of said lease extended from April 30, 1960, to two years after the effective date of this Act and so long thereafter as oil or gas is produced in paying quantities, and the Secretary of the Interior is hereby authorized and directed to act as to approval upon the assignment of said lease by the last record holder thereof, Jos. R.

Oil and gas lease numbered Sacramento 037552-C.

Neaves, doing business as Neaves Petroleum Developments, to James P. Psaltis, dated April 7, 1960, and filed on April 13, 1960, in the Sacramento, California, land office of the Bureau of Land Management, and to approve said assignment, subject to the payment of accrued lease rentals and tender of a proper drilling bond as hereinafter provided, if the said James P. Psaltis be qualified to hold said lease under the provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 et seq.): *Provided*, That within thirty days after the receipt of written notice from the Secretary of the Interior of the amount of rental then accrued to the United States under said lease and unpaid, which notice shall be given by the Secretary within thirty days after approval of said assignment, the said James P. Psaltis, his heirs, successors or assigns, shall tender payment of said amount of rental together with a proper drilling bond in the amount required by the regulations then in effect.

41 Stat. 437.

Approved December 19, 1963.

Private Law 88-115

December 19, 1963
[H. R. 1271]

AN ACT

For the relief of Doctor Jae H. Yang.

Dr. Jae H. Yang.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Jae H. Yang shall be held and considered to have been lawfully admitted to the United States for permanent residence as of July 15, 1953.

Approved December 19, 1963.

Private Law 88-116

December 19, 1963
[H. R. 1273]

AN ACT

For the relief of Bay Kow Jung.

Bay Kow Jung.
66 Stat. 163.
8 USC 1101 note.

Quota deduction.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Bay Kow Jung shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Approved December 19, 1963.

Private Law 88-117

December 19, 1963
[H. R. 1432]

AN ACT

For the relief of Pasquale Marrella.

Pasquale Marrella.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(1) of the Immigration and

Nationality Act, Pasquale Marrella may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act: *Provided further*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

66 Stat. 182.
8 USC 1182.

8 USC 1183.

Approved December 19, 1963.

Private Law 88-118

AN ACT

For the relief of John William Horling.

December 19, 1963
[H. R. 1475]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John William Horling, United States Navy, retired, of Grand Rapids, Michigan, is hereby relieved of liability in the amount of $22,756.34 representing an obligation to pay the United States the amount he received for the services he rendered the Post Office Department at Grand Rapids, Michigan, as a civilian employee (custodial laborer) from November 17, 1956, through June 29, 1962, which employment was subsequently held to have been subject to the restrictions of the Act of July 31, 1894 (5 U.S.C. 62).

John W. Horling.

28 Stat. 205; 43 Stat. 245.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said John William Horling an amount equal to the aggregate of amounts paid by him, or withheld from sums otherwise due him including the lump-sum payment in complete or partial satisfaction of the liability to the United States specified in the first section.

SEC. 3. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 19, 1963.

Private Law 88-119

AN ACT

For the relief of Ching Heing Yen and Ching Chiao Hoang Yen.

December 19, 1963
[H. R. 1495]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the cases of Ching Heing Yen and Ching Chiao Hoang Yen. From and after the date of the enactment of this Act, the said Ching Heing Yen and Ching Chiao Hoang Yen shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Ching Heing Yen and Ching Chiao H. Yen.

Approved December 19, 1963.

Private Law 88-120

December 19, 1963
[H. R. 1542]

AN ACT

For the relief of Mrs. Sandra Bank Murphy.

Sandra B. Murphy.

66 Stat. 182.
8 USC 1182.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 212(a)(4) of the Immigration and Nationality Act, Mrs. Sandra Bank Murphy may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further*, That, unless the beneficiary is entitled to care under chapter 55 of title 10 of the United States Code, a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the Immigration and Nationality Act.

10 USC 1071-1085.

8 USC 1183.

Approved December 19, 1963.

Private Law 88-121

December 19, 1963
[H. R. 1566]

AN ACT

For the relief of Mrs. Annie Zambelli Stiletto.

Annie Z. Stiletto.

66 Stat. 268.
8 USC 1481.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Annie Zambelli Stiletto, who lost United States citizenship under the provisions of section 349(a)(5) of the Immigration and Nationality Act, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Mrs. Annie Zambelli Stiletto shall have the same citizenship status as that which existed immediately prior to its loss.

8 USC 1421.

8 USC 1448.

Approved December 19, 1963.

Private Law 88-122

December 19, 1963
[H. R. 3366]

AN ACT

For the relief of Ferenc Molnar.

Ferenc Molnar.

66 Stat. 242.
8 USC 1427.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Ferenc Molnar shall be held to have been admitted to the United States as a returning resident alien on December 9, 1961, and to have complied with the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

Approved December 19, 1963.

Private Law 88-123

AN ACT

December 19, 1963
[H. R. 3908]

For the relief of Jeung Sing, also known as Chang Sheng and Rafael Chang Sing.

Jeung Sing.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Jeung Sing, also known as Chang Sheng and Rafael Chang Sing. From and after the date of the enactment of this Act, the said Jeung Sing shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Approved December 19, 1963.

Private Law 88-124

AN ACT

December 19, 1963
[H. R. 4507]

For the relief of Angeliki Devaris.

Angeliki Devaris.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Attorney General is authorized and directed to cancel any outstanding orders and warrants of deportation, warrants of arrest, and bond, which may have issued in the case of Angeliki Devaris. From and after the date of the enactment of this Act, the said Angeliki Devaris shall not again be subject to deportation by reason of the same facts upon which such deportation proceedings were commenced or any such warrants and orders have issued.

Approved December 19, 1963.

Private Law 88-125

AN ACT

December 19, 1963
[H. R. 4862]

For the relief of Tricia Kim.

Tricia Kim.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Tricia Kim may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Sergeant and Mrs. William D. Liles, citizens of the United States, pursuant to section 205(b) of the Act, subject to all the conditions in that section relating to eligible orphans. Section 205(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

75 Stat. 650.
8 USC 1101.
8 USC 1155.

Approved December 19, 1963.

Private Law 88-126

December 19, 1963
[H. R. 5453]

AN ACT

For the relief of Mrs. Denise Jeanne Escobar (nee Arnoux).

Denise J. Escobar.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Mrs. Denise Jeanne Escobar (nee Arnoux) shall be deemed to be chargeable to the quota for France.

Approved December 19, 1963.

Private Law 88-127

December 19, 1963
[H. R. 6038]

AN ACT

For the relief of Mariano Carrese and Vincenzina Ciavattini Restuccia.

Mariano Carrese and Vincenzina C. Restuccia.

54 Stat. 1169.
8 USC 801 note.

66 Stat. 239.
8 USC 1421.

8 USC 1448.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mariano Carrese and Vincenzina Ciavattini Restuccia, who lost United States citizenship under the provisions of section 401(e) of the Nationality Act of 1940, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Mariano Carrese and the said Vincenzina Ciavattini Restuccia shall have the same citizenship status as that which existed immediately prior to its loss.

Approved December 19, 1963.

Private Law 88-128

December 19, 1963
[H. R. 6624]

AN ACT

For the relief of Mrs. Concetta Foto Napoli, Salvatore Napoli, Antonina Napoli, and Michela Napoli.

Concetta F. Napoli et al.

8 USC 1153 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the immigration laws, Mrs. Concetta Foto Napoli, Salvatore Napoli, Antonina Napoli, and Michela Napoli shall be deemed to be within the purview of section 1 of the Act of October 24, 1962 (76 Stat. 1247).

Approved December 19, 1963.

Private Law 88-129

December 19, 1963
[H. R. 6975]

AN ACT

For the relief of Giuseppe Maida, his wife, Caterina Maida, and their children, Antonio, and Vittoria Maida.

Giuseppe Maida et al.

8 USC 1153 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the immigration laws, Mr. Giuseppe Maida, his wife, Caterina Maida, and their children, Antonio, and Vittoria Maida, shall be deemed to be within the purview of section 1 of the Act of October 24, 1962 (76 Stat. 1247).

Approved December 19, 1963.

Private Law 88-130

AN ACT

For the relief of Nick Masonich

December 21, 1963
[H. R. 1221]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nick Masonich, of Milwaukee, Wisconsin, the sum of $17,000, in full settlement of all his claims against the United States for compensation for the total loss of use of his eyes which he sustained as the result of personal injuries received by him in an explosion occurring on August 17, 1921, while he was performing duties as a member of a station gang employed by the Alaskan Engineering Commission in connection with the construction of the United States Railway in Alaska, the said Nick Masonich never having received satisfaction in full from the United States for total blindness and total permanent disability: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Nick Masonich.

Approved December 21, 1963.

Private Law 88-131

AN ACT

For the relief of Rear Admiral Walter B. Davidson.

December 21, 1963
[H. R. 1395]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Rear Admiral Walter B. Davidson, United States Navy, retired, is relieved of liability to pay to the United States the sum of $21,475.17, which amount represents the total of overpayments of retired pay during the period beginning November 13, 1958, and ending August 21, 1961, while the said Walter B. Davidson was employed by the Western Contract Furnishers of San Francisco, California, and that concern was engaged in certain contract work for the United States. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for any amount for which liability is relieved by this section.

Rear Adm. Walter B. Davidson.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rear Admiral Walter B. Davidson, United States Navy, retired, the amount certified to him by the Secretary of the Navy as the sum of the amounts withheld from him by the United States on account of the liability referred to in the first section of this Act, and in addition such amounts as represent the balance of retired pay otherwise due for the above period. The payment of such sum shall be in full settlement of all claims of the said Walter B. Davidson against the United States for amounts withheld from his retired pay on account of the liability referred to in the first section of this Act: *Provided*, That no part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in

connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 21, 1963.

Private Law 88-132

December 21, 1963
[H. R. 1545]

AN ACT

To provide for the relief of certain enlisted members and former enlisted members of the Air Force.

Julian L. Bandy and others.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the payment made by each of the following enlisted members and former enlisted members of the Air Force to a former Air Force employee during the period June 2, 1956, through June 4, 1957, shall be credited to each such member or former member:

Julian L. Bandy, AF13475906; Orville Birge, AF18437236; Zoltan A. Csizmadia, AF12309779; Richard C. Difebbo, AF23937676; Rojelio M. Hernandez, AF16445321; Bobby L. Irvin, AF19312599; Stanley J. Janosky, AF13433024; Dick R. Johnston, AF15471378; Ronald C. Kiederling, AF12439963; Boyd J. Long, AF19472745; Web McPherson, AF20936236; Paul McShane, AF16417788; William W. Miller, Junior, AF17387668; William C. Mortensen, AF17386485; Thomas Peoples, AF26355133; Tommy R. Pugh, AF13449931; Luis M. Ramirez, AF38459323; Bennie Richey, AF18435176; Lewis Shaw, AF17084029; Mack Spurlock, AF18427589; James S. Stancil, Junior, AF13475621; James R. Stanton, AF16445602; Estil H. Vanover, AF15466591; Rayford O. Warren, AF38043180; James W. West, AF14443694; George H. White, AF34575392; Mason B. Woodby, AF13166578.

These payments were refunds of overpayments of accrued leave received by these persons as the result of the fraudulent transactions of said former employee, a civilian clerk in the accounting and finance office of the separation center at Manhattan Beach Air Force Station, New York, who appropriated the money to his own use.

SEC. 2. A person named in section 1 of this Act who made repayments both to the United States and to the said former employee, the total of which exceeded the amount due to the United States, shall be paid the excess, if otherwise proper.

SEC. 3. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for any amount expended under this Act.

SEC. 4. Appropriations available to the Department of the Air Force for the pay and allowances of military personnel are available for payments under this Act.

Approved December 21, 1963.

Private Law 88-133

AN ACT

For the relief of Erwin A. Suehs.

December 21, 1963
[H. R. 2238]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the requirements in section 202(c)(1)(C) and 202(p) of the Social Security Act that proof of support be filed by the dependent husband of an insured individual within a specified period in order to qualify for husband's insurance benefits on the basis of such individual's wages and self-employment income shall not apply with respect to the application of Erwin A. Suehs, Pittsfield, Massachusetts, for husband's insurance benefits under section 202(c) of such Act on the basis of the wages and self-employment income of his wife Elizabeth R. Suehs (social security account numbered [redacted]), if he files such application, together with such proof of support, within the six-month period beginning on the date of the enactment of this Act.

Erwin A. Suehs.
72 Stat. 1022; 70 Stat. 832.
42 USC 402.

Approved December 21, 1963.

Private Law 88-134

AN ACT

For the relief of Zoltan Friedmann.

December 21, 1963
[H. R. 2305]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(19) of the Immigration and Nationality Act, Zoltan Friedmann may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Zoltan Friedmann.
66 Stat. 182.
8 USC 1182.

Approved December 21, 1963.

Private Law 88-135

AN ACT

For the relief of Hurley Construction Company.

December 21, 1963
[H. R. 2944]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Hurley Construction Company, of Saint Paul, Minnesota, the sum of $19,664. The payment of such sum shall be in full settlement of all claims of the said Hurley Construction Company against the United States arising out of extra items of work performed by Hurley Construction Company at Duluth, Minnesota, involving alteration of rough trusses after installation in order to remove undesired camber, removal and replacement of backfill adjacent to exterior building walls, providing and placing straw around building footings for winter protection, changes of methods and procedures required for placement of subflooring sand in basements of the larger housing units, changes in methods and procedures in handling and storing of construction materials and

Hurley Construction Co.

requiring employment of additional blocktenders and carpenters' helpers, additional expenses incurred for extra labor and materials by reason of requirement that all concrete blocks be saw-cut, and additional labor and material expense incurred in heating basements of the larger housing units during construction, all as required by the contracting officer, Corps of Engineers, Department of the Army, in the course of performance by the Hurley Construction Company of contract numbered DA–21–018 ENG–1088 dated May 26, 1956, for the construction of family housing units, site work and utilities at Duluth Air Force Base, Duluth, Minnesota, for which payment has not been made, because sufficient funds are not available therefor to the Department of the Army: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 21, 1963.

Private Law 88-136

December 21, 1963
[H. R. 3662]

AN ACT

For the relief of Mrs. Margaret Patterson Bartlett.

Margaret P. Bartlett.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Margaret Patterson Bartlett, of Greeneville, Tennessee, great-granddaughter of former President Andrew Johnson, the sum of $10,000, which shall not be subject to any Federal tax liability, in full settlement of her claims for compensation in lieu of the living quarters which she understands were to have been provided for the use of herself and her mother (deceased) during their lifetimes as part payment for the property acquired from them for inclusion within the boundaries of Andrew Johnson National Monument in Greeneville, Tennessee: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 21, 1963.

Private Law 88-137

December 21, 1963
[H. R. 4141]

AN ACT

For the relief of Smith L. Parratt and Mr. and Mrs. Lloyd Parratt, his parents.

Smith L. Parratt et al.
63 Stat. 62;
73 Stat. 472.
28 USC 2401.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of section 2041(b) of title 28 of the United States Code barring tort claims against the United States under the Federal tort claims provisions of title 28, United States Code, unless action is begun within

two years after such claim accrues is hereby waived in favor of any claims of Smith L. Parratt and Mr. and Mrs. Lloyd Parratt, his parents, of Upland, California, against the United States arising out of the mauling of the said Smith L. Parratt by a grizzly bear in Glacier National Park, Montana, on July 18, 1960, if suit thereon is commenced within one year after date of enactment of this Act.

Approved December 21, 1963.

Private Law 88-138

AN ACT

For the relief of Mrs. M. Orta Worden.

December 21, 1963
[H. R. 4288]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. M. Orta Worden of Broderick, California, the sum of $10,864.89. The payment of such sum shall be in full settlement of all claims of the said Mrs. M. Orta Worden against the United States resulting from injuries sustained by her as the consequence of a fall on April 2, 1958, at the class VI concession building, Nouasseur Air Force Base, Casablanca, Morocco. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

M. Orta Worden.

Approved December 21, 1963.

Private Law 88-139

AN ACT

For the relief of Mrs. Zara M. Schreiber.

December 21, 1963
[H. R. 5289]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Captain Joseph S. Schreiber, United States Army (retired), shall be deemed to have elected under section 3(b) of the Uniformed Services Contingency Option Act of 1953 to provide the annuity specified in paragraph (1) of section 4(a) of such Act to his wife, Zara M. Schreiber, in accordance with the written election to provide for such an annuity which was executed by the said Captain Joseph S. Schreiber on November 14, 1953, before a duly appointed notary public of the State of California but which was not mailed to the Department of the Army prior to his death.

Zara M. Schreiber.

67 Stat. 502; 70A Stat. 683.

Approved December 21, 1963.

Private Law 88-140

December 23, 1963
[H. R. 6808]

AN ACT

For the relief of the Shelburne Harbor Ship and Marine Construction Company, Incorporated.

Shelburne Harbor Ship and Marine Construction Co., Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Shelburne Harbor Ship and Marine Construction Company, Incorporated (hereinafter in this Act referred to as the "company"), of Shelburne, Vermont, is hereby relieved of all liability to pay to the United States the principal amount of $19,793.76, together with all accrued interest thereon. Such liability of the company arose from an order of March 10, 1958, of the Renegotiation Board with respect to profits of the company from a contract between the company and the Department of the Navy.

Approved December 23, 1963.

Private Law 88-141

December 23, 1963
[S. 212]

AN ACT

For the relief of Yoo Sei Chun.

Yoo Sei Chun.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Yoo Sei Chun may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the said Act and a petition may be filed by Mr. and Mrs. Michael Fix, citizens of the United States, in behalf of the said Yoo Sei Chun pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

75 Stat. 650.
8 USC 1101.

8 USC 1155.

Approved December 23, 1963.

Private Law 88-142

December 23, 1963
[S. 697]

AN ACT

For the relief of Misako Moriya.

Misako Moriya.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Misako Moriya, the fiancee of George Snyder, a citizen of the United States, shall be eligible for a visa as a nonimmigrant temporary visitor for a period of three months, if the administrative authorities find (1) that the said Misako Moriya is coming to the United States with a bona fide intention of being married to the said George Snyder and (2) that she is otherwise admissible under the Immigration and Nationality Act. In the event the marriage between the above-named persons does not occur within three months after the entry of the said Misako Moriya, she shall be required to depart from the United States and upon failure to do so shall be deported in accordance with the provisions of sections 242 and 243 of the Immigration and Nationality Act. In the event

66 Stat. 208, 212.
8 USC 1252, 1253.

that the marriage between the above-named persons shall occur within three months after the entry of the said Misako Moriya, the Attorney General is authorized and directed to record the lawful admission for permanent residence of the said Misako Moriya as of the date of the payment by her of the required visa fee.

Approved December 23, 1963.

Private Law 88-143

AN ACT

For the relief of Yukio Iseri.

December 23, 1963
[S. 966]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Yukio Iseri shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota-control officer to deduct one number from the appropriate quota for the first year that such quota is available.

Yukio Iseri.
66 Stat. 163.
8 USC 1101 note.
Quota deduction.

Approved December 23, 1963.

Private Law 88-144

AN ACT

For the relief of Despina J. Sanios.

December 23, 1963
[S. 1097]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Despina J. Sanios may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the said Act and a petition may be filed by Mr. and Mrs. John Sanios, citizens of the United States, in behalf of the said Despina J. Sanios pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

Despina J. Sanios.
75 Stat. 650.
8 USC 1101.
8 USC 1155.

Approved December 23, 1963.

Private Law 88-145

AN ACT

For the relief of Thomas B. Bollers and Earlene Bollers.

December 23, 1963
[S. 1129]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the time limitation prescribed for filing claims against the United States under section 2733 of title 10, United States Code, the Secretary of the Army is authorized and directed to receive, consider, and act upon any claim filed under such section by Thomas B. Bollers and his wife, Earlene Bollers, if such claim is filed within one year after the date of enactment of this Act, the said Thomas B. and Earlene Bollers having allegedly sustained financial losses as a result of the water

Thomas B. and Earlene Bollers.
70A Stat. 153; 72 Stat. 813.

supply for their house having been contaminated by the disposition of waste chemicals from the Rocky Mountain Arsenal, Colorado: *Provided*, That nothing in this Act shall constitute an admission of liability on the part of the United States.

Approved December 23, 1963.

Private Law 88-146

December 23, 1963
[S. 1269]

AN ACT

For the relief of the Arizona Milling Company of Phoenix, Arizona.

Arizona Milling Co., Phoenix, Ariz.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Arizona Milling Company, Phoenix, Arizona, the sum of $4,880.05. The payment of such sum shall be in full satisfaction of all claims of such company arising out of certain expenditures made by it for labor, methyl bromide gas, and other materials and equipment purchased or rented by it in order to accomplish a fumigation process in the company's Tucson plant which was made necessary when the United States Department of Agriculture imposed a twenty-day quarantine on such plant on the basis of a mistaken determination by the Department that specimens of larvae collected at that plant were grain feeding insects known as khapra beetles, the Department having subsequently removed such quarantine after notifying such company that the specimens had been erroneously identified: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 23, 1963.

Private Law 88-147

December 23, 1963
[S. 1479]

AN ACT

For the relief of Doctor Demetrios Flessas and Doctor Eugenia Flessas.

Drs. Demetrios and Eugenia Flessas.
66 Stat. 163.
8 USC 1101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Demetrios Flessas and Doctor Eugenia Flessas shall be held and considered to have been lawfully admitted to the United States for permanent residence as of March 10, 1953, and April 22, 1950, respectively.

Approved December 23, 1963.

Private Law 88-148

AN ACT

For the relief of Ana Murgelj.

December 23, 1963
[S. 1516]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Ana Murgelj may be classified as an eligible orphan within the meaning of section 101(b)(1)(F) of the said Act and a petition may be filed by Mr. and Mrs. John Miklich, citizens of the United States, in behalf of the said Ana Murgelj pursuant to section 205(b) of the Immigration and Nationality Act subject to all the conditions in that section relating to eligible orphans.

Ana Murgelj.

75 Stat. 650.
8 USC 1101.
8 USC 1155.

Approved December 23, 1963.

Private Law 88-149

AN ACT

For the relief of Dulcie Ann Steinhardt Sherlock.

December 23, 1963
[S. 1570]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time Dulcie Ann Steinhardt Sherlock, daughter of the late Ambassador Laurence A. Steinhardt and Mrs. Steinhardt, was residing abroad with her parents, during her minority when her father was an Ambassador in the Foreign Service of the United States, shall be held and considered to be compliance with the physical presence requirements of section 301(a)(7) of the Immigration and Nationality Act, as amended.

Dulcie A. S. Sherlock.

66 Stat. 235.
8 USC 1401.

Approved December 23, 1963.

Private Law 88-150

AN ACT

For the relief of Maria Mereghetti (Mother Benedetta) and Annunziata Colombo (Mother Cherubina).

December 23, 1963
[H. R. 1289]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 101(a)(27)(B) and 245 of the Immigration and Nationality Act, Maria Mereghetti (Mother Benedetta) and Annunziata Colombo (Mother Cherubina), shall be held and considered to be returning resident aliens.

Maria Mereghetti and Annunziata Colombo.
66 Stat. 169; 72 Stat. 699.
8 USC 1101, 1255.

Approved December 23, 1963.

Private Law 88-151

AN ACT

For the relief of W. V. Grimes, James A. Powell, Frank Grove, Harry P. Nash, Junior, and Michael J. Neofitou.

December 23, 1963
[H. R. 4759]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) W. V. Grimes, Newport News, Virginia, is relieved of liability to pay to the United States the sum of $180.04, representing overpayments of compensation as the result of an error made in January 1961 by the

W. V. Grimes and others.

Government while he was employed by the United States Navy, Supervisor of Shipbuilding, Newport News, Virginia. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount of which liability is relieved by this Act.

(b) The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to W. V. Grimes an amount equal to the aggregate of any amounts paid or withheld from sums otherwise due him by reason of the liability referred to in this section. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 2. (a) James A. Powell, of Newport News, Virginia, is relieved of liability to pay to the United States the sum of $2,380.99, representing overpayments of compensation as the result of an error made in January 1961 by the Government while he was employed by the United States Navy, Supervisor of Shipbuilding, Newport News, Virginia. In the audit and settlement of the amounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James A. Powell an amount equal to the aggregate of any amounts paid or withheld from sums otherwise due him by reason of the liability referred to in this section. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 3. (a) Frank Grove, of Newport News, Virginia, is relieved of liability to pay to the United States the sum of $1,862.98, representing overpayments of compensation as the result of an error made in January 1961 by the Government while he was employed by the United States Navy, Supervisor of Shipbuilding, Newport News, Virginia. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

(b) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Grove an amount equal to the aggregate of any amounts paid or withheld from sums otherwise due him by reason of the liability referred to in this section. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 4. (a) Harry P. Nash, Junior, of Norfolk, Virginia, is relieved of liability to pay to the United States the sum of $376.32, representing overpayments of compensation as the result of an error made in January 1961 by the Government while he was employed by the United States Navy, Supervisor of Shipbuilding, Newport News,

Virginia. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount of which liability is relieved by this Act.

(b) The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Harry P. Nash, Junior, an amount equal to the aggregate of any amounts paid or withheld from sums otherwise due him by reason of the liability referred to in this section. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 5. (a) Michael J. Neofitou, of Norfolk, Virginia, is relieved of liability to pay to the United States the sum of $141.60, representing overpayments of compensation as the result of an error made in January 1961 by the Government while he was employed by the United States Navy, Supervisor of Shipbuilding, Newport News, Virginia. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, full credit shall be given for the amount of which liability is relieved by this Act.

(b) The Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Michael J. Neofitou, an amount equal to the aggregate of any amounts paid or withheld from sums otherwise due him by reason of the liability referred to in this section. No part of the amount appropriated in this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

SEC. 6. Notwithstanding any provision of this Act or any other law each annuity payable on the basis of the service of an individual relieved from liability by this Act shall be computed and paid on the basis of the amounts which such individual actually received as compensation for his services as an employee of the Federal Government.

Approved December 23, 1963.

Private Law 88-152

AN ACT

For the relief of Robert H. Bagby.

December 23, 1963
[H. R. 5746]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Robert H. Bagby of Great Bend, Kansas, the sum of $478.68. The payment of such sum shall be in full settlement of all claims of the said Robert H. Bagby against the United States for underpayment in salary by the Post Office Department for the period from July 16, 1948, to March 1, 1949, inclusive. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary

Robert H. Bagby.

notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 23, 1963.

Private Law 88-153

December 30, 1963
[S. 1014]

AN ACT

For the relief of Mrs. Joyce Mark Bouvier and Paula Bouvier.

Joyce M. and Paula Bouvier.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Joyce Mark Bouvier, who lost United States citizenship under the provisions of section 349(a)(5) of the Immigration and Nationality Act, may be naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act or before any diplomatic or consular officer of the United States abroad, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Mrs. Joyce Mark Bouvier shall have the same citizenship status as that which existed immediately prior to its loss.

66 Stat. 267.
8 USC 1481.
8 USC 1421.
8 USC 1448.

SEC. 2. Upon the naturalization of Mrs. Joyce Mark Bouvier, as provided for in this Act, her child, Paula Bouvier, shall be held and considered to be a national and citizen of the United States pursuant to section 301(a)(7) of the Immigration and Nationality Act, subject to the provisions of section 301(b) of the said Act.

8 USC 1401.

Approved December 30, 1963.

Private Law 88-154

December 30, 1963
[S. 1096]

AN ACT

For the relief of Mrs. Susanna Grün (Susanne Roth).

Susanna Grun.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Susanna Grün (Susanne Roth) shall be held and considered to be a returning resident alien within the purview of section 101(a)(27)(B) of that Act.

66 Stat. 169.
8 USC 1101.

Approved December 30, 1963.

Private Law 88-155

December 30, 1963
[S. 1838]

AN ACT

For the relief of Hannah Robbins.

Hannah Robbins.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of paragraph (4) of section 212(a) of the Immigration and Nationality Act, Hannah Robbins may be issued an immigrant visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of such Act: *Provided*, That, unless the beneficiary is entitled to care under chapter 55 of title 10 of the United States Code, a suitable and proper bond or undertaking, approved by the Attorney

66 Stat. 182.
8 USC 1182.
10 USC 1071-1085.

General, be deposited as prescribed by section 213 of the Immigration and Nationality Act. This section shall apply only to grounds for exclusion under such paragraph known to the Secretary of State or the Attorney General prior to the date of the enactment of this Act.

8 USC 1183.

Approved December 30, 1963.

Private Law 88-156

AN ACT

December 30, 1963
[H. R. 1211]

To admit the vessels Fort Town, Maple City, and Windmill Point to American registry and to permit their use in the coastwise trade.

Vessels *Fort Town, Maple City, and Windmill Point.*
49 Stat. 442; 70 Stat. 544.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 4132 of the Revised Statutes of the United States (46 U.S.C. 11) and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. 883), the following three Canadian-built vessels owned by the Prescott Ogdensburg Ferry Company, Limited, a Canadian corporation wholly owned by the Ogdensburg Bridge Authority, a public benefit corporation created by the State of New York, may, after their transfer to the Ogdensburg Bridge Authority and/or Ogdensburg Bridge and Port Authority, be admitted to American registry and documented under the laws of the United States, and shall be entitled to engage in the coastwise trade and to transport passengers and merchandise between points in the United States, including districts and possessions thereof embraced within the coastwise laws: Fort Town (Canadian official number 175,999), Maple City (Canadian official number 176,000), and Windmill Point (Canadian official number 198,041).

Approved December 30, 1963.

Private Law 88-157

AN ACT

December 30, 1963
[H. R. 1532]

For the relief of Herbert R. Schaff.

Herbert R. Schaff.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Herbert R. Schaff of Altadena, California, the sum of $2,450. The payment of such sum shall be in full settlement of all claims of the said Herbert R. Schaff against the United States for the value of a jeep which was purchased with money stolen from him and forfeited to the United States Government because the purchaser and registered owner were unlawfully using the jeep to transport narcotics in violation of the internal revenue laws of the United States: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 30, 1963.

Private Law 88-158

December 30, 1963
[H. R. 1560]

AN ACT

For the relief of Constantinos A. Grigoras (Gregoras).

Constantinos A. Grigoras.
8 USC 1153 note.
22 CFR 42.66.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 4 of the Act of September 22, 1959 (73 Stat. 644), section 42.66(a)(7) of title 22 of the Code of Federal Regulations shall not be applicable in the case of Constantinos A. Grigoras (Gregoras) duly registered as an immigrant on August 11, 1953.

Approved December 30, 1963.

Private Law 88-159

December 30, 1963
[H. R. 2292]

AN ACT

For the relief of Marvin M. Greenlee.

Marvin M. Greenlee.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Marvin M. Greenlee, of Fairbanks, Alaska, the sum of $5,000 in full settlement of all his claims against the United States for his expenses incurred in 1953 in salvaging Marine Corps helicopter HRS–2, Bureau Number 129037, which crashed December 5, 1952, on San Gorgonio Mountain, California, while rendering assistance to an Air Force rescue team: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 30, 1963.

Private Law 88-160

December 30, 1963
[H. R. 2364]

AN ACT

For the relief of the Clay County Hospital, Brazil, Indiana.

Clay County Hospital, Brazil, Ind.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Clay County Hospital, of Brazil, Indiana, the sum of $7,057.50. The payment of such sum shall be in full settlement of all the claims of the Clay County Hospital against the United States for payment of civil defense matching funds for an emergency generator for an addition to such hospital which payment was not made in the fiscal year ending June 30, 1960, because funds were not available for such purpose, and cannot now be made because of regulations which prohibit the retroactive payment of such funds: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any

contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 30, 1963.

Private Law 88-161

AN ACT

For the relief of Jesse Leigh, Junior.

December 30, 1963
[H. R. 4099]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $290 to Jesse C. Leigh, Junior, 40 North Main Street, Hamlet, North Carolina, in full settlement of his claims against the United States resulting from an accident on August 5, 1961, when an Army truck collided with his private car operated by his son in Hamlet, North Carolina. This claim is not cognizable under the Federal Tort Claim Act: *Provided*, That no part of the amount appropriated by this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim or for any subrogated claim. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not exceeding $1,000.

Jesse Leigh, Jr.

28 USC 2671-2680.

Approved December 30, 1963.

Private Law 88-162

AN ACT

For the relief of Mr. Rudolph Sanderson, of Meriden, Kansas.

December 30, 1963
[H. R. 6181]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $502.33, to Mr. Rudolph Sanderson, Meriden, Kansas, in full settlement of his claim against the United States for the reimbursement of the amount of expenses and other losses and damages incurred in resettlement as a result of his displacement in connection with the acquisition of land (tract numbered M–1388) due to the construction of Tuttle Creek Dam and Reservoir project, Kansas.

Rudolph Sanderson.

No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 30, 1963.

Private Law 88-163

December 30, 1963
[H. R. 6468]

AN ACT

For the relief of Harold J. Burke.

Harold J. Burke.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Harold J. Burke, of Swampscott, Massachusetts, is hereby relieved of all liability and obligation to the United States under a contract designated GSA No. N–Mass–569 for the sale of certain surplus real property facilities known as the harbor defense unit located on Marblehead Neck in the town of Marblehead, Massachusetts, which contract was entered into by the said Harold J. Burke and the Government on the mistaken understanding that the property was residential property and could be utilized as such. The Secretary of the Treasury is hereby authorized and directed to refund the amount of the bid deposited by the said Harold J. Burke in connection with that contract.

Approved December 30, 1963.

Private Law 88-164

December 30, 1963
[H. R. 6807]

AN ACT

For the relief of H. W. Robinson and Co., Incorporated.

H. W. Robinson and Co., Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. W. Robinson and Co., Incorporated, of New York, the sum of $441.73. The payment of such sum shall be in full settlement of all claims of the said H. W. Robinson and Co., Incorporated, against the United States for overassessment by the Collector of Customs of the Port of New York of duties in connection with the importation of the items covered by consumption entry numbered 922100, dated February 13, 1961. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 30, 1963.

Private Law 88-165

December 30, 1963
[H. R. 7019]

AN ACT

To provide further compensation to Mrs. Johnson Bradley for certain land and improvements in the village of Odanah, Wisconsin, taken by the Federal Government.

Mrs. Johnson Bradley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Johnson Bradley, of Phoenix, Arizona, the sum of $583.33, representing the difference between the amount of $16.67 paid to Mr. and Mrs. Bradley

and the value of the land and improvements which were taken by the Federal Government in 1940 through condemnation, civil numbered 41, The United States of America against 13.718 Acres in Ashland County, Wisconsin, and which have since been administered for the use and benefit of the Bad River Indians.

No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 30, 1963.

CONCURRENT RESOLUTIONS

CONCURRENT RESOLUTIONS

FIRST SESSION, EIGHTY-EIGHTH CONGRESS

January 10, 1963
[H. Con. Res. 1]

JOINT MEETING

Resolved by the House of Representatives (*the Senate concurring*), That the two Houses of Congress assemble in the Hall of the House of Representatives on January 14, 1963, at 12:30 o'clock in the afternoon, for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Communications from President.

Passed January 10, 1963.

March 21, 1963
[S. Con. Res. 29]

"A REPORT ON UNITED STATES FOREIGN OPERATIONS IN AFRICA"

Resolved by the Senate (*the House of Representatives concurring*), That there be printed, with illustrations, as a Senate document, a report entitled "A Report on United States Foreign Operations in Africa", submitted by Senator Allen J. Ellender to the Senate Committee on Appropriations and that four thousand additional copies be printed for the use of that committee.

Printing as Senate document.

Agreed to March 21, 1963.

March 28, 1963
[S. Con. Res. 14]

"OUR CAPITOL"

Resolved by the Senate (*the House of Representatives concurring*), That there be printed as a Senate document, with illustrations, the pamphlet entitled "Our Capitol"; and that three hundred and twenty-three thousand five hundred additional copies shall be printed, of which one hundred and three thousand copies shall be for the use of the Senate and two hundred and twenty thousand five hundred copies for the use of the House of Representatives.

Printing as Senate document.

Agreed to March 28, 1963.

March 28, 1963
[S. Con. Res. 26]

"OUR AMERICAN GOVERNMENT.
WHAT IS IT? HOW DOES IT FUNCTION?"

Printing as Senate document.

Resolved by the Senate (*the House of Representatives concurring*), That with the permission of the copyright owner of the book "Our American Government—1001 Questions on How It Works," with answers by Wright Patman, published by Scholastic Magazines, Incorporated, there shall be printed as a Senate document the pamphlet entitled "Our American Government. What Is It? How Does It Function?"; and that there shall be printed one million eighty-four thousand additional copies of such document, of which two hundred and six thousand copies shall be for the use of the Senate, and eight hundred and seventy-eight thousand copies shall be for the use of the House of Representatives.

Agreed to March 28, 1963.

April 3, 1963
[S. Con. Res. 36]

CORRECTION OF S. 1035

Resolved by the Senate (*the House of Representatives concurring*), That the Secretary of the Senate is authorized and directed, in the enrollment of the bill (S. 1035) to extend the provisions of section 3 of Public Law 87–346, relating to dual rate contracts, to make the following correction, viz: on line 4, change "76 Stat." to "75 Stat.".

Ante, p. 5.
75 Stat. 764.
46 USC 813a note.

Agreed to April 3, 1963.

April 10, 1963
[H. Con. Res. 134]

ADJOURNMENT—HOUSE OF REPRESENTATIVES

Resolved by the House of Representatives (*the Senate concurring*), That when the House adjourns on Thursday, April 11, 1963, it stand adjourned until 12 o'clock meridian, Monday, April 22, 1963.

Passed April 10, 1963.

April 11, 1963
[H. Con. Res. 86]

"OUR FLAG"

Printing as House document.

Resolved by the House of Representatives (*the Senate concurring*), That the publication entitled "Our Flag", published by the Office of Armed Services Information and Education, Department of Defense, be printed with illustrations as a House document; and that three hundred thousand additional copies be printed, of which two hundred thousand shall be for the use of the House of Representatives, and one hundred thousand shall be for the use of the Senate.

Passed April 11, 1963.

April 11, 1963
[H. Con. Res. 98]

WALL MAP U. S.

Printing of copies.

Resolved by the House of Representatives (*the Senate concurring*), That there be compiled and printed fifty-nine thousand three hundred and fifty copies of a wall map of the United States, prepared cooperatively by the Bureau of Land Management and the Geological Survey of the Department of the Interior, showing information, including historical data, concerning public surveys, reservations, and other appropriate dedications of land of the United States, to be printed on a single sheet, approximately three and one-half feet by five and one-half feet, of which forty-three thousand nine hundred copies shall be for the use of the House of Representatives and fifteen thousand four hundred and fifty copies for the use of the Senate.

Passed April 11, 1963.

April 11, 1963
[H. Con. Res. 108]

"HOW OUR LAWS ARE MADE"

Resolved by the House of Representatives (the Senate concurring), That the brochure entitled "How Our Laws Are Made", by Doctor Charles J. Zinn, law revision counsel of the House of Representatives Committee on the Judiciary, as set out in House Document 136 of the Eighty-seventh Congress, be printed as a House document, with emendations by the author and with a foreword by Honorable Edwin E. Willis; and that there be printed one hundred and thirty-two thousand additional copies to be prorated to the Members of the House of Representatives for a period of ninety days after which the unused balance shall revert to the Committee on the Judiciary.

Printing as House document.

SEC. 2. There shall be printed thirty thousand nine hundred additional copies of such document for the use of the Senate.

Passed April 11, 1963.

May 6, 1963
[S. Con. Res. 6]

STATUE OF JOHN BURKE--ACCEPTANCE

Resolved by the Senate (the House of Representatives concurring), That the statue of the late John Burke, presented by the State of North Dakota, is accepted in the name of the United States, and that the thanks of Congress be tendered to the State for the contribution of the statue of one of its most eminent citizens, illustrious for his historic renown and distinguished civic services; and be it further

Resolved, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of North Dakota.

Agreed to May 6, 1963.

May 6, 1963
[S. Con. Res. 7]

STATUE OF JOHN BURKE--TEMPORARY PLACEMENT

Resolved by the Senate (the House of Representatives concurring), That the North Dakota National Statuary Hall Commission is hereby authorized to place temporarily in the rotunda of the Capitol a statue of the late John Burke, of North Dakota, and to hold ceremonies in the rotunda on said occasion; and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

Agreed to May 6, 1963.

May 6, 1963
[S. Con. Res. 8]

STATUE OF JOHN BURKE--
PRINTING OF PRESENTATION PROCEEDINGS

Resolved by the Senate (the House of Representatives concurring), That the proceedings at the presentation, dedication, and acceptance of the statue of John Burke, to be presented by the State of North Dakota in the rotunda of the Capitol, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such Senate document shall be prepared under the supervision of the Joint Committee on Printing.

Additional copies.

SEC. 2. There shall be printed five thousand additional copies of such Senate document, which shall be bound in such style as the Joint Committee on Printing shall direct, and of which one hundred copies shall be for the use of the Senate and one thousand six hundred copies shall be for the use of the Members of the Senate from the State of North Dakota, and five hundred copies shall be for the use of the House of Representatives and two thousand eight hundred copies shall be for the use of the Members of the House of Representatives from the State of North Dakota.

Agreed to May 6, 1963.

May 6, 1963
[S. Con. Res. 9]

STATUE OF JOSEPH WARD--TEMPORARY PLACEMENT

Resolved by the Senate (*the House of Representatives concurring*), That the South Dakota State Historical Society of South Dakota is hereby authorized to place temporarily in the rotunda of the Capitol a statue of the late Joseph Ward, of South Dakota, and to hold ceremonies in the rotunda on said occasion; and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor.

Agreed to May 6, 1963.

May 6, 1963
[S. Con. Res. 10]

STATUE OF JOSEPH WARD—ACCEPTANCE

Resolved by the Senate (*the House of Representatives concurring*), That the statue of Joseph Ward, presented by the State of South Dakota, to be placed in the Statuary Hall collection, is accepted in the name of the United States, and that the thanks of the Congress be tendered said State for the contribution of the statue of one of its most eminent citizens, illustrious for his leadership as author of the State's motto, framer of the Territorial school law, founder of the first college, and outstanding churchman in the founding of Christian churches among whites and Indians: And be it further

Resolved, That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the Governor of South Dakota.

Agreed to May 6, 1963.

May 6, 1963
[S. Con. Res. 11]

STATUE OF JOSEPH WARD—
PRINTING OF PRESENTATION PROCEEDINGS

Resolved by the Senate (*the House of Representatives concurring*), That the proceedings at the presentation, dedication, and acceptance of the statue of Joseph Ward, to be presented by the State of South Dakota in the rotunda of the Capitol, together with appropriate illustrations and other pertinent matter, shall be printed as a Senate document. The copy for such Senate document shall be prepared under the supervision of the Joint Committee on Printing.

SEC. 2. There shall be printed three thousand additional copies of such Senate document, which shall be bound in such style as the Joint Committee on Printing shall direct, and of which one hundred copies shall be for the use of the Senate and one thousand two hundred copies shall be for the use of the Members of the Senate from the State of South Dakota, and five hundred copies shall be for the use of the House of Representatives and one thousand two hundred copies shall be for the use of the Members of the House of Representatives from the State of South Dakota.

Agreed to May 6, 1963.

May 14, 1963
[H. Con. Res. 119]

CONSTITUTION OF THE UNITED STATES

Printing as House document.

Resolved by the House of Representatives (*the Senate concurring*), That there is authorized to be printed as a House document the Constitution of the United States, with an analytical index and ancillaries regarding proposed amendments, prepared by Representative Emanuel Celler, of New York; and that one hundred thousand additional copies be printed, of which fifteen thousand shall be for the use of the House Committee on the Judiciary and the balance prorated to the Members of the House of Representatives.

Passed May 14, 1963.

"CONCENTRATION RATIOS IN MANUFACTURING INDUSTRY, 1958"

June 18, 1963
[S. Con. Res. 30]

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary two thousand additional copies of part 1 of its committee print of the Eighty-seventh Congress entitled "Concentration Ratios in Manufacturing Industry, 1958", a report prepared by the Bureau of the Census for the Subcommittee on Antitrust and Monopoly.

Printing additional copies of report.

Agreed to June 18, 1963.

"SPACE SATELLITE COMMUNICATIONS"

June 18, 1963
[S. Con. Res. 32]

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Select Committee on Small Business one thousand additional copies of its hearings of August 2, 3, 4, 9, 10, and 11, 1961, Eighty-seventh Congress, entitled "Space Satellite Communications."

Printing of hearings.

Agreed to June 18, 1963.

JANUARY 1963 ECONOMIC REPORT OF THE PRESIDENT

June 18, 1963
[S. Con. Res. 35]

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee fifteen hundred additional copies of part 1 of its hearings on the January 1963 Economic Report of the President, current Congress.

Printing of hearings.

Agreed to June 18, 1963.

"STATE DEPARTMENT SECURITY"

June 18, 1963
[S. Con. Res. 37]

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary eight thousand additional copies of the report (committee print) of its Internal Security Subcommittee of the Eighty-seventh Congress, second session, entitled "State Department Security"; five thousand copies each of part 1 (the William Wieland case), part 2 (the Office of Security), part 3 (the new passport regulations), part 4 (testimony of Elmer Hipsley, Otto Otepka, John Leahy, Roger Jones, Scott McLeod, Andreas Lowenfeld), and part 5 (testimony of William Wieland), of the subcommittee's hearings of the Eighty-seventh Congress on State Department security; and five thousand additional copies of part 13 of the subcommittee's hearings of the Eighty-seventh Congress on Communist threat to the United States through the Caribbean.

Printing of additional copies of report.

Printing of additional copies of hearings.

Agreed to June 18, 1963.

"DEVELOPMENT, GROWTH, AND STATE OF THE ATOMIC ENERGY INDUSTRY"

June 18, 1963
[S. Con. Res. 43]

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Committee on Atomic Energy one thousand additional copies each of part 1 and part 2 of its 1963 hearings on the "Development, Growth, and State of the Atomic Energy Industry".

Printing of additional copies of hearings.

Agreed to June 18, 1963.

June 26, 1963
[S. Con. Res. 25]

DECLARATION OF INDEPENDENCE—ANNIVERSARY

Whereas the tolling of the Liberty Bell at Independence Hall, Philadelphia, Pennsylvania, at 2 o'clock in the afternoon of the 4th day of July, 1776, proclaimed the signing of the Declaration of Independence; and

Whereas the adoption of this historic document marked the birth of our country as a free and independent nation; and

Whereas it is fitting that the anniversary of this great event should be appropriately observed in each year at the same moment throughout the United States: Now, therefore, be it

Ringing of bells.

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby (1) declares that the anniversary of the signing of the Declaration of Independence should be observed each year by the ringing of bells throughout the United States at the hour of 2 o'clock, eastern daylight time, in the afternoon of the 4th day of July, or at such other time on that day as may be determined by local authority, and (2) calls upon civic and other community leaders to take appropriate steps to encourage public participation in such observance.

Agreed to June 26, 1963.

July 11, 1963
[H. Con. Res. 161]

"FACTS ON COMMUNISM"

Printing of additional copies.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Un-American Activities twenty thousand additional copies each of House Document Numbered 336, Eighty-sixth Congress, second session, entitled "Facts on Communism—Volume I, The Communist Ideology"; and House Document Numbered 139, Eighty-seventh Congress, first session, entitled "Facts on Communism—Volume II, The Soviet Union, From Lenin to Khrushchev".

Passed July 11, 1963.

July 11, 1963
[H. Con. Res. 162]

"ANNUAL REPORT FOR THE YEAR 1961"

Printing of additional copies.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Un-American Activities ten thousand additional copies of House Report Numbered 2559, Eighty-seventh Congress, second session, entitled "Annual Report for the Year 1961."

Passed July 11, 1963.

July 11, 1963
[H. Con. Res. 163]

"COMMUNIST OUTLETS FOR THE DISTRIBUTION OF SOVIET PROPAGANDA IN THE UNITED STATES"

Printing of additional copies.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Un-American Activities ten thousand additional copies each of the publications entitled "Communist Outlets for the Distribution of Soviet Propaganda in the United States, Parts 1 and 2", Eighty-seventh Congress, second session.

Passed July 11, 1963.

"U.S. COMMUNIST PARTY ASSISTANCE TO FOREIGN COMMUNIST GOVERNMENTS, ETC."

July 11, 1963
[H. Con. Res. 164]

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Un-American Activities six thousand additional copies each of the publications entitled "U.S. Communist Party Assistance to Foreign Communist Governments (Medical Aid to Cuba Committee and Friends of British Guiana), Parts 1 and 2," Eighty-seventh Congress, second session.

Printing of additional copies.

Passed July 11, 1963.

"EFFECTS ON YOUNG PEOPLE OF VIOLENCE AND CRIME PORTRAYED ON TELEVISION"

July 23, 1963
[S. Con. Res. 47]

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary three thousand additional copies of the hearings of its Subcommittee To Investigate Juvenile Delinquency entitled "Effects on Young People of Violence and Crime Portrayed on Television," part 10, dated June 8, 9, 13, 15, 16, and 19; July 27 and 28, 1961; January 24 and May 11 and 14, 1962.

Printing of additional copies of hearings.

Agreed to July 23, 1963.

"PLEDGE OF ALLEGIANCE TO THE FLAG"

August 15, 1963
[H. Con. Res. 194]

Resolved by the House of Representatives (the Senate concurring), That there be printed three hundred and twenty-two thousand five hundred additional copies of House Document Numbered 225, Eighty-fourth Congress, first session, entitled "Pledge of Allegiance to the Flag", of which two hundred and nineteen thousand five hundred copies shall be for the use of the House of Representatives and one hundred and three thousand copies shall be for the use of the Senate.

Printing of additional copies.

Passed August 15, 1963.

"MEDICAL CARE TO THE CITIZENS OF UNITED STATES"

August 28, 1963
[S. Con. Res. 48]

Resolved by the Senate (the House of Representatives concurring), That there be printed with illustrations as a Senate document selected excerpts on the 1963–1964 national high school debate proposition: "What Should Be the Role of the Federal Government in Providing Medical Care to the Citizens of the United States", compiled by the Education and Public Welfare Division, Legislative Reference Service, Library of Congress; and that there be printed fifty-one thousand three hundred and thirty additional copies of such document, of which twenty thousand six hundred shall be for the use of the Senate and thirty thousand seven hundred and thirty shall be for the use of the House of Representatives.

Printing as Senate document.

Agreed to August 28, 1963.

August 28, 1963
[H. Con. Res. 61]

LEWIS AND CLARK TRAIL

Marking of trail.

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the route traversed by Captains Meriwether Lewis and William Clark on their expedition of 1804–1806 from Saint Louis, Missouri, to the Pacific Northwest should, to the greatest extent feasible, be identified, marked, and kept available for the inspiration and enjoyment of the American people and that, to this end, (a) all agencies of the United States which administer lands along the route of the expedition, including particularly the Departments of the Interior, Agriculture, and the Army, should act in concert to preserve and mark in an appropriate fashion the route wherever it crosses lands which they administer and to assure public access to the lands so crossed, and (b) that all States, counties, municipalities, and private parties who own land along the route or are otherwise interested in the success of this project should be invited, and they are hereby invited, to join in memorializing, preserving, and marking the route of the expedition.

Passed August 28, 1963.

August 28, 1963
[H. Con. Res. 179]

AMERICAN ASSOCIATION OF HIGHWAY OFFICIALS—ANNIVERSARY

Whereas the American Association of State Highway Officials, composed of the highway departments of all States, Puerto Rico, and the District of Columbia, and the United States Bureau of Public Roads, will in 1964 celebrate the fiftieth anniversary of its organization; and

Whereas said organization through its membership represents those States and Federal governmental agencies responsible for the planning, construction, and maintenance of a vast system of national public highways throughout the Nation, including those comprising the new National System of Interstate and Defense Highways; and

Whereas the association was founded in the city of Atlanta, Georgia, in 1914, to assemble in one group those State and Federal public officials responsible for administering the State and Federal-aid highway programs for the purpose of developing technical policies, standards, and specifications for the conduct of such programs, to develop improved administrative and engineering techniques, to encourage the use of best practices, and to counsel with the Congress on highway matters; and

Whereas the association will celebrate said fiftieth anniversary at an annual meeting to be held in the month of December 1964, in Atlanta, Georgia, the city of its origin: Now, therefore, be it

Expression of congressional appreciation.

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States express to the American Association of State Highway Officials at said annual meeting its appreciation for half a century of service in the development and operation of a nationwide highway transportation system that has contributed so much to the Nation's growth and economic well-being; and be it further

Resolved, That a copy of this resolution be delivered to the said annual meeting of the American Association of State Highway Officials by a special committee of the Congress, to consist of two Members of the Senate, to be appointed by the President of the Senate, and two Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives.

Passed August 28, 1963.

September 13, 1963
[H. Con. Res. 203]

"THE FEDERAL GOVERNMENT AND EDUCATION"

Printing as House document.

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House Document, and for the use of the Committee on Education and Labor ten thousand additional copies of the study entitled, "The Federal Government and Education", prepared by that committee during the current session; and that there be printed one hundred and sixty-one thousand two hundred and fifty additional copies, of which one hundred and nine thousand seven hundred and fifty copies shall be for the use of the House of Representatives, and fifty-one thousand five hundred copies shall be for the use of the Senate.

Passed September 13, 1963.

September 13, 1963
[H. Con. Res. 212]

HIGHER EDUCATION OF HIGH SCHOOL GRADUATES

Printing as House document.

Resolved by the House of Representatives (the Senate concurring), That there be printed with illustrations as a House document selected excerpts relating to the 1963–1964 national college debate topic, "That the Federal Government should guarantee an opportunity for higher education to all qualified high school graduates", compiled by the Education and Public Welfare Division, Legislative Reference Service, Library of Congress; and that there be printed sixteen thousand one hundred and twenty-five additional copies of such document, of which five thousand one hundred and fifty shall be for the use of the Senate and ten thousand nine hundred and seventy-five shall be for the use of the House of Representatives.

Passed September 13, 1963.

October 16, 1963
[S. Con. Res. 59]

"FEDERAL DISASTER RELIEF MANUAL"

Printing of additional copies.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Government Operations twenty-five thousand additional copies of the revised edition of the committee print entitled "Federal Disaster Relief Manual", which was issued by that committee on August 30, 1963.

Agreed to October 16, 1963.

October 16, 1963
[S. Con. Res. 61]

ORGANIZED CRIME AND ILLICIT TRAFFIC IN NARCOTICS

Printing of additional copies of hearings.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on Government Operations not to exceed four thousand additional copies of all parts of the hearings held by its Permanent Investigating Subcommittee during the current session on organized crime and illicit traffic in narcotics.

Agreed to October 16, 1963.

October 28, 1963
[S. Con. Res. 58]

"NUCLEAR TEST BAN TREATY"

Printing of additional copies of hearings.

Resolved by the Senate (the House of Representatives concurring), That five thousand additional copies of the hearings on Executive M, Eighty-eighth Congress, first session, "Nuclear Test Ban Treaty", be printed for the use of the Committee on Foreign Relations, and one thousand additional copies be printed for the use of the Committee on Foreign Affairs, House of Representatives.

Agreed to October 28, 1963.

November 5, 1963
[H. Con. Res. 223]

CIVIL RIGHTS HEARINGS

Printing of additional copies.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on the Judiciary, House of Representatives, three thousand additional copies each of the publications entitled "Civil Rights Hearings, Before Subcommittee Numbered 5 of the Committee on the Judiciary, House of Representatives, Parts 1, 2, and 3", Eighty-eighth Congress, first session.

Passed November 5, 1963.

November 26, 1963
[H. Con. Res. 238]

JOINT MEETING

Communications from President.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, the 27th day of November, 1963, at 12:30 o'clock postmeridian, for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Passed November 26, 1963.

December 12, 1963
[H. Con. Res. 230]

"TAX-EXEMPT FOUNDATIONS AND CHARITABLE TRUSTS: THEIR IMPACT ON OUR ECONOMY—SECOND INSTALLMENT"

Printing of report.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Select Committee on Small Business of the House of Representatives five thousand copies of the subcommittee chairman's report to Subcommittee Numbered 1 entitled "Tax-Exempt Foundations and Charitable Trusts: Their Impact on Our Economy—Second Installment", dated October 16, 1963.

Passed December 12, 1963.

December 12, 1963
[H. Con. Res. 231]

"TAX-EXEMPT FOUNDATIONS AND CHARITABLE TRUSTS: THEIR IMPACT ON OUR ECONOMY"

Printing of report.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Select Committee on Small Business five thousand copies of the chairman's report to the Select Committee on Small Business, House of Representatives, Eighty-seventh Congress, dated December 31, 1962, entitled "Tax-exempt Foundations and Charitable Trusts: Their Impact on Our Economy".

Passed December 12, 1963.

December 12, 1963
[H. Con. Res. 237]

OPINIONS OF THE SUPREME COURT OF THE UNITED STATES

Resolved by the House of Representatives (the Senate concurring), That (a) there shall be printed thirty-two thousand two hundred and fifty additional copies of the opinions of the Supreme Court of the United States (including concurring and dissenting opinions) in the cases of Engel against Vitale (370 U.S. 421) and Abington School District against Schempp (374 U.S. 203). Such opinions shall be printed together in one publication.

Printing of additional copies.

(b) Of the thirty-two thousand two hundred and fifty copies of such opinions printed pursuant to subsection (a) of this section, ten thousand three hundred copies shall be for the use of the Senate and twenty-one thousand nine hundred and fifty copies shall be for the use of the House of Representatives.

Passed December 12, 1963.

December 18, 1963
[H. Con. Res. 246]

CORRECTION IN ENROLLMENT OF H. R. 8667

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives in the enrollment of the bill (H.R. 8667) authorizing additional appropriations for the prosecution of comprehensive plans for certain river basins, is authorized and directed—

Ante, p. 840.

(1) On the first page, immediately after line 2, of the engrossed House bill, insert the following:

CENTRAL AND SOUTHERN FLORIDA

(2) On the first page, immediately after line 8, of the engrossed House bill, insert the following:

BRAZOS RIVER BASIN

(3) On page 2, immediately after line 3, of the engrossed House bill, insert the following:

ARKANSAS RIVER BASIN

(4) On page 2, immediately after line 9, of the engrossed House bill, insert the following:

WHITE RIVER BASIN

(5) On page 2, immediately after line 15, of the engrossed House bill, insert the following:

OHIO RIVER BASIN

(6) On page 2, immediately after line 21, of the engrossed House bill, insert the following:

LOS ANGELES-SAN GABRIEL RIVER BASIN

(7) On page 3, immediately after line 2, of the engrossed House bill, insert the following:

COLUMBIA RIVER BASIN

Passed December 18, 1963.

December 19, 1963
[S. Con. Res. 57]

DEPORTATION SUSPENSIONS

Resolved by the Senate (*the House of Representatives concurring*), That the Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244 (a) (4) of the Immigration and Nationality Act (66 Stat. 214; 8 U.S.C. 1254):

[redacted], Kong, Yee Lum.
[redacted], Lee, Bok Yee.
[redacted], Ng, Chew Wing.
[redacted], Yee, Sook Jane.
[redacted], Doo, Sid-Lin.
[redacted], Doo, Wai-Lin.
[redacted], Chan, Kwog Chiu.
[redacted], Jin, Ock-Tai.
[redacted], Leong, Poy Fong.
[redacted], Ng, Gum Foon.
[redacted], Ng, Kum Tai.
[redacted], Gee, Ming Dong.
[redacted], Kin, Cheong Chin.
[redacted], Wong, King Koon.
[redacted], Huey, Bon Hom.
[redacted], Lee, Quen Lim.
[redacted], Yee, Yick Tong.
[redacted], Lee, Do Pon.
[redacted], Wong, Chuck Ming.
[redacted], Hing, Lau Que.
[redacted], Gee, Poy Jam.
[redacted], Lum, Cheung Yuen.
[redacted], Rodriguez-Blanco, Jose.

SEC. 2. The Congress favors the suspension of deportation in the case of each alien hereinafter named, in which case the Attorney General has suspended deportation pursuant to the provisions of section 244(a) (5) of the Immigration and Nationality Act (66 Stat. 214; 8 U.S.C. 1254):

[redacted], Fun, Leong.
[redacted], Helenius, Einar Olavi.
[redacted], Rodriguez, Alvaro.
[redacted], Rodriguez de Torres, Josefa.
[redacted], Vargas-Gomez, Ascencion.
[redacted], Vargas-Gomez, Jose Eladio Jesus.
[redacted], Tak, Wa Kwok.
[redacted], Hung, Gay Chin.
[redacted], Alberti, Antoinette Marie.
[redacted], Kwai-ing, Wong.
[redacted], Wo, Chan Lok.
[redacted], Wittenber, Jan Peter.

Agreed to December 19, 1963.

December 21, 1963
[S. Con. Res. 67]

WATER POLLUTION CONTROL

Printing of additional copies of hearings.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on Public Works not to exceed two thousand additional copies of the hearings on water pollution control, S. 649, and related bills, by the Special Subcommittee on Air and Water Pollution during the current session of Congress.

Agreed to December 21, 1963.

December 30, 1963
[H. Con. Res. 248]

ADJOURNMENT SINE DIE

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall adjourn on Monday, December 30, 1963, and that when they adjourn on said day, they stand adjourned sine die.

Passed December 30, 1963.

December 30, 1963
[H. Con. Res. 249]

SIGNING OF ENROLLED BILLS, ETC.

Resolved by the House of Representatives (the Senate concurring), That notwithstanding the sine die adjournment of the two Houses, the Speaker of the House of Representatives and the President of the Senate be, and they are hereby, authorized to sign enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

Passed December 30, 1963.

PROCLAMATIONS

PROCLAMATIONS

Proclamation 3502

NATIONAL CULTURAL CENTER WEEK

By the President of the United States of America

October 15, 1962

A Proclamation

WHEREAS the Congress, by an Act approved September 2, 1958 (72 Stat. 1698), established a board known as the Trustees of the National Cultural Center to plan, create, and operate a National Cultural Center in the Nation's Capital; and

WHEREAS the National Cultural Center will provide facilities for the presentation of classical and contemporary music, drama, opera, dance, poetry, and other performing arts; and

WHEREAS a nationwide fund-raising campaign will give the American people an opportunity to demonstrate their support of the creation of the National Cultural Center and also their support of cultural activities in their own communities; and

WHEREAS this fund-raising program will be high-lighted on November 29, 1962, with a nationwide, closed-circuit telecast entitled "An American Pageant of the Arts," designed to display the contributions of each of the Nation's regions to our national cultural heritage; and

WHEREAS communities participating in this telecast will retain one-half of the proceeds to support local cultural activities; and

WHEREAS both Mrs. Kennedy and Mrs. Eisenhower now serve as Honorary Chairmen of the National Cultural Center and a number of citizens prominent in government, business, labor, and the arts are members of its Board of Trustees; and

WHEREAS the Congress, by a joint resolution approved October 15, 1962, has requested the President to issue a proclamation designating the period from November 26, 1962, through December 2, 1962, as National Cultural Center Week:

76 Stat. 910.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the period from November 26, 1962, through December 2, 1962, as National Cultural Center Week; and I urge all persons, organizations, and governmental agencies involved in fostering the performing arts in this Nation to publicize and observe that week.

I also call upon the Governors of the States, other State officials, the mayors and city managers, and the various civic, fraternal, and patriotic organizations to join in assuring a successful fund-raising campaign for the National Cultural Center.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifteenth day of October in the year of our Lord nineteen hundred and sixty-two, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3503

IMMIGRATION QUOTAS

October 23, 1962

By the President of the United States of America

A Proclamation

66 Stat. 176.
8 USC 1152.

WHEREAS under the provisions of section 202(a) of the Immigration and Nationality Act, each independent country, self-governing dominion, mandated territory, and territory under the international trusteeship system of the United Nations, other than independent countries of North, Central, and South America, is entitled to be treated as a separate quota area when approved by the Secretary of State; and

8 USC 1151.

WHEREAS under the provisions of section 201(b) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to determine the annual quota of any quota area established pursuant to the provisions of section 202(a) of the said Act, and to report to the President the quota of each quota area so determined; and

WHEREAS under the provisions of section 202(e) of the Immigration and Nationality Act, the Secretary of State, the Secretary of Commerce, and the Attorney General, jointly, are required to revise the quotas, whenever necessary, to provide for any political changes requiring a change in the list of quota areas; and

WHEREAS on December 9, 1961, the former British Trust Territory of Tanganyika became independent upon the termination of United Nations Trusteeship; and

WHEREAS on January 1, 1962, the former New Zealand Trust Territory of Western Samoa became the Independent State of Western Samoa upon the termination of United Nations Trusteeship; and

WHEREAS on July 1, 1962, upon the termination of United Nations Trusteeship, the former Belgian Trust Territory of Ruanda-Urundi became the independent states of the Republic of Rwanda and the Kingdom of Burundi; and

WHEREAS on August 6, 1962, the former British Colony of Jamaica was granted independence by the Government of the United Kingdom; and

WHEREAS on August 31, 1962, the former British Colony of Trinidad and Tobago was granted independence by the Government of the United Kingdom; and

WHEREAS the Secretary of State, the Secretary of Commerce, and the Attorney General have jointly determined and reported to me the immigration quotas hereinafter set forth,

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid Act of Congress, do hereby proclaim and make known that the annual quotas of the quota areas hereinafter designated have been determined in accordance with the law to be, and shall be, as follows:

Quota Area	*Quota*
Tanganyika	100
Western Samoa	100
Rwanda	100
Burundi	100
Jamaica	100
Trinidad and Tobago	100

The establishment of an immigration quota for any quota area is solely for the purpose of compliance with the pertinent provisions of the Immigration and Nationality Act and is not to be considered as having any significance extraneous to such purpose. 8 USC 1101 note.

Proclamation No. 3298 of June 3, 1959, as amended, entitled "Immigration Quotas," is further amended by the abolishment of the immigration quotas established for "Tanganyika (trust territory, United Kingdom)", "Somoa, Western (trust territory, New Zealand)", "Ruanda-Urundi (trust territory, Belgium)" and by the addition of the immigration quotas established by this proclamation. 73 Stat. C59. 8 USC 1151 note.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-third day of October, in the year of our Lord nineteen hundred and sixty-two and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3504

INTERDICTION OF THE DELIVERY OF OFFENSIVE WEAPONS TO CUBA

October 23, 1962

By the President of the United States of America

A Proclamation

WHEREAS the peace of the world and the security of the United States and of all American States are endangered by reason of the establishment by the Sino-Soviet powers of an offensive military capability in Cuba, including bases for ballistic missiles with a potential range covering most of North and South America;

76 Stat. 697. WHEREAS by a Joint Resolution passed by the Congress of the United States and approved on October 3, 1962, it was declared that the United States is determined to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending, by force or the threat of force, its aggressive or subversive activities to any part of this hemisphere, and to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

62 Stat. 1701. WHEREAS the Organ of Consultation of the American Republics meeting in Washington on October 23, 1962, recommended that the Member States, in accordance with Articles 6 and 8 of the Inter-American Treaty of Reciprocal Assistance, take all measures, individually and collectively, including the use of armed force, which they may deem necessary to ensure that the Government of Cuba cannot continue to receive from the Sino-Soviet powers military material and related supplies which may threaten the peace and security of the Continent and to prevent the missiles in Cuba with offensive capability from ever becoming an active threat to the peace and security of the Continent:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority conferred upon me by the Constitution and statutes of the United States, in accordance with the aforementioned resolutions of the United States Congress and of the Organ of Consultation of the American Republics, and to defend the security of the United States, do hereby proclaim that the forces under my command are ordered, beginning at 2:00 P.M. Greenwich time October 24, 1962, to interdict, subject to the instructions herein contained, the delivery of offensive weapons and associated materiel to Cuba.

For the purposes of this Proclamation, the following are declared to be prohibited materiel:

Prohibited materiel. Surface-to-surface missiles; bomber aircraft; bombs, air-to-surface rockets and guided missiles; warheads for any of the above weapons; mechanical or electronic equipment to support or operate the above items; and any other classes of materiel hereafter designated by the Secretary of Defense for the purpose of effectuating this Proclamation.

Secretary of Defense. Responsibilities. To enforce this order, the Secretary of Defense shall take appropriate measures to prevent the delivery of prohibited materiel to Cuba, employing the land, sea and air forces of the United States in cooperation with any forces that may be made available by other American States.

The Secretary of Defense may make such regulations and issue such directives as he deems necessary to ensure the effectiveness of this order, including the designation, within a reasonable distance of Cuba, of prohibited or restricted zones and of prescribed routes.

Any vessel or craft which may be proceeding toward Cuba may be intercepted and may be directed to identify itself, its cargo, equipment and stores and its ports of call, to stop, to lie to, to submit to visit and search, or to proceed as directed. Any vessel or craft which fails or refuses to respond to or comply with directions shall be subject to being taken into custody. Any vessel or craft which it is believed is en route to Cuba and may be carrying prohibited materiel or may itself constitute such materiel shall, wherever possible, be directed to proceed to another destination of its own choice and shall be taken into custody if it fails or refuses to obey such directions. All vessels or craft taken into custody shall be sent into a port of the United States for appropriate disposition.

Interception of vessels.

In carrying out this order, force shall not be used except in case of failure or refusal to comply with directions, or with regulations or directives of the Secretary of Defense issued hereunder, after reasonable efforts have been made to communicate them to the vessel or craft, or in case of self-defense. In any case, force shall be used only to the extent necessary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done in the City of Washington this twenty-third day of October in the year of our Lord, nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN FITZGERALD KENNEDY

7:06 p.m.,
October 23rd 1962

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3505

THANKSGIVING DAY, 1962

November 7, 1962

By the President of the United States of America
A Proclamation

Over three centuries ago in Plymouth, on Massachusetts Bay, the Pilgrims established the custom of gathering together each year to express their gratitude to God for the preservation of their community and for the harvests their labors brought forth in the new land. Joining with their neighbors, they shared together and worshipped together in a common giving of thanks. Thanksgiving Day has ever since been part of the fabric which has united Americans with their past, with each other and with the future of all mankind.

It is fitting that we observe this year our own day of thanksgiving. It is fitting that we give our thanks for the safety of our land, for the fertility of our harvests, for the strength of our liberties, for the health of our people. We do so in no spirit of self-righteousness. We recognize that we are the beneficiaries of the toil and devotion of our fathers and that we can pass their legacy on to our children only by equal toil and equal devotion. We recognize too that we live in a world of peril and change—and in so uncertain a time we are all the more grateful for the indestructible gifts of hope and love, which sustain us in adversity and inspire us to labor unceasingly for a more perfect community within this nation and around the earth.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, in accord with the joint resolution of Congress, approved December 26, 1941, which designates the fourth Thursday in November of each year as Thanksgiving Day, do hereby proclaim Thursday, the twenty-second day of November of this year, as a day of national thanksgiving.

55 Stat. 862.
5 USC 87b.

I urge that all observe this day with reverence and with humility.

Let us renew the spirit of the Pilgrims at the first Thanksgiving, lonely in an inscrutable wilderness, facing the dark unknown with a faith borne of their dedication to God and a fortitude drawn from their sense that all men were brothers.

Let us renew that spirit by offering our thanks for uncovenanted mercies, beyond our desert or merit, and by resolving to meet the responsibilities placed upon us.

Let us renew that spirit by sharing the abundance of this day with those less fortunate, in our own land and abroad. Let us renew that spirit by seeking always to establish larger communities of brotherhood.

Let us renew that spirit by preparing our souls for the incertitudes ahead—by being always ready to confront crisis with steadfastness and achievement with grace and modesty.

Let us renew that spirit by concerting our energy and our hope with men and women everywhere that the world may move more rapidly toward the time when Thanksgiving may be a day of universal celebration.

Let us renew that spirit by expressing our acceptance of the limitations of human striving and by affirming our duty to strive nonetheless, as Providence may direct us, toward a better world for all mankind.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 7th day of November, in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one [SEAL] hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:
DEAN RUSK,
Secretary of State.

Proclamation 3506

ADDITION TO THE CRATERS OF THE MOON NATIONAL MONUMENT, IDAHO

November 19, 1962

By the President of the United States of America
A Proclamation

WHEREAS the Craters of the Moon National Monument, Idaho, established by Proclamation No. 1694 of May 2, 1924, was reserved and set apart as an area that contains a remarkable fissure eruption together with its associated volcanic cones, craters, rifts, lava flows, caves, natural bridges, and other phenomena characteristic of volcanic action that are of unusual scientific value; and

43 Stat. 1947.

WHEREAS it appears that it would be in the public interest to add to the Craters of the Moon National Monument a 180-acre kipuka, a term of Hawaiian origin for an island of vegetation completely

surrounded by lava, that is scientifically valuable for ecological studies because it contains a mature, native sagebrush-grassland association which has been undisturbed by man or domestic livestock; and to add to the monument the intervening lands between the kipuka and the present mounment boundaries:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), and subject to valid existing rights do proclaim that the following-described lands are hereby added to and reserved as a part of the Craters of the Moon National Monument:

BOISE MERIDIAN, IDAHO

T. 1 S., R. 24 E.
sec. 3, W–½
All of section 4, 5, 8, 9, 17, 18 and 19
sec. 10, W–½
sec. 20, W–½ and W–½ E–½
sec. 29, NW–¼ and W–½ NE–¼
sec. 30, NE–¼;
comprising 5,360 acres, more or less.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy or remove any of the features or objects of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of November in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3507

TERMINATING AUTHORITY GRANTED AND ORDERS ISSUED IN PROCLAMATION NO. 3504

November 21, 1962

By the President of the United States of America
A Proclamation

I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and statutes of the United States, do hereby proclaim that at 11 p.m., Greenwich Time, November 20, 1962, I terminated the authority conferred upon the Secretary of Defense by Proclamation No. 3504, dated October 23, 1962, and revoked the orders contained therein to forces under my command.

Ante, p. 958.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of November, in the year of our Lord nineteen hundred and sixty-two [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3508

BILL OF RIGHTS DAY
HUMAN RIGHTS DAY

November 28, 1962

By the President of the United States of America

A Proclamation

WHEREAS December 10, 1962, marks the fourteenth anniversary of the adoption by the United Nations of the Universal Declaration of Human Rights as a common standard of achievement for all nations and all peoples; and

WHEREAS the General Assembly of the United Nations has invited Member Governments to adopt December 10 of each year as Human Rights Day; and

WHEREAS the Universal Declaration of Human Rights was brought into being under the leadership of our beloved citizen, Eleanor Roosevelt, during the years when she served as a Representative of the United States in the United Nations; and

WHEREAS December 15, 1962, marks the one hundred and seventy-first anniversary of the adoption of the first ten amendments to the Constitution of the United States, which are known as the Bill of Rights; and

WHEREAS the principles of freedom and justice in our Bill of Rights are embodied in the Universal Declaration of Human Rights, which is gaining ever more recognition in countries throughout the world; and

WHEREAS the Congress, in Senate Joint Resolution No. 60 approved October 9, 1962, has requested the President to designate December 15, 1962, as Bill of Rights Day:

76 Stat. 759.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim December 10, 1962, as Human Rights Day and December 15, 1962, as Bill of Rights Day, and call on the people of the United States, on schools and on civic, patriotic and religious organizations to observe December 10–17 as Human Rights Week, in order to celebrate the blessings of liberty for our country and the equal and inalienable rights of all members of the human family.

Let us shoulder our responsibilities, as trustees of freedom, to make the Bill of Rights a reality for all our citizens. Let us reach beyond the fears that divide nations to make common cause for the promotion of greater understanding of right and justice for all, and in so doing strengthen our faith in the reason and conscience of men as the basis for a true and lasting peace.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of November in the year of our Lord nineteen hundred and sixty-two, and of [SEAL] the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3509

MODIFYING PROCLAMATION 3279 ADJUSTING IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

November 30, 1962

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to section 2 of the act of July 1, 1954, as amended (72 Stat. 678), findings and determinations have been made that adjustments in the imports of crude oil, unfinished oils, and finished products were necessary so that such imports would not threaten to impair the national security, such adjustments have been made by Proclamation 3279 (24 F.R. 1781) and modified by Proclamation 3290 (24 F.R. 3527), Proclamation 3328 (24 F.R. 10133), Proclamation 3386 (25 F.R. 13945), and Proclamation 3389 (26 F.R. 507); and

19 USC 1352a.

73 Stat. C25, C39; 74 Stat. C31; 75 Stat. 1005, 1018.

WHEREAS, under subsection (f), section 257, of the Trade Expansion Act of 1962 (Public Law 87–794), such actions are now deemed to have been taken pursuant to section 232 of that Act; and

76 Stat. 881. 19 USC 1352a note.

WHEREAS I find and determine that in order to enhance the ability of the petroleum industry to meet possible national security demands, it is necessary to relate maximum levels of authorized imports into Districts I–IV to domestic production of crude oil and natural gas liquids and to adjust these levels; and

76 Stat. 877. 19 USC 1862.

WHEREAS I find and determine that certain revisions in the system of allocating imports will operate to maintain the competitive capability of refining companies of varying sizes and thus strengthen the national security:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that Proclamation 3279, as amended, is hereby further amended as follows:

1. Effective January 1, 1963, subparagraph (1) of paragraph (a) of section 2 is amended to read as follows:

(a) (1) In Districts I–IV, for a particular allocation period the maximum level of imports, subject to allocation, of crude oil, unfinished oils, and finished products other than residual fuel oil to be used as fuel shall be an amount equal to the difference between 12.2 percent of the quantity of crude oil and natural gas liquids produced in these districts during the period of six months which ends six months prior to the beginning of the allocation period and the quantity of imports of crude oil, unfinished oils, and finished products excepted by clause (4) of paragraph (a) of section 1 which the Secretary of the Interior estimates will be imported into Districts I–IV during the allocation period. As used in this subparagraph, the term "natural gas liquids" means natural gas products and other hydrocarbons such as isopentane, propane, butane, propylene, and butylene, or mixtures thereof, recovered from natural gas by means other than refining. Within such maximum level, the imports of finished products other than residual fuel oil to be used as fuel shall not exceed the level of imports of such products into these districts during the calendar year 1957 and imports of unfinished oils shall not exceed 10 percent of the permissible imports of crude oil and unfinished oils. The maximum level of imports,

"Natural gas liquids."

subject to allocation, of crude oil, unfinished oils, and finished products other than residual fuel oil to be used as fuel which is determined pursuant to the first sentence of this subparagraph for the allocation period beginning January 1, 1963 shall be increased or decreased by 9 percent of the amount by which the total demand estimated by the Bureau of Mines for the allocation period that began January 1, 1962 fell short of or exceeded the actual demand for that allocation period and the maximum level so determined for the allocation period beginning July 1, 1963 shall be similarly adjusted on the basis of estimated and actual demand for the allocation period that began July 1, 1962.

2. Effective January 1, 1963, paragraph (c) of section 2 is revoked, and paragraphs (d), (e), and (f) of that section are respectively redesignated as paragraphs (c), (d), and (e).

3. As of the date of this amendatory proclamation, subparagraph (1) of paragraph (b) of section 3 is amended to read as follows:

(b) (1) With respect to the allocations of imports of crude oil and unfinished oils into Districts I–IV and into District V, such regulations shall provide, to the extent possible, for a fair and equitable distribution among persons having refinery capacity in these districts in relation to refinery inputs on the basis of a graduated scale (excluding inputs of crude oil or unfinished oils imported pursuant to clause (4) of paragraph (a) of section 1) during an appropriate period or periods selected by the Secretary. Provision shall be made in such regulations for the gradual reduction of allocations made on the basis of the last allocations of imports of crude oil under the Voluntary Oil Import Program, except that provisions shall be made for a more rapid reduction of those allocations based on allocations under the Voluntary Oil Import Program which reflected imports of crude oil in the category now covered by clause (4) of paragraph (a) of section 1.

4. Effective as of the date of this amendatory proclamation the second sentence of subparagraph (5) of paragraph (b) of section 3 is amended to read as follows:

(5) * * * With respect to the allocation of imports into District I of residual fuel oil to be used as fuel, such regulations shall, to the extent possible, provide for a fair and equitable distribution of imports of residual fuel oil to be used as fuel among persons who have been importers of that product into such district during the calendar year 1957 and among persons who are in the business in District I of selling residual fuel oil to be used as fuel and who have had inputs of that product to deep-water terminals located in District I, in relation to such terminal inputs on the basis of a graduated scale. * * *

5. (a) Paragraph (f) of section 9 is amended to read as follows:

(f) "Crude oil" means crude petroleum as it is produced at the wellhead and liquids (under atmospheric conditions) that have been recovered from mixtures of hydrocarbons which existed in a vaporous phase in a reservoir and that are not natural gas products;

(b) A new subparagraph (9), reading as follows, is added to paragraph (g) of section 9:

(9) "natural gas products" means liquids (under atmospheric conditions), including natural gasoline, which are recovered by a process

of absorption, adsorption, compression, refrigeration, cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a vaporous phase in a reservoir and which, when recovered and without processing in a refinery, otherwise fall within any of the definitions of products contained in clauses (2) through (5), inclusive, of this paragraph (g).

(c) The amendments set forth in paragraphs (a) and (b) of this section 5 shall become effective upon the date of this amendatory proclamation with respect to the restrictions imposed by section 1 of Proclamation 3279, as amended, and on January 1, 1963 with respect to the maximum levels of imports prescribed by section 2 of Proclamation 3279, as amended, and, in connection with the making of allocations, shall be effective with respect to the allocation period beginning July 1, 1963. 73 Stat. C25.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of November in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3510

EFFECTIVE DATE OF SECTION 2 OF PUBLIC LAW 87–550

By the President of the United States of America December 4, 1962

A Proclamation

WHEREAS the provisions of Section 2 of the Act of July 25, 1962 (being "An Act to amend the Small Business Act"; Public Law 87–550; 76 Stat. 220) empower the Small Business Administration subject to certain conditions, to make loans to assist any firm to adjust to changed economic conditions resulting from increased competition from imported articles; and 15 USC 637a.

WHEREAS subsection (d) of that Section 2 provides as follows:

"(d) This section shall take effect on such date (on or after the enactment of the Trade Expansion Act of 1962) as the President may specify in a proclamation duly published in the FEDERAL REGISTER but in no case later than 60 days after the date of the enactment of such Act."; and 76 Stat. 872. 19 USC 1801 note.

WHEREAS the Trade Expansion Act of 1962 was approved on October 11, 1962 (Public Law 87–794; 76 Stat. 872):

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, under and by virtue of the authority vested in me by the provisions of the above-quoted subsection (d), do specify December 10, 1962, as the effective date of the aforesaid Section 2 of the Act of July 25, 1962, and do direct that this proclamation be published in the FEDERAL REGISTER. Publication in F. R.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fourth day of December in the year of our Lord nineteen hundred and sixty-two, and of the [SEAL] independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3511

EMANCIPATION PROCLAMATION CENTENNIAL

December 28, 1962

By the President of the United States of America

A Proclamation

WHEREAS January 1, 1963, marks the centennial of the Proclamation in which President Abraham Lincoln declared all persons held as slaves in States or parts of States still in rebellion to be "then, thenceforward, and forever free"; and

WHEREAS the issuance of the Emancipation Proclamation marked the beginning of the end of the iniquitous institution of slavery in the United States, and a great stride toward the fulfillment of the principle of the Declaration of Independence that "all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness"; and

WHEREAS the Emancipation Proclamation and the 13th, 14th and 15th amendments to the Constitution of the United States guaranteed to Negro citizens equal rights with all other citizens of the United States and have made possible great progress toward the enjoyment of those rights; and

WHEREAS the goal of equal rights for all our citizens is still unreached, and the securing of these rights is one of the great unfinished tasks of our democracy:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim that the Emancipation Proclamation expresses our Nation's policy, founded on justice and morality, and that it is therefore fitting and proper to commemorate the centennial of the historic Emancipation Proclamation throughout the year 1963.

I call upon the Governors of the States, mayors of cities, and other public officials, as well as private persons, organizations, and groups, to observe the centennial by appropriate ceremonies.

I request the United States Commission on Civil Rights to plan and participate in appropriate commemorative activities recognizing the centennial of the issuance of the Emancipation Proclamation; and I also request the Commission on Civil Rights and other Federal agencies to cooperate fully with State and local governments during 1963 in commemorating these events.

I call upon all citizens of the United States and all officials of the United States and of every State and local government to dedicate themselves to the completion of the task of assuring that every Ameri-

can, regardless of his race, religion, color, or national origin, enjoys all the rights guaranteed by the Constitution and laws of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed
[SEAL] this twenty-eighth day of December in the year of our Lord nineteen hundred and sixty-two, and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3512

PROCLAMATION OF A TRADE AGREEMENT SUPPLEMENTARY TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE CONTAINING CONCESSIONS COMPENSATORY FOR CERTAIN ESCAPE CLAUSE ACTION

By the President of the United States of America December 28, 1962

A Proclamation

PART I—PURPOSE

PART II—IDENTIFICATION AND JUSTIFICATION

(1) Identification of Agreement
(2) Requisite Findings and Determinations and Applicable Procedures regarding Agreement
(a) Prior Findings
(b) Compliance with Procedural Requirements
(c) Determination that Certain Rate Decreases will Simplify Computation
(d) Determination Respecting Ad Valorem Equivalents of Certain Specific Duties
(3) Determination that Proclamation Required or Appropriate to Carry Out Trade Agreement

PART III—PROCLAIMING PART

(1) Carrying Out Trade Agreement
(2) Conditions to Which Proclamation is Subject

PART I—PURPOSE

The purpose of this proclamation is to carry out a trade agreement supplementary to the General Agreement on Tariffs and Trade,[1] of October 30, 1947 (61 Stat. (pt. 5) All; which agreement is hereinafter referred to as "GATT"), consisting of an agreement signed with the United Kingdom providing concessions compensatory for certain escape clause action taken by the United States.

PART II—IDENTIFICATION AND JUSTIFICATION

(1) *Identification of Agreement.* After making the requisite findings and determinations and complying with the applicable procedures, as indicated in paragraph (2) of this part, and during the period specified in section 257(c) of the Trade Expansion Act of 1962 (P.L. 87–794, 76 Stat. 882), the President through his duly empowered representative has entered into a trade agreement supplementary to GATT consisting of the agreement of December 10, 1962, between the United States and the United Kingdom Supplementary to GATT. This supplementary agreement includes a schedule of United States concessions. Such schedule provides that the rates set forth in column A therein shall become initially effective on the day provided therefor

19 USC 1352 note.

13 UST 3910.

[1] This agreement was proclaimed by Proclamation 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), which proclamation has been supplemented by subsequent proclamations.

in the proclamation to carry out the provisions of the schedule. A copy of this agreement is annexed to this proclamation.

(2) *Requisite Findings and Determinations and Applicable Procedures Regarding Agreement.* Prior to entering into the trade agreement identified in paragraph (1) of this part:

(a) *Prior Findings.* The President found that certain existing duties or other import restrictions of the United States or of foreign countries which are contracting parties to GATT, including the United Kingdom, were unduly burdening and restricting the foreign trade of the United States, and that the purposes of section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), would be promoted by entering into such trade agreement.

(b) *Compliance with Procedural Requirements.* Reasonable public notice was given of the intention to conduct trade agreement negotiations under GATT with the governments of the foreign countries referred to in subparagraph (a) of this paragraph. Views presented by interested persons have been received and considered. Information and advice with respect to such negotiations has been sought from the Departments of State, Agriculture, Commerce, and Defense, and from other sources. Pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1360), the President transmitted to the United States Tariff Commission for investigation and report lists of all articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in trade-agreement negotiations with the governments of the foreign countries referred to in subparagraph (a) of this paragraph. The Tariff Commission made the investigations and reports of its determinations pursuant to section 3 within the time specified therein.

65 Stat. 72; 72 Stat. 675.

(c) *Determination that Certain Rate Decreases Will Simplify Computation.* The President has made the determination provided for in section 350(a)(3)(D) of the Tariff Act of 1930 that certain modifications of existing duties hereinafter proclaimed in part III of this proclamation, which reflect decreases in rates of duty exceeding the decreases specified in section 350(a)(4)(A) or (B), will simplify the computation of the amount of duty imposed with respect to the articles concerned.

19 USC 1351.

(d) *Determination Rejecting Ad Valorem Equivalent of Certain Specific Rates.* The President has made the determination respecting the ad valorem equivalent of the specific rate of duty (or combination of rates including a specific rate), and respecting the representative period, under the authority of section 350(a)(3)(D) and (4)(A) of the Tariff Act of 1930, as amended, by reference to section 350(a)(2)(D)(ii) of that act, in the case of each modification of an existing duty proclaimed in this proclamation for which such a determination was relevant, using, to the maximum extent practicable, the standards of valuation contained in section 402 or 402a of the Tariff Act, as amended (19 U.S.C. 1401a or 1402).

(3) *Determination that Proclamation Required or Appropriate to Carry out Trade Agreement.* I determine that the modifications of existing duties and other import restrictions of the United States, the additional import restrictions, and the continuance of existing customs and excise treatment of articles imported into the United States proclaimed in part III of this proclamation will be required or appropriate to carry out the trade agreement identified in paragraph (1) of this part.

PART III—PROCLAIMING PART

NOW, THEREFORE, I, JOHN F. KENNEDY, under the authority vested in me, as President, by the Constitution and statutes, particularly section 350 of the Tariff Act of 1930, do proclaim that: 19 USC 1351.

(1) *Carrying Out Trade Agreement.* Subject to the provisions of paragraph (2) of this part, there are hereby made effective the modifications of existing duties and other import restrictions of the United States, the additional import restrictions, and the continuance of existing customs or excise treatment of articles imported into the United States specified or provided for in the general provisions of, and schedules of United States concessions annexed to, the agreement identified in part II(1) of this proclamation, as follows:

(a) Each rate of duty or import tax specified in column A at the right of the respective description of products in the schedule of United States concessions: as to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1963.

(b) Each rate of duty or import tax specified in column B at the right of the respective description of products in the schedule of the United States concessions to such agreement: as to articles entered, or withdrawn from warehouse, for consumption on and after the appropriate date determined in accordance with the provisions of the General Notes at the end of that schedule.

(c) The provisions of the agreement to which this paragraph relates other than the rates to which subparagraphs (a) and (b) of this paragraph relate: on and after the date provided for in subparagraph (a) of this paragraph with respect to certain rates in the schedule of United States concessions annexed to that agreement.

(2) *Condition to which Proclamation is Subject.* The provisions of paragraph (1) of this part are subject to the following:

(a) The applicable terms, conditions, and qualifications set forth in the agreement to which paragraph (1) of this part relates, in parts I, II, and III of GATT, in annexes D, H, and I and schedules XX to GATT, and in the Protocol of Provisional Application of GATT (61 Stat. (pt. 6) 2051), of October 30, 1947. 61 Stat. A12, A18, A66, A80, A84, A85. A1157.

(b) The exception that no rate of duty or import tax shall be applied to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed for the article by (i) a proclamation pursuant to section 350 of the Tariff Act of 1930 or to section 201 of the Trade Expansion Act of 1962 (P.L. 87–794, 76 Stat. 872), or (ii) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax or became effective subsequent to the date of this proclamation. 19 USC 1351. 19 USC 1821.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of December in the year of our Lord nineteen hundred and sixty-two, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3513

PROCLAMATION OF CERTAIN AGREEMENTS SUPPLEMENTARY TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND TERMINATION OF CERTAIN TRADE AGREEMENT PROCLAMATIONS

December 28, 1962

By the President of the United States of America

A Proclamation

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PART I—PURPOSES

The purposes of this proclamation are:

(a) To proclaim certain agreements supplementary to the General Agreement on Tariffs and Trade,[1] of October 30, 1947 (61 Stat. (pt. 5) All; which agreement is hereinafter referred to as "GATT"), including a protocol embodying the results of the 1960–61 Tariff Conference, which supplementary agreements do not contain new tariff concessions by the United States.

(b) To terminate certain prior trade agreement proclamations or parts of such proclamations.

PART II—IDENTIFICATION AND JUSTIFICATION

(A) Agreements supplementary to GATT.

(1) *Identification of Agreements.* The following agreements, which neither contain new tariff concessions by the United States nor have been proclaimed, supplement provisions of GATT, or of agreements supplementary thereto, which have been proclaimed:

(a) First Protocol, of October 27, 1951, of Rectifications and Modifications of the Texts of the Schedules to GATT (4 UST (pt. 2) 2316). This protocol includes a rectification or modification of the text of the schedule to GATT of United States concessions annexed to the Torquay Protocol, of April 21, 1951, to GATT[2] (3 UST (pt. 1) 615; which schedule is hereinafter referred to as "Schedule XX (Torquay-1951)"), to reflect in such schedule the supplementation of the proclamation of June 2, 1951 (identified in footnote 2 of this proclamation), contained in Proclamation 2949 of October 19, 1951 (65 Stat. C44). Such rectification or modification has already become an integral part of GATT.

(b) Fourth Protocol, of March 7, 1955, of Rectifications and Modifications to the Annexes and to the Texts of the Schedules to GATT (10 UST (pt. 1) 215). This protocol includes a rectification or modification of the text of the schedule of United States concessions annexed to GATT (hereinafter referred to as "Schedule XX (Geneva—1947)") to reflect therein the supplementation of the proclamation of

[1] This agreement has been proclaimed by Proclamation 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), which proclamation has been supplemented by subsequent proclamations.

[2] This protocol of April 21, 1951, has been proclaimed by Part I of Proclamation 2929 of June 2, 1951 (65 Stat. C12), which proclamation has been supplemented by subsequent proclamations.

December 16, 1947 (identified in footnote 1 of this proclamation), contained in Proclamation 3007 of March 2, 1953 (67 Stat. C35). Such rectification or modification has already become an integral part of GATT.

(c) Protocol of March 10, 1955, Amending Part I and Articles XXIX and XXX of GATT. This protocol has been supplemented by Proces-Verbal of December 3, 1955, of Rectifications concerning the Protocol Amending Part I and Articles XXIX and XXX of GATT, the Protocol Amending the Preamble and Parts II and III of GATT and the Protocol of Organizational Amendments to GATT. The amendments in the protocol of March 10, 1955, together with any rectifications thereof included in the proces-verbal of December 3, 1955, will become effective severally upon acceptance of the protocol of March 10, 1955, by all contracting parties to GATT, except that as provided in paragraph 7 of the protocol of March 10, 1955, parts of some amendments contained in this protocol will not become operative until other amendments contained therein have become effective. Copies of this protocol and this proces-verbal are annexed to this proclamation as annexes A and B, respectively.

(d) Protocol of March 10, 1955, Amending the Preamble and Parts II and III of GATT (8 UST (pt. 2) 1768). This protocol has been supplemented by the proces-verbal of December 3, 1955 (identified in subpar. (c) of this par.). The amendments included in the protocol of March 10, 1955, together with any such rectifications thereof included in the proces-verbal of December 3, 1955, have already become effective for the United States, except that the amendments specified in paragraph 8 (a) and (b) of the protocol of March 10, 1955, will become operative as provided in that paragraph.

(e) Protocol of June 15, 1955, of Rectification to the French Text of GATT (7 UST (pt. 3) 2944). The rectifications of parts II and III of GATT and related provisions in annex I have already entered into force for the United States, and the rectifications of part I thereof and related provisions in annexes D and I will enter into force when this protocol has been signed by all contracting parties to GATT.

(f) Fifth Protocol, of December 3, 1955, of Rectifications and Modifications to the Texts of the Schedules to GATT. This protocol includes rectifications or modifications of the text of Schedule XX (Geneva—1947) to reflect therein the compensatory concessions provided for in the agreement between the United States and Canada of June 8, 1955 [3] (6 UST (pt. 5) 6231), and some of the compensatory concessions provided for in the agreement between the United States and the Netherlands and the Belgo-Luxembourg Economic Union of June 8, 1955 [3] (6 UST (pt. 5) 6229). Such rectifications or modifications will become an integral part of GATT when the protocol of December 3, 1955, has been signed by all contracting parties to GATT. A copy of the protocol of December 3, 1955, is annexed to this proclamation as annex C.

(g) Sixth Protocol, of April 11, 1957, of Rectifications and Modifications to the Texts of the Schedules to GATT. This protocol includes rectifications or modifications of the texts (i) of Schedule XX (Geneva—1947) to reflect therein the compensatory concessions provided for in the agreement of June 8, 1955 between the United States and the Netherlands and the Belgo-Luxembourg Economic Union (identified in subpar. (f) of this par.) which were not reflected in such schedule by the protocol of December 3, 1955 (identified in subpar. (f)

[3] This agreement has been proclaimed by part II of Proclamation 3105 of July 22, 1955 (69 Stat. C44).

of this par.), (ii) of the same schedule to reflect therein the modifications provided for in part III(b) of Proclamation 3140 of June 13, 1956 (70 Stat. C33), (iii) of the schedule to GATT of United States concessions annexed to the Annecy Protocol, of October 10, 1949, of Terms of Accession to GATT [4] (64 Stat. (pt. 3) B141), (iv) of Schedule XX (Torquay—1951), (v) of the schedule to GATT of United States concessions annexed to the Protocol of June 7, 1955, of Terms of Accession of Japan to GATT [5] (6 UST (pt. 5) 583), and (vi) of the schedule to GATT of United States concessions annexed to the Sixth Protocol, of May 23, 1956, of Supplementary Concessions to GATT [6] (7 UST (pt. 2) 1086). All such rectifications or modifications will become an integral part of GATT when the protocol of April 11, 1957 has been signed by all contracting parties to GATT. A copy of the protocol of April 11, 1957, is annexed to this proclamation as annex D.

(h) Seventh Protocol, of November 30, 1957, of Rectifications and Modifications to the Texts of the Schedules to GATT. This protocol includes rectifications or modifications of the texts (i) of Schedule XX (Geneva—1947) to reflect therein the modifications provided for in part I of Proclamation 3184 of May 16, 1957 (71 Stat. C34), (ii) of the same schedule to reflect therein the compensatory concessions provided for in the schedules of United States concessions annexed to the Agreement of June 27, 1957, between the United States and the Belgo-Luxembourg Economic Union and the Netherlands Supplementary to GATT [7] (8 UST (pt. 1) 934), and to the Agreement of June 27, 1957, between the United States and the United Kingdom Supplementary to GATT [7] (8 UST (pt. 1) 890), and (iii) of Schedule XX (Torquay—1951). All such rectifications or modifications will become an integral part of GATT when the protocol of November 30, 1957, has been signed by all contracting parties to GATT. A copy of the protocol of November 30, 1957, is annexed to this proclamation as annex E.

(i) Declaration of November 22, 1958, on the Provisional Accession of Switzerland to GATT (11 UST (pt. 1) 748). This declaration has been supplemented by subsequent agreements including Proces-Verbal of December 8, 1961, Extending the Declaration of November 22, 1958, on the Provisional Accession of Switzerland to GATT (TIAS 4957). These agreements have already become effective or entered into force, as the case may be, for the United States.

(j) Declaration of November 9, 1959, on Relations between Contracting Parties to GATT and Poland (11 UST (pt. 2) 2581). This declaration has already entered into force for the United States.

(k) Declaration of November 12, 1959, on the Provisional Accession of Tunisia to GATT (11 UST (pt. 2) 1539). This declaration has already become effective for the United States.

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[4] This protocol of October 10, 1949, has been proclaimed by part I of Proclamation 2867 of December 22, 1949 (64 Stat. (pt. 2) A380), which proclamation has been supplemented by subsequent proclamations.

[5] This protocol of June 7, 1955, has been proclaimed in part I of the proclamation of July 22, 1955, identified in footnote 3 of this proclamation.

[6] This agreement has been proclaimed by part I of the proclamation of June 13, 1956, identified in part II(A)(1)(g) of this proclamation.

[7] This agreement has been proclaimed by Proclamation 3191 of June 29, 1957 (71 Stat. C49).

(l) Proces-Verbal of December 9, 1961, Extending the Declaration of November 12, 1959, on the Provisional Accession of Tunisia to GATT (TIAS 4958). This proces-verbal has already entered into force for the United States.

(m) Declaration of November 18, 1960, on the Provisional Accession of Argentina to GATT. This declaration has already become effective for the United States. A copy of this declaration is annexed to this proclamation as annex F.

(n) Declaration of November 19, 1960, Giving Effect to the Provisions of Article XVI:4 of GATT. This declaration has already entered into force for the United States. A copy of this declaration is annexed to this proclamation as annex G.

(o) Protocol of April 6, 1962, for the Accession of Cambodia to GATT. This protocol will enter into force on the thirtieth day following its acceptance by Cambodia. A copy of this protocol is annexed to this proclamation as annex H.

(p) Protocol of July 16, 1962, to GATT Embodying the Results of the 1960–61 Tariff Conference. This protocol includes a schedule to GATT of United States concessions (herein referred to as "Schedule XX (Geneva—1962")) and a schedule of United States concessions to the declaration of November 22, 1958 (identified in subpar. (i) of this par.). The schedule to GATT included in this protocol July 16, 1962, comprises (i) the concessions provided for in the schedules of United States concessions annexed to the Agreement of September 15, 1961 between the United States and Sweden Supplementary to GATT [8] (12 UST (pt. 2) 1271), to the agreement between the United States and the Federal Republic of Germany providing compensatory concessions under GATT for certain tariff action taken by the United States, of January 29, 1962 [8] (TIAS 5032, p. 13), to the agreement of January 29 and February 1, 1962, between the United States and Belgium, Luxembourg, and the Netherlands providing compensatory concessions under GATT for certain tariff action taken by the United States [8] (TIAS 5032, p. 2), to the agreement of February 9, 1962, between the United States and Japan providing compensatory concessions under GATT for certain tariff action taken by the United States [8] (TIAS 5032, p. 22), to the agreement of January 26 and February 12, 1962, between the United States and Denmark providing compensatory concessions under GATT for certain tariff action taken by the United States [8] (TIAS 5032, p. 10), to the agreement of January 26 and February 16, 1962, between the United States and the United Kingdom providing compensatory concessions under GATT for certain tariff action taken by the United States [8] (TIAS 5032, p. 28), to the Interim Agreement between the United States and Denmark, of March 5, 1962,[8] (TIAS 5020), to the Interim Agreement between the United States and Finland, of March 5, 1962 [8] (TIAS 5022), to the Interim Agreement between the United States and New Zealand, of March 5, 1962 [8] (TIAS 5023), to the Interim Agreement between the United States and Norway, of March 5, 1962 [8] (TIAS 5024), to the Interim Agreement between the United States and Pakistan, of March 5, 1962 [8] (TIAS 5025), to the Interim Agreement between the United States and Peru, of March 5, 1962 [8] (TIAS 5028, p. 1), as supplemented by the agreement of May 30, 1962 [9] (TIAS 5028, p. 10), to the Interim Agreement between the United States and Sweden, of March 5, 1962 [8] (TIAS 5130), to the Interim Agreement between the United States and Austria, of March 6, 1962 [8] (TIAS 5066), to the Interim Agreement between the United States and Japan, of March 6, 1962 [9] (TIAS 5027, p. 1), as supplemented by the agreement of May 15, 1962 [9] (TIAS 5027, p. 23), to the agreement

[8,9] See footnotes on page 974.

of December 8 and 9, 1961 and March 7, 1962, between the United States and Italy providing compensatory concessions under GATT for certain tariff action taken by the United States [8] (TIAS 5032, p. 16), to the Interim Agreement between the United States and Canada, of March 7, 1962 [8] (TIAS 5019), to the Interim Agreement between the United States and the European Economic Community, of March 7, 1962 [8] (TIAS 5021), to the Interim Agreement between the United States and the United Kingdom, of March 7, 1962 [8] (TIAS 5026), to the Interim Agreement between the United States and Haiti, of June 6, 1962 [9] (TIAS 5046), and to the Interim Agreement between the United States and India, of June 15, 1962 [9] (TIAS 5030), and (ii) the rectifications or modifications of prior schedules of United States concessions provided for in section 1 of An Act To define parts of certain types of footwear, of June 11, 1958 (72 Stat. (pt. 1) 185), in section 2 of An Act To suspend for a temporary period the import duty on heptanic acid, and for other purposes, of September 15, 1960 (74 Stat. 1052), in part I of Proclamation 3387 of December 28, 1960 (75 Stat. 1007), and in part I(b) of Proclamation 3394 of February 25, 1961 (75 Stat. 1028). Such schedule to the declaration of November 22, 1958, included in this protocol of July 16, 1962, comprises the concessions provided for in the schedule of United States concessions annexed to the Interim Agreement between the United States and Switzerland, of March 5, 1962 [8] (TIAS 5031, p. 1), as supplemented by the agreement of June 7 and 14, 1962 [9] (TIAS 5031, p. 19). Such schedules included in this protocol of July 16, 1962, will become schedules to GATT and to the agreement of November 22, 1958, respectively, on December 31, 1962. A copy of this agreement of July 16, 1962, is annexed to this proclamation as annex I.

19 USC 1001, par. 1530 (e).

(2) *Determination that Required or Appropriate that GATT be Supplemented.* I determine that it will be required or appropriate that GATT and agreements supplementary thereto be applied as supplemented by each provision of any of the following agreements which supplements a provision of GATT or of an agreement supplementary thereto that has been proclaimed, effective on and after the date of this proclamation or the relevant date specified in paragraph (1) of this subpart, whichever is the later: of the protocol of October 27, 1951 (identified in par. (1)(a) of this subpart), of the protocol of March 7, 1955 (identified in par. (1)(b) of this subpart), of the agreements of March 10, 1955, and December 3, 1955 (identified in par. (1) (c) and (d) of this subpart), of the protocol of June 15, 1955 (identified in par. (1)(e) of this subpart), of the protocol of December 3, 1955 (identified in par. (1)(f) of this subpart), of the protocol of April 11, 1957 (identified in par. (1)(g) of this subpart), of the protocol of November 30, 1957 (identified in par. (1)(h) of this subpart), except item 907 (3) and (4) modifying part I of Schedule XX (Geneva—1947) which will be superseded by item 907 in part I of Schedule XX (Geneva—1962), of the agreements of November 22, 1958, and December 8, 1961 (identified in par. (1)(i) of this subpart), of the declaration of November 9, 1959 (identified in par. (1)(j) of this subpart), of the declaration of November 12, 1959 (identified in par. (1)(k) of this subpart), of the proces-verbal of December 9, 1961 (identified in par. (1)(l) of this subpart), of the declaration of November 18, 1960 (identified in par. (1)(m) of this subpart), of the

[8] This agreement has been proclaimed by part I: 1 and 2 of Proclamation 3468 of April 30, 1962 (27 F.R. 4235), which proclamation has been supplemented by the proclamation of June 20, 1962, identified in footnote 9 of this proclamation.

[9] This agreement has been proclaimed by part II: F (1) and (2) of Proclamation 3479 of June 20, 1962 (27 F.R. 5929).

declaration of November 19, 1960 (identified in par. (1)(n) of this subpart), of the protocol of April 6, 1962 (identified in par. (1)(o) of this subpart), or of the protocol of July 16, 1962 (identified in par. (1)(p) of this subpart).

(B) Termination of prior trade agreement proclamations.

I determine that on and after the dates hereinafter indicated, and subject to the conditions hereinafter specified, in this paragraph it will be required or appropriate that the following proclamations and parts of proclamations be terminated:

(a) The date of this proclamation:

(i) The proclamation of December 2, 1935 (49 Stat. (pt. 2) 3808), to the extent it has not heretofore been terminated. This termination results from the termination prior to the date of this proclamation of the trade agreement between the United States and Brazil, of February 2, 1935 (49 Stat. (pt. 2) 3809), and the agreement supplementary thereto, of April 17, 1935 (49 Stat. (pt. 2) 3834), which were proclaimed by proclamation of December 2, 1935.

(ii) The proclamation of November 25, 1938 (54 Stat. (pt. 2) 1897), and the proclamation of December 6, 1939 (54 Stat. (pt. 2) 1987), supplementary thereto, to the extent they have not heretofore been terminated. These terminations result from the termination prior to the date of this proclamation of the trade agreement between the United States and the United Kingdom, of November 17, 1938 (54 Stat. (pt. 2) 1898), which was proclaimed by the proclamations of November 25, 1938, and December 6, 1939.

(iii) The proclamation of December 16, 1947 (identified in footnote 1 of this proclamation), insofar as it relates to the second proviso to item 701 [first] in part I of Schedule XX (Geneva—1947), and the proclamation of March 2, 1953 (identified in subpart (A)(1)(b) of this part), in whole. These terminations result from proclamation hereinafter in part III(A) of this proclamation of the protocol of March 7, 1955 (identified in subpart (A)(1)(b) of this part).

(iv) The proclamation of October 19, 1951 (identified in subpart (A)(1)(a) of this part), in whole. This termination results from the proclamation hereinafter in part III(A) of this proclamation of the protocol of October 27, 1951 (identified in subpart (A)(1)(a) of this part).

(v) Part III of the proclamation of July 22, 1955 (identified in footnote 3 of this proclamation), subject to the provisions of section 401 of the Tariff Classification Act of 1962 (P.L. 87-456, 76th Stat. 78), to the extent that such part relates to articles which would be deleted from the list set forth in recital 16 of such proclamation if the description of products in item 804 in such list were modified to read: "Sherry produced from grapes containing over 14% of absolute alcohol by volume." This termination results from the addition prior to the date of this proclamation to part I of schedule XX to GATT of descriptions of the articles that would be deleted from such list by such modification of item 804. 19 USC 1323.

(b) December 31, 1962:

(i) The proclamation of December 16, 1947 (identified in footnote 1 to this proclamation), as supplemented particularly by part I of Proclamation 2782 of April 22, 1948 (62 Stat. (pt. 2) 1500), part I of the proclamation of December 22, 1949 (identified in footnote 4 of this proclamation), as supplemented particularly by part I of Proclamation 2888 of May 13, 1950 (64 Stat. (pt. 2) A405), part I of the proclamation of June 2, 1951 (identified in footnote 2 of this

proclamation), part I of the proclamation of July 22, 1955 (identified in footnote 3 of this proclamation), and part I of the proclamation of June 13, 1956 (identified in subpart (A)(1)(g) of this part), insofar as is necessary to give effect to the note to item 1530(e) [second] in part I of Schedule XX (Geneva—1962). These terminations result from the proclamation in part III(A) of this proclamation of this note to item 1530(e) [second].

(ii) The proclamation of December 16, 1947 (identified in footnote 1 of this proclamation), to the extent not heretofore terminated insofar as it relates to items 1108 and 1109(a) in part I of Schedule XX (Geneva—1947), the proclamation of June 2, 1951 (identified in footnote 2 of this proclamation), to the extent not heretofore terminated insofar as it relates to item 1109(a) in part I of Schedule XX (Torquay—1951), and the proclamation of December 28, 1960 (identified in subpart (A)(1)(p) of this part), in whole. These terminations result from the proclamation hereinafter in part III(A) of this proclamation of items 1108 and 1109(a) in part I of Schedule XX (Geneva—1962).

(iii) The proclamation of December 16, 1947 (identified in footnote 1 of this proclamation), insofar as it relates to item 907 [second] in part I of Schedule XX (Geneva—1947), and the proclamation of June 29, 1957 (identified in footnote 7 of this proclamation), insofar as it relates to items 907 [second] in the schedules of United States concessions annexed to the agreements of June 27, 1957 (identified in subpart (A)(1)(h) of this part). These terminations result from the proclamation hereinafter in part III(A) of this proclamation of item 907 [second] in part I of Schedule XX (Geneva—1962).

(iv) The proclamation of December 16, 1947 (identified in footnote 1 of this proclamation), to the extent not heretofore terminated insofar as it relates to item 371 [first] in part I of Schedule XX (Geneva—1947), and part I(b) of the proclamation of February 25, 1961 (identified in subpart (A)(1)(p) of this part). These terminations result from the proclamation hereinafter in part III(A) of this proclamation of item 371 in part I of Schedule XX (Geneva—1962).

(v) Part III of the proclamation of July 22, 1955 (identified in footnote 3 of this proclamation), subject to the provisions of section 401 of the Tariff Classification Act of 1962 (identified in subparagraph (a)(v) of this paragraph), to the extent that such part relates to articles which would be deleted from the list set forth in recital 16 of such proclamation if the following modifications were made in such list:

19 USC 1323.

Item	*Modification in List*	
28(a)	Insertion at the end of the description of products of: "(except acid black 31; acid blue 45; acid violet 19, 41; basic blue; basic orange 22; basic red 13; basic yellow 1, 11; direct blue 108, 109; disperse red 4; ingrain blue 2; mordant black 8; mordant red 27; reactive blue 1, 2, 4; reactive orange 1; reactive red 1, 2, 3, 5, 6; reactive yellow 1; vat blue 2; vat brown 3; vat orange 2, 7; vat violet 9, 13; and vat yellow 4, 20)"	
761	Deletion of the item	
765	Insertion in the description of products after the word "Beans" of "(except mung beans)"	
1558	Modification of item to read:	
	"Articles manufactured, in whole or in part, not specially provided for:	
	Coconut shells	16% ad val.
	Edible preparations for human consumption (except banana flour, frog legs, plantain flour, preparations for flavoring or seasoning food, in chief value of yeast extract, containing no alcohol (but not excepting sauces), thick soy, and yeast)	16% ad val."

This termination results from the proclamation hereinafter in part III(A) of this proclamation of the protocol of July 16, 1962 (identified in subpart (A)(1)(p) of this part), which adds to part I of schedule XX to GATT descriptions of the articles that would be deleted from the list set forth in recital 16 of the proclamation of July 22, 1955, by such modifications of that list.

(vi) Part I: 1 and 2 of the proclamation of April 30, 1962 (identified in footnote 8 of the proclamation), to the extent it has not heretofore been terminated. This termination results from the proclamation hereinafter in part III(A) of this proclamation of the protocol of July 16, 1962 (identified in subpart (A)(1)(p) of this part).

(vii) Part II: F (1) and (2) of the proclamation of June 20, 1962 (identified in footnote 9 of this proclamation), insofar as it relates to the agreement between the United States and Japan of March 6, 1962, as supplemented by the agreement of May 15, 1962, to the agreement of May 30, 1962, to the agreement of June 6, 1962, to the agreement of June 7 and 14, 1962, and to the agreement of June 15, 1962 (all identified in subpart (A)(1)(p) of this part). This termination results from the proclamation hereinafter in part III(A) of this proclamation of the protocol of July 16, 1962 (identified in subpart (A)(1)(p) of this part).

(c) *December 7, 1962:*

The proclamation of December 28, 1935 (50 Stat. (pt. 2) 1504), and the proclamation of April 10, 1937 (50 Stat. (pt. 2) 1559), supplementary thereto, to the extent they have not heretofore been terminated. These terminations result from the termination on December 7, 1962, of the trade agreement between the United States and the Netherlands of December 20, 1935 (50 Stat. (pt. 2) 1505), which was proclaimed by these proclamations.

(d) *December 13, 1962:*

The proclamation of May 16, 1936 (53 Stat. (pt. 3) 2236), to the extent it has not heretofore been terminated. This termination results from the termination on December 13, 1962, of the trade agreement between the United States and France of May 6, 1936 (53 Stat. (pt. 3) 2237), which was proclaimed by this proclamation.

(e) *The day on which the protocol of November 30, 1957 (identified in subpart (A)(1)(h) of this part) has been signed by all contracting parties to GATT:*

Part I of the proclamation of May 16, 1957 (identified in subpart (A)(1)(h) of this part), and the proclamation of June 29, 1957 (identified in footnote 7 of this proclamation), in whole. These terminations result from the proclamation hereinafter in part III(A) of this proclamation of the protocol of November 30, 1957.

(f) *February 10, 1963:*

The proclamation of April 1, 1935 (49 Stat. (pt. 2) 3680), to the extent it has not heretofore been terminated. This termination results from the termination on February 10, 1963, of the trade agreement between the United States and the Belgo-Luxembourg Economic Union, of February 27, 1935 (49 Stat. (pt. 2) 3691), which was proclaimed by this proclamation.

(g) *July 1, 1963:* provided that, under general note 2 to the United States schedule to the declaration of November 22, 1958 (identified in subpart (A)(1)(i) of this part), annexed to the protocol of July 16, 1962 (identified in subpart (A)(1)(p) of this part), the rate in column

B of item 28(a) [first] in part I of that schedule becomes initially effective for all the products provided for in that item on July 1, 1963:

Part III of the proclamation of July 22, 1955 (identified in footnote 3 of this proclamation), subject to the provisions of section 401 of the Tariff Classification Act of 1962 (identified in subparagraph (a)(v) of this paragraph), to the extent that such part relates to articles which would be deleted from the list set forth in recital 16 of such proclamation if the following modification were made in such list:

19 USC 1323 note.

Item	*Modification in List*
28(a)	Modify the parenthetical exception at the end of the description of products (as set forth in subpar. (b)(v) of this par.) to read: "(except acid black 31, 50, 94, 129; acid blue 45, 54, 106, 127, 129, 143; acid brown 44, 46, 48, 58, 188, 189; acid green 40; acid red 130, 145, 174, 211; acid violet 19, 31, 41, 48; acid yellow 2, 75, 116; basic blue 3; basic orange 22; basic red 13, 14; basic yellow 1, 11, 13; direct black 62, 91; direct blue 86, 92, 106, 108, 109, 160, 172; direct brown 103, 115, 116; direct green 5, 29, 31; direct orange 37; direct red 83; direct yellow 28; disperse blue 30; disperse red 4; fluorescent brightening agent 18, 24, 32; ingrain blue 2; mordant black 8; mordant green 47; mordant red 17, 27; reactive black 1; reactive blue 1, 2, 4; reactive orange 1; reactive red 1, 2, 3, 5, 6; reactive yellow 1; solvent orange 11; solvent yellow 25; vat blue 2; vat brown 3; vat orange 2, 7; vat red 44; vat violet 9, 13; vat yellow 4, 20; and vat solubilized orange 3)"

This termination results from the proclamation hereinafter in part III(A) of this proclamation of the protocol of July 16, 1962 (identified in subpart (A)(1)(p) of this part), which provides, for the articles that would be deleted from the list set forth in recital 16 of the proclamation of July 22, 1955, by such modification of that list, most-favored-nation rates of duty identical to the rates of duty provided for such articles in that list.

69 Stat. C44.

(h) *August 21, 1963:*

The proclamation of August 24, 1934 (49 Stat. (pt. 2) 3559), the proclamation of December 19, 1939 (54 Stat. (pt. 2) 1997), and the proclamation of December 22, 1939 (54 Stat. (pt. 2) 2014), supplementary thereto, and the proclamation of December 29, 1941 (55 Stat. (pt. 2) 1449), to the extent they have not heretofore been terminated. These terminations result from the termination on August 21, 1963, of the trade agreement between the United States and Cuba, of August 24, 1934 (49 Stat. (pt. 2) 3559), which was proclaimed by the proclamation of August 24, 1934, of the supplementary trade agreement, of December 18, 1939 (54 Stat. (pt. 2) 2000), which was proclaimed by the proclamations of December 19, 1939, and December 22, 1939, and the supplementary trade agreement, of December 23, 1941 (55 Stat. (pt. 2) 1452), which was proclaimed by the proclamation of December 29, 1941.

(i) *The day on which the protocol of December 3, 1955 (identified in subpart (A)(1)(f) of this part), has been signed by all contracting parties to GATT:*

Part II of the proclamation of July 22, 1955 (identified in footnote 3 of this proclamation), insofar as it relates to the agreement between the United States and Canada of June 8, 1955 (identified in subpart (A)(1)(f) of this part), and insofar as it relates to those United States concessions provided for in the agreement between the

United States and the Netherlands and the Belgo-Luxembourg Economic Union of June 8, 1955 (identified in subpart (A)(1)(f) of this part) which are included in the rectifications or modifications of Schedule XX (Geneva—1947) contained in the protocol of December 3, 1955. This termination results from the proclamation hereinafter in part III(A) of this proclamation of the protocol of December 3, 1955.

(j) *The day on which the protocol of April 11, 1957 (identified in subpart (A)(1)(g) of this part) has been signed by all contracting parties to GATT:*

Part II of the proclamation of July 22, 1955 (identified in footnote 3 of this proclamation) insofar as it relates to those United States concessions provided for in the agreement between the United States and the Netherlands and the Belgo-Luxembourg Economic Union of June 8, 1955 (identified in subpart (A)(1)(f) of this part) which are included in the rectifications or modifications of Schedule XX (Geneva—1947) contained in the protocol of April 11, 1957, and part III(b) of the proclamation of June 13, 1956 (identified in subpart (A)(1)(g) of this part). These terminations result from the proclamation hereinafter in part III(A) of this proclamation of the protocol of April 11, 1957.

PART III—PROCLAIMING PART

NOW, THEREFORE, I, JOHN F. KENNEDY, under the authority vested in me, as President, by the Constitution and statutes, particularly section 350 of the Tariff Act of 1930, and more particularly subsection (a)(6) of that section in respect to subpart (B) of this part, do proclaim that: 19 USC 1351.

(A) Agreements supplementary to GATT

On and after the relevant date indicated in part II(A)(1) of this proclamation or the date of this proclamation, whichever is the later, GATT and agreements supplementary thereto shall be applied as supplemented by each provision of an agreement listed in part II(A)(2) of this proclamation which supplements a provision of GATT or of an agreement supplementary thereto which has been proclaimed.

(B) Termination of prior trade agreement proclamations.

On and after the relevant date indicated in part II(B) of this proclamation or the date of this proclamation, whichever is the later, each proclamation listed in part II(B) shall be terminated in whole or in part as therein specified.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 28th day of December in the year of our Lord nineteen hundred and sixty-two, and of [SEAL] the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3514

NATIONAL FREEDOM FROM HUNGER WEEK

January 22, 1963

By the President of the United States of America

A Proclamation

WHEREAS the United States, as a member of the Food and Agriculture Organization of the United Nations, is participating with nearly one hundred other countries of the world in the FAO international Freedom-from-Hunger Campaign; and

WHEREAS the American Freedom from Hunger Foundation has been established to provide citizen leadership for the campaign in the United States; and

76 Stat. 1078.

WHEREAS the Congress of the United States, by Public Law 87–841, approved October 18, 1962, has authorized this Nation, in furtherance of the international Freedom-from-Hunger Campaign, to be host to the World Food Congress from June 4 to 18, 1963; and

WHEREAS the farmers of this Nation have produced an abundance of food for our own people and for sharing with others; and

WHEREAS the people of the United States, in sharing our national abundance through their generous support of overseas assistance programs of religious organizations, voluntary agencies, and private groups and foundations, and through Food For Peace and other governmental programs, have demonstrated their concern with the problem of hunger and malnutrition throughout the world; and

WHEREAS there is a need for a rededication of men's minds and hearts to the inspiring possibilities of working together to free the world from hunger:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week of March 17 through March 23, 1963, as National Freedom from Hunger Week.

I ask the American Freedom from Hunger Foundation to take national leadership in planning appropriate observance of this week; and I urge American citizens in all walks of life to participate in the observance of National Freedom from Hunger Week.

I also ask that all Government departments and agencies which have official responsibilities in the field of food, nutrition, and international relations take appropriate steps to observe, and to cooperate with private groups in observing, National Freedom from Hunger Week.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-second day of January in the year of our Lord nineteen hundred and sixty-three, and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3515

LAW DAY, U.S.A.—1963

By the President of the United States of America January 25, 1963

A Proclamation

The story of man's advance from savagery to civilization is the story of reason and morality displacing brutal force. While law is reason systematized, it is more than reason alone. A great justice of our Supreme Court said long ago, "The law is the witness and external deposit of our moral life. Its history is the history of the moral development of the race."

In a time when all men are properly concerned lest nations, forgetting law, reason, and moral existence, turn to mutual destruction, we have all the more need to work for a day when law may govern nations as it does men within nations; when systematized reason may bring us a confident future; when the moral development of the human race may assure us a peaceful and law-abiding world.

In 1961 the Congress by joint resolution wisely designated as "Law Day, U.S.A." the first day of each May. Thus, "Law Day, U.S.A." becomes the significant answer to Communism's May Day demonstrations, and calls on our people to rededicate themselves to ideals of equality and justice in their relations with one another and to the same ideals in relations with other nations.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, to support and emphasize this congressional resolution, do hereby request the people of our country to observe the first day of May, 1963, with such ceremonies and observances as will suitably signalize this great aspiration. I urge that civic and service organizations, schools, public bodies, and the media of information join in this educational observance, and further call upon all officials to display the nation's flag on public buildings on that day in token of our dedication to government under law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty fifth day of January in the year of our Lord nineteen hundred and sixty-three, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3516

RED CROSS MONTH, 1963

February 1, 1963

By the President of the United States of America

A Proclamation

WHEREAS the American National Red Cross serves as a voluntary auxiliary to the Government of the United States in matters vitally affecting the welfare of the American people, both in time of peace and in national emergencies; and

WHEREAS such Red Cross services as the Blood Program, Disaster Services, First Aid and Nursing Services, and the many other programs of its trained volunteers must be maintained at maximum effectiveness at all times; and

WHEREAS, by virtue of the responsibility vested in the American Red Cross by its congressional charter, it also acts as a medium of communication between the people of the United States and their Armed Forces and in matters of voluntary relief affecting our servicemen and women and their families; and

WHEREAS these essential services to the Government of the United States and the American people are made possible by the 45,000,000 members and volunteers of 3,600 Red Cross chapters throughout the Nation; and

WHEREAS the United States of America is a member of the International Red Cross family through adherence to the Red Cross Treaty of Geneva which this Government signed in 1882; and

WHEREAS this great international movement, founded at Geneva in 1863, observes its centenary this year; and

WHEREAS the American Red Cross, as a member of the League of Red Cross Societies and in cooperation with the League, has assisted in many of the great international relief programs of our times, bringing the means of existence and hope to millions of victims of war, civil strife, disaster, and epidemic; and, acting under the provisions of the Geneva Conventions, has furnished volunteer aid to the sick and wounded of armies in time of war and has protected prisoners of war:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1963 as Red Cross Month; and I urge all Americans to honor the American Red Cross by participating in, and strengthening, its work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this First day of February in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3517

PROCLAMATION OF CERTAIN AGREEMENTS SUPPLEMENTARY EITHER TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE OR TO OTHER TRADE AGREEMENTS, AND TERMINATION OF CERTAIN TRADE AGREEMENT PROCLAMATIONS

By the President of the United States of America January 31, 1963

A Proclamation

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(2) Requisite Findings and Determinations and Applicable Procedures Regarding Agreements
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Part III—Proclaiming Part
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(B) Other Agreements Supplementary to Trade Agreements
(C) Termination of Prior Trade Agreement Proclamations

PART I—PURPOSES

The purposes of this proclamation are:

(a) To carry out trade agreements supplementary to the General Agreement on Tariffs and Trade, of October 30, 1947 [1] (61 Stat. (pt. 5) All; which agreement is hereinafter referred to as "GATT"), consisting of an agreement signed with Japan providing concessions compensatory for certain escape clause action taken by the United States, an interim agreement signed with Spain, and agreements rectifying the United States schedules to the Protocol Embodying Results of the 1960–61 Tariff Conference.

(b) To proclaim certain other agreements supplementary to trade agreements, which supplementary agreements do not contain new tariff concessions by the United States.

(c) To terminate in part certain prior trade agreement proclamations.

PART II—IDENTIFICATION AND JUSTIFICATION

(A) NEW TRADE AGREEMENTS

(1) *Identification of Agreements.* After making the requisite findings and determinations and complying with the applicable procedures, as indicated in paragraph (2) of this subpart, and during the period specified in section 257(c) of the Trade Expansion Act of 1962 (P.L. 87–794, 76 Stat. 882), the President through his duly empowered representative has entered into the following trade agreements supplementary to GATT: 19 USC 1352 note.

[1] This agreement was proclaimed by Proclamation 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), which proclamation has been supplemented by subsequent proclamations.

(a) Agreement of December 11 and 18, 1962, signed by the United States and the European Economic Community rectifying the United States schedule to GATT annexed to the Protocol of July 16, 1962, Embodying Results of the 1960–61 Tariff Conference [2] (Treas. Decs. (Customs), January 31, 1963, Annex A, schedule XX; which schedule is hereinafter referred to as "Schedule XX (Geneva—1962)"). This Agreement of December 11 and 18, 1962, provides that the rate of duty set forth in column A in Schedule XX (Geneva—1962) shall become initially effective, in the case of products added to such schedule by the rectifications, on the day provided therefor in the proclamation to carry out the agreement. A copy of the agreement is annexed to this proclamation as annex A.

(b) Agreement of December 18, 1962, signed by the United States and Japan rectifying Schedule XX (Geneva—1962). This agreement includes a schedule of rectified concessions in Schedule XX (Geneva—1962). This schedule of rectified concessions provides that the rates of duty set forth in column A therein shall become initially effective, in the case of products added to Schedule XX (Geneva—1962) by the rectifications, on the day specified therefor in the proclamation to carry out the agreement. A copy of the agreement is annexed to this proclamation as annex B.

(c) Agreement of December 11 and 27, 1962, signed by the United States and Switzerland rectifying the United States schedule to the Declaration of November 22, 1958, on the Provisional Accession of Switzerland to GATT [2] (11 UST (pt. 1) 748) which schedule is annexed to the Protocol of July 16, 1962 (identified in subparagraph (a) of this paragraph). This agreement of December 11 and 27, 1962, provides that the rate of duty set forth in column A in such schedule shall become effective, in the case of the products added to the schedule by the rectification, on the day provided therefor in the proclamation to carry out the agreement. A copy of the agreement is annexed to this proclamation as annex C.

(d) Agreement of December 31, 1962, signed by the United States and Japan Supplementary to GATT. This supplementary agreement includes a schedule of United States concessions. The agreement provides that the concessions provided for in such schedule shall be applied on and after February 1, 1963. A copy of the agreement is annexed to this proclamation as annex D.

(e) Interim Agreement of December 31, 1962, signed by the United States and Spain. This agreement includes a schedule of United States concessions. The concessions contained in such schedule shall take effect on February 1, 1963. A copy of the agreement is annexed to this proclamation as annex E.

(2) *Requisite Findings and Determinations and Applicable Procedures Regarding Agreements.* Prior to entering into the trade agreements identified in paragraph (1) of this subpart:

(a) *Prior Findings.* The President found that certain existing duties or other import restrictions of the United States and of Spain were unduly burdening and restricting the foreign trade of the United States, and that the purposes of section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), would be promoted by entering into such trade agreements.

(b) *Compliance with Procedural Requirements.* Reasonable public notice was given of the intention to conduct trade agreement negotiations under GATT with the governments of the foreign countries

[2] This agreement was proclaimed by part III(A) of Proclamation 3513 of December 28, 1962 (28 F.R. 107).

which are contracting parties to GATT, including Japan, with instrumentalities of such governments, including the European Economic Community, and with the Governments of Spain and Switzerland. Views presented by interested persons have been received and considered. Information and advice with respect to such negotiations have been sought from the Departments of State, Agriculture, Commerce, and Defense, and from other sources. Pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended (19 U.S.C. 1360), the President transmitted to the United States Tariff Commission for investigation and report lists of all articles imported into the United States to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in trade-agreement negotiations with the governments of the foreign countries, and instrumentalities thereof, referred to in this subparagraph. The Tariff Commission made the investigations and reports of its determinations pursuant to section 3 within the time specified therein.

(c) *Determination that Certain Rate Decreases Will Simplify Computation.* The President has made the determination provided for in section 350(a)(3)(D) of the Tariff Act of 1930 that certain modifications of existing duties hereinafter proclaimed in part III (A) of this proclamation, which reflect decreases in rates of duty exceeding the decreases specified in section 350(a)(4)(A) or (B), will simplify the computation of the amount of duty imposed with respect to the articles concerned. 19 USC 1351.

(d) *Determination Respecting Ad Valorem Equivalent of Certain Specific Rates.* The President has made the determination respecting the ad valorem equivalent of the specific rate of duty (or combination of rates including a specific rate), and respecting the representative period, under the authority of section 350(a)(3)(D) and (4)(A) of the Tariff Act of 1930, as amended, by reference to section 350(a)(2)(D)(ii) of that act, in the case of each modification of an existing duty proclaimed in this proclamation for which such a determination was relevant, using, to the maximum extent practicable, the standards of valuation contained in section 402 or 402a of the Tariff Act, as amended (19 U.S.C. 1401a or 1402).

(3) *Determination that Proclamation is Required or Appropriate to Carry out Trade Agreements.* As President, I have determined that the modifications of existing duties and other import restrictions of the United States, the additional import restrictions, and the continuance of existing customs and excise treatment of articles imported into the United States proclaimed in part III(A) of this proclamation will be required or appropriate to carry out the trade agreements identified in paragraph (1) of this part.

(B) OTHER AGREEMENTS SUPPLEMENTARY TO TRADE AGREEMENTS

(1) Identification of Agreements. The following agreements, not containing new tariff concessions by the United States, supplement provisions of trade agreements, or of agreements supplementary thereto, which have been proclaimed:

(a) Agreement of March 29, 1960, between the United States and Switzerland stating the relation between the trade agreement between the two countries of January 9, 1936 [3] (49 Stat. (pt. 2) 3918) and the

[3] This agreement was proclaimed by the proclamation of January 9, 1936 (49 Stat. (pt. 2) 3917), which proclamation has been supplemented by subsequent proclamations.

declaration of November 22, 1958, identified in subpart (A)(1)(c) of this part (11 UST (pt. 1) 284). This agreement became effective on April 29, 1960.

(b) Procès-Verbal of November 7, 1962, Extending the Declaration of November 18, 1960, on the Provisional Accession of Argentina to GATT [2] (TIAS 5184). This procès-verbal entered into force for the United States on January 1, 1963. A copy of this procès-verbal is annexed to this proclamation as annex F.

(2) *Determination that Required or Appropriate that Trade Agreements be Supplemented.* As President, I have determined that it is required or appropriate that trade agreements and agreements supplementary thereto be applied as supplemented by each provision of the agreements of March 29, 1960, and of November 7, 1962 (identified in paragraph (1) of this subpart) which supplements a provision of a trade agreement or of an agreement supplementary thereto that has been proclaimed, effective on and after the relevant date specified in paragraph (1).

(C) TERMINATION OF PRIOR TRADE AGREEMENT PROCLAMATIONS

I determine that on and after the dates hereinafter indicated, and subject to the conditions hereinafter specified, in this paragraph it will be required or appropriate that the following proclamations and parts of proclamations be terminated:

(a) *March 1, 1963:* the proclamation of December 16, 1947 (identified in footnote 1 of this proclamation), as supplemented particularly by Proclamation 2798 of July 15, 1948 (62 Stat. (pt. 2) 1528), and part I of Proclamation 2929 of July 2, 1951 (65 Stat. C12), insofar as they relate to the concessions the withdrawal of which results from the modifications of the schedule of United States concessions annexed to GATT (schedule XX) and of the schedule to GATT of United States concessions annexed to the Torquay Protocol, of April 21, 1951, to GATT [4] (3 UST (pt. 1) 615, annex A, schedule XX), provided for in schedule XX annexed to the Protocol of December 31, 1958, Relating to Negotiations for the Establishment of New Schedule III—Brazil—to GATT, by the Procès-Verbal of February 10, 1959, Containing Schedules to be Annexed to the Protocol Relating to the Establishment of New Schedule III—Brazil—to GATT (Brazil and United States). These terminations result from the right of the United States, recognized in paragraph 4 of the protocol of December 31, 1958, to make such modifications even though they have not yet become an integral part of GATT. Copies of the agreements of December 31, 1958, and February 10, 1959 are annexed to this proclamation as annexes G and H.

3 UST 1125.

(b) *February 1, 1964:* provided that, under general note 2 to the United States schedule annexed to the agreement of December 31, 1962 (identified in subpart (A)(1)(e) of this part), the rates in column B of items 804 and 1558 in that schedule become initially effective for all the products provided for in those items on February 1, 1964: part III of Proclamation 3105 of July 22, 1955 (69 Stat. C44), subject to the provisions of section 401 of the Tariff Classification Act of 1962 (P.L. 87-456, 76 Stat. 78), to the extent that such part relates to articles which would be deleted from the list set forth in recital 16 of such proclamation if the following modifications were made in such list:

19 USC, prec. 1001.

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[2] This agreement was proclaimed by part III(A) of Proclamation 3513 of December 28, 1962 (28 F.R. 107).

[4] This protocol of April 21, 1951, has been proclaimed by part I of the proclamation of June 2, 1951.

Item	*Modification in List*
804	Deletion of the item.
1558	Modification of item to read:
	"Articles manufactured, in whole or in part, not specially provided for:
	Coconut shell char ---------- 16% ad val.
	Edible preparations for human consumption (except banana flour, capers in brine or otherwise preserved, frog legs, plantain flour, preparations for flavoring or seasoning food, in chief value of yeast extract, containing no alcohol (but not excepting sauces), thick soy, and yeast) ---------- 16% ad val."

PART III—PROCLAIMING PART

NOW, THEREFORE, I, JOHN F. KENNEDY, under the authority vested in me, as President, by the Constitution and statutes, particularly section 350 of the Tariff Act of 1930, as amended (19 U.S.C. 1351), and more particularly subsection (a)(6) of that section in respect to subpart (C) of this part, do proclaim that:

(A) NEW TRADE AGREEMENTS

(1) *Carrying Out Trade Agreements.* Subject to the provisions of paragraph (2) of this subpart, there are hereby made effective the modifications of existing duties and other import restrictions of the United States, the additional import restrictions, and the continuance of existing customs or excise treatment of articles imported into the United States specified or provided for in the general provisions of, and schedules of United States concessions annexed to, the agreements identified in part II(A)(1) of this proclamation, as follows:

(a) Each rate of duty or import tax specified in column A at the right of the respective description of products in a schedule of United States concessions: as to articles entered, or withdrawn from warehouse, for consumption on and after February 1, 1963.

(b) Each rate of duty or import tax specified in column B at the right of the respective description of products in a schedule of the United States concessions: as to articles entered, or withdrawn from warehouse, for consumption on and after the appropriate date determined in accordance with the provisions of the general notes at the end of that schedule.

(c) The provisions of an agreement to which this paragraph relates other than the rates to which subparagraphs (a) and (b) of this paragraph relate: on and after February 1, 1963.

(2) *Conditions to which Proclamation is Subject.* The provisions of paragraph (1) of this subpart are subject to the following:

(a) The applicable terms, conditions, and qualifications set forth in the agreements to which paragraph (1) of this subpart relates, in parts I, II, and III of GATT, in annexes D, H, and I and schedules XX to GATT, and in the Protocol of Provisional Application of GATT[1] (61 Stat. (pt. 6) 2051), of October 30, 1947.

(b) The exception that no rate of duty or import tax shall be applied to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption, more favorable customs treatment is prescribed for the article by (i) a proclamation pursuant to section 350 of the Tariff Act of 1930 or to section 201 of the Trade Expansion Act of 1962 (P.L. 87-794, 76 Stat. 872), or (ii) any other proclamation, a statute, or an executive

19 USC 1351.

19 USC 1821.

[1] See footnote on page 983.

order, which proclamation, statute, or order either provides for an exemption from duty or import tax or became effective subsequent to the date of this proclamation.

(B) OTHER AGREEMENTS SUPPLEMENTARY TO TRADE AGREEMENTS

On and after the relevant date indicated in part II(B)(1) of this proclamation the relevant trade agreements and agreements supplementary thereto shall be applied as supplemented by each provision of an agreement listed in part II(B)(2) of this proclamation which supplements a provision of a trade agreement or of an agreement supplementary thereto which has been proclaimed.

(C) TERMINATION OF PRIOR TRADE AGREEMENT PROCLAMATIONS

On and after the relevant date indicated in part II(C) of this proclamation, each proclamation listed in part II(C) shall be terminated in part as therein specified.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of January in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3518

NATIONAL POISON PREVENTION WEEK, 1963

February 6, 1963

By the President of the United States of America

A Proclamation

WHEREAS approximately a half-million young children are accidentally poisoned each year by common household products and medicines; and

WHEREAS such accidents result in permanent damage—even death—to many of these children; and

WHEREAS parents and others responsible for the care of children can prevent such accidents through proper storage, handling, and disposal of potentially toxic substances; and

36 USC 165. WHEREAS, by a joint resolution approved September 26, 1961 (75 Stat. 681), the Congress requested the President to issue annually a proclamation designating the third week in March as National Poison Prevention Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the week beginning March 17, 1963, as National Poison Prevention Week.

I direct the appropriate agencies of the Federal Government, and I invite State and local governments and organizations interested in child safety, to participate actively in programs intended to promote better protection against accidental poisonings.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of February in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3519

PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1963

By the President of the United States of America

February 11, 1963

A Proclamation

WHEREAS April 14, 1963, will mark the seventy-third anniversary of the inter-American system established by the American Republics and by them designated as the Organization of American States; and

WHEREAS the United States of America is, and has been from the beginning, an integral part of this organization of free Republics of the Western Hemisphere, whose collective interdependence maintains and strengthens their individual independence; and

WHEREAS these Republics are now actively allied in an unparalleled cooperative effort to achieve individually and collectively the economic growth and social progress which will open to the citizens of this Hemisphere frontiers of opportunity beyond any yet known to mankind; and

WHEREAS the United States of America has supported consistently and uninterruptedly in our hemisphere relationships the basic ideal of freedom with order through which the American Republics achieved their independence and on which their progress is firmly based:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim Sunday, April 14, 1963, as Pan American Day, and the week from April 14 through April 20, 1963, as Pan American Week; and I call upon the Governors of the fifty States of the Union, the Governor of the Commonwealth of Puerto Rico, and the Governors of all other areas under the United States flag to issue similar proclamations.

In the interest of inter-American friendship and solidarity, I urge all United States citizens and interested organizations to contribute enthusiastically, by words and works, toward making Pan American Day and Pan American Week occasion for rejoicing that our free Republics during the past year have strongly reaffirmed the will for freedom and the determination to stand together in its defense, and a resolute intent to create in this hemisphere, through our Alliance for Progress, an invigorating environment of hope, confidence, and achievement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of February in the year of our Lord nineteen hundred and sixty-three,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3520

NATIONAL FARM SAFETY WEEK, 1963

February 14, 1963

By the President of the United States of America

A Proclamation

WHEREAS hundreds of thousands of rural volunteer leaders and 4–H Club members actively participate in organized farm, home, and highway safety programs; and

WHEREAS these community, State, and national safety programs have proved effective in reducing the number and rate of accidents among farm people; and

WHEREAS accidents nevertheless continue to kill or disable nearly a million farm residents annually, and cause needless suffering and economic waste to both the agricultural community and the Nation; and

WHEREAS increased emphasis on the safety and productive efficiency of farm families is vital to assure a continuing abundance of food and fiber for the well-being of all Americans:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby call on the people of the Nation to observe the week beginning July 21, 1963, as National Farm Safety Week; and I urge all farm families, and all persons and organizations allied with agriculture, to engage in a purposeful, united effort to reduce further the number of farm, home, and highway accidents.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourteenth day of February in the year of our Lord nineteen hundred and sixty-three,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

Proclamation 3521

CENTENNIAL OF THE COMMERCIAL BANKING SYSTEM

By the President of the United States of America February 25, 1963

A Proclamation

WHEREAS the year 1963 marks the centennial of the approval by President Abraham Lincoln of the Act of February 25, 1863, which provided for the establishment of a system of national banks chartered and supervised by the Comptroller of the Currency, under the general direction of the Secretary of the Treasury; and

WHEREAS the national banks and the State-chartered banks comprise a dual banking system which has beneficially served the public interest, provided credit and other financial assistance necessary for the economic growth of the United States, and played a leading role in keeping our economy competitive and vital; and

WHEREAS commercial banking, both Federal and State, has made great contributions to the Nation in times of crisis and continues to serve the Nation daily; and

WHEREAS the national banks and the State-chartered banks anticipate continued opportunities to contribute to the future growth and development of the economy of our country consistent with the changing needs of the public, industry, agriculture, and commerce:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the year 1963 as the Centennial of the Commercial Banking System; and I request the people of the United States to join with Federal and State authorities and representatives of the banking industry in activities and ceremonies designed to pay tribute to the contribution which commercial banking has made to the economic, social, and cultural lives of the people of this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fifth day of February in the year of our Lord nineteen hundred and sixty-three, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3522

NATIONAL SAFE BOATING WEEK, 1963

By the President of the United States of America February 26, 1963

A Proclamation

WHEREAS recreational boating is playing an increasingly important part in the lives of millions of Americans who look to it as a means of maintaining physical vigor and mental alertness; and

WHEREAS the resulting increased use of our waterways has caused a corresponding increase in safety problems; and

WHEREAS this healthful outdoor activity can be enhanced and loss of life and property reduced by adherence to safe boating principles; and

WHEREAS the Congress of the United States, in recognition of the importance of such safe boating practices, by a joint resolution, approved June 4, 1958 (72 Stat. 179), has requested the President to proclaim annually the week that includes the Fourth of July as National Safe Boating Week:

36 USC 161.

NOW, THEREFORE, I, JOHN F. KENNEDY, PRESIDENT OF THE UNITED STATES OF AMERICA, do hereby designate the week beginning June 30, 1963, as National Safe Boating Week.

In pursuance of the objectives of this Proclamation, I urge all persons, organizations, and Governmental agencies interested in recreational boating and safety afloat to publicize and observe National Safe Boating Week.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to join in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of February in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3523

THE WARSAW GHETTO UPRISING

March 4, 1963

By the President of the United States of America

A Proclamation

Of the more than 400,000 Jews whom the Nazis had previously walled into the Warsaw Ghetto, only about 70,000 remained in April of 1943. With deadly efficiency, most of the other inhabitants had been transported by the Nazis to concentration camps and had there been exterminated. The surviving Jews, suffering from malnutrition and disease, with pitifully few weapons and virtually no hope of assistance from any source, determined to sell their lives as dearly as possible. They engaged the Nazis in battle.

The result was known by the Jews to be foredoomed. Yet, though they lacked both military resources and a military tradition, they were able to conduct their struggle against the overwhelming forces of the Nazi occupiers for more than three weeks, thereby providing a chapter in the annals of human heroism, an inspiration to the peace-loving people of the world and a warning to would-be oppressors which will long be remembered.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, in consonance with the joint resolution of Congress approved August 28, 1962 (76 Stat. 407), do hereby invite the people of the United States to observe the twentieth anniversary

of the Warsaw Ghetto uprising, April 21, 1963, with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this Fourth day of March in the year of our Lord nineteen hundred and sixty-three, and of
[SEAL] the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3524

CANCER CONTROL MONTH, 1963

By the President of the United States of America

March 7, 1963

A Proclamation

WHEREAS the conquest of cancer, which has annually claimed the lives of 280,000 Americans and threatens the lives of millions more in the future, depends upon vigorous programs of medical research and public education; and

WHEREAS progress in research has already significantly increased the rate of survival of cancer patients and holds promise of further improvement through studies dealing with the cause, prevention, and treatment of malignant disease; and

WHEREAS the continued efforts of medical scientists, physicians, public health workers, and volunteers depend upon continued public support, encouragement, and cooperation; and

WHEREAS the Congress, by a joint resolution approved March 28, 1938 (52 Stat. 148), requested the President to issue annually a proclamation setting apart the month of April as Cancer Control Month: 36 USC 150.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the month of April 1963 as Cancer Control Month; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also ask the medical and allied health professions, the communications industries, and all other interested persons and groups to unite during the appointed month in public reaffirmation of this Nation's efforts to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of March in the year of our Lord nineteen hundred and sixty-three,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3525

[DECLARING SIR WINSTON CHURCHILL AN HONORARY CITIZEN OF THE UNITED STATES OF AMERICA]

April 9, 1963

By the President of the United States of America

A Proclamation

WHEREAS Sir Winston Churchill, a son of America though a subject of Britain, has been throughout his life a firm and steadfast friend of the American people and the American Nation; and

WHEREAS he has freely offered his hand and his faith in days of adversity as well as triumph; and

WHEREAS his bravery, charity and valor, both in war and in peace, have been a flame of inspiration in freedom's darkest hour; and

WHEREAS his life has shown that no adversary can overcome, and no fear can deter, free men in the defense of their freedom; and

WHEREAS he has expressed with unsurpassed power and splendor the aspirations of peoples everywhere for dignity and freedom; and

WHEREAS he has by his art as an historian and his judgment as a statesman made the past the servant of the future;

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, under the authority contained in an Act of the 88th Congress, do hereby declare Sir Winston Churchill an honorary citizen of the United States of America.

Ante, p. 5.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of April, in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-seventh.

JOHN FITZGERALD KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

Proclamation 3526

NATIONAL HARMONY WEEK

April 9, 1963

By the President of the United States of America

A Proclamation

WHEREAS barbershop quartet singing is a uniquely American form of music which provides pleasure for millions of people everywhere; and

WHEREAS the Society for the Preservation and Encouragement of Barber Shop Quartet Singing in America, Incorporated, has made an important contribution to our culture not only by its efforts to preserve such singing, but by its dedication to good fellowship and harmony among peoples of all walks of life; and

WHEREAS April 11, 1963, will mark the twenty-fifth anniversary of the founding of this Society; and

WHEREAS, in recognition and appreciation of the Society's efforts to maintain barbershop quartet singing as a traditional form of native American music and, through their stimulus to good music and vocal harmony, to keep America singing, the Congress by a joint resolution approved April 9, 1963, has designated the six-day period beginning April 15, 1963, and ending April 20, 1963, as National Harmony Week, and has requested the President to issue a proclamation inviting the people of the United States to join in the observance of that week:

Ante, p. 5.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby invite the people of the United States to observe the period of April 15, 1963, through April 20, 1963, as National Harmony Week, with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of April in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

Proclamation 3527

SENIOR CITIZENS MONTH

By the President of the United States of America

April 18, 1963

A Proclamation

WHEREAS there are now more than seventeen million persons aged sixty-five and over in our population, and this number is expected to increase to twenty-four million by 1980; and

WHEREAS this large segment of our population represents a great national resource of skills, wisdom, and experience upon which much of our Nation's progress has been built and which continues to enrich our daily lives and to provide counsel and leadership; and

WHEREAS all persons reaching their later years should have opportunity to share fully in the benefits of our advances in economic wealth, science, technology, and culture; and

WHEREAS all informational and educational means should be used to foster an environment in which our senior citizens can gain this opportunity and can lead useful and satisfying lives, consistent with their capacities; and

WHEREAS the Federal Government should provide leadership, encouragement, and assistance to the States, communities, and voluntary organizations in utilizing the potentials of our elder citizens:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the month of May 1963 as Senior Citizens Month; and I urge all persons and public and private organizations to cooperate in its observance by increasing com-

munity awareness of the problems faced by older men and women, strengthening services and opportunities to meet their special needs, giving recognition to their past and present contributions, and making this special month the beginning of continuing interest and activity on their behalf.

I also invite the Governors of the States, the Governor of the Commonwealth of Puerto Rico, the Commissioners of the District of Columbia, and appropriate officials in other areas subject to the jurisdiction of the United States to join in the observance of Senior Citizens Month.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of April in the year of our Lord nineteen hundred and sixty-three, and of the [SEAL] Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3528

LOYALTY DAY, 1963

April 18, 1963

By the President of the United States of America

A Proclamation

Dedication, devotion, and loyalty to our country and to the free democratic precepts upon which it was founded has always been a cherished tradition with our people—from our Founding Fathers to our servicemen now serving in the far-flung corners of the world. Understandably, our people avoid ostentatious displays of patriotic fervor. Nevertheless, in these trying times, when international forces are attempting to undermine and destroy our form of free government and our way of life, it is entirely fitting and proper and in the national interest to set aside a special day each year on which to express our unceasing devotion and loyalty to this Nation. To this end, the Congress, by a joint resolution of July 18, 1958 (72 Stat. 369), has designated May 1 of each year as Loyalty Day and has requested the President to issue a proclamation inviting the people of the United States to observe that day with appropriate ceremonies.

36 USC 162.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America do hereby call upon the people of the United States, and upon all patriotic, civic, and educational organizations to observe Wednesday, May 1, 1963, as Loyalty Day, in schools and other suitable places with appropriate ceremonies in which all of our people may join in a reaffirmation of their loyalty to the United States of America.

I also call upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day as a manifestation of our loyalty to the Nation which that flag symbolizes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of April in the year of our Lord nineteen hundred and sixty-three, and of
[SEAL] the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3529

NATIONAL MARITIME DAY, 1963

By the President of the United States of America

April 19, 1963

A Proclamation

WHEREAS the need for expanding trade with the free world is vital both to world stability and to the well-being and the economy of our own Nation and of other peaceable peoples; and

WHEREAS the major portion of such trade—both exports and imports—transits the oceans of the world by ship; and

WHEREAS the ships of the American Merchant Marine provide access to world markets and to the sources of sorely needed raw materials upon which our factories and farms alike depend; and

WHEREAS our ships and the men who man them stand ready to serve the Nation in any circumstance and in all conditions of peaceful commerce or national emergency; and

WHEREAS the Congress, by a joint resolution approved May 20, 1933 (48 Stat. 73), designated May 22 as National Maritime Day, in commemoration of the departure from Savannah, Georgia, on May 22, 1819, of the S.S. *Savannah* on the first transoceanic voyage by any steamship, and requested the President to issue a proclamation annually calling for the observance of that day: 36 USC 145.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby urge the citizens of the United States to honor our American Merchant Marine on Wednesday, May 22, 1963, by displaying the flag of the United States at their homes and other suitable places; and I direct the appropriate officials of the Government to arrange for the display of the flag on all Government buildings on that day.

I also request that all ships sailing under the American flag dress ship on Wednesday, May 22, in tribute to the American Merchant Marine.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of April in the year of our Lord nineteen hundred and sixty-three,
[SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3530

NATIONAL DEFENSE TRANSPORTATION DAY AND NATIONAL TRANSPORTATION WEEK, 1963

April 19, 1963

By the President of the United States of America

A Proclamation

WHEREAS our transportation system serves as the veins and arteries through which we channel the lifeblood of our production; and

WHEREAS not only our commercial and economic life, but also our national defense, are dependent upon effective transportation; and

WHEREAS it is appropriate that recognition be given to the importance of the American transportation system to the growth, culture, and prosperity of our Nation, to the expansion of peaceful trade and world commerce, and to the effective logistic support of our armed forces; and

36 USC 160. WHEREAS the Congress, by Senate Joint Resolution 22, approved May 16, 1957 (71 Stat. 30), has requested the President to proclaim annually the third Friday of May of each year as National Defense Transportation Day, and by House Joint Resolution 628, approved

36 USC 166. May 14, 1962 (76 Stat. 69), has requested the President to proclaim annually the week in May of each year in which falls the third Friday of that month as National Transportation Week, as a tribute to the men and women who, night and day, move goods and people throughout our land:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate Friday, May 17, 1963, as National Defense Transportation Day, and the week beginning May 12, 1963, as National Transportation Week; and I urge our people to participate, together with the transportation industry, representatives of the armed forces, and other governmental agencies, in the observance of these occasions by appropriate ceremonies.

I also invite the Governors of the States to provide for the observance of National Defense Transportation Day and National Transportation Week in such manner as will afford an opportunity for the citizens of each community to recognize and appreciate fully the vital role of a great modern transportation system in their daily lives and in our national defense.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of April in the year of our Lord nineteen hundred and sixty-three, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3531

MODIFYING PROCLAMATION NO. 3279, RELATING TO THE ADJUSTMENT OF IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS, WITH RESPECT TO THE DESIGNATION OF REPRESENTATIVES TO THE APPEALS BOARD CREATED PURSUANT TO THAT PROCLAMATION

April 19, 1963

By the President of the United States of America

A Proclamation

Under and by virtue of the authority vested in me by the Constitution and the statutes, including Section 232 of the Trade Expansion Act of 1962 (Public Law 87–794), I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim that paragraph (a) of Section 4 of Proclamation No. 3279, as amended, is hereby further amended to read as follows:

76 Stat. 877.
19 USC 1862.

73 Stat. C28.
19 USC 1352a note.

"(a) The Secretary of the Interior is authorized to provide for the establishment and operation of an Appeals Board to consider petitions by persons affected by the regulations issued pursuant to Section 3 of this proclamation. The Appeals Board shall be comprised of a representative each from the Departments of the Interior, Defense, and Commerce to be designated respectively by the heads of such Departments."

19 USC 1352a note.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of April in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3532

WORLD TRADE WEEK, 1963

April 20, 1963

By the President of the United States of America

A Proclamation

WHEREAS the United States recognizes that international commerce through reciprocal world trade is a principal means to peace and prosperity; and

WHEREAS a successful United States commercial policy requires the profitable sale of United States goods in other countries to insure a favorable balance of international payments; and

WHEREAS the great American marketplace must meet, encourage, and welcome competitive challenges from the vigorous new nations not only to achieve a favorable balance of payments but also to serve as inspiration and strength for all countries; and

WHEREAS, although increasing the sale of United States goods abroad is vital to the United States domestic economy, private enterprise must nevertheless continue to practice the fundamental American belief that initiative and competition in business must be exercised with responsibility and morality toward all people:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the week beginning May 19, 1963, as World Trade Week; and I request the appropriate Federal, State, and local officials to cooperate in the observance of that week.

I also urge business, labor, agriculture, educational and civic groups, as well as the people of the United States generally, to observe World Trade Week with gatherings, discussions, exhibits, ceremonies, and other appropriate activities designed to promote continuing awareness of the importance of world trade to our economy and our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of April in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3533

UNITED NATIONS DAY, 1963

April 20, 1963

By the President of the United States of America

A Proclamation

WHEREAS the United Nations symbolizes man's eternal quest for enduring peace with justice, and provides us with our most promising means for achieving that high purpose; and

WHEREAS the United Nations has, on numerous occasions during its brief life, clearly and forcefully demonstrated its value as a vital diplomatic forum in times of international crises; and

WHEREAS the United Nations, through its participation in programs for social and economic development, has provided significant material assistance and leadership throughout the world in efforts to raise standards of life; and

WHEREAS the United Nations actively sponsors and advances the cause of human rights; and

WHEREAS the United Nations serves the interests of this Nation by promoting humanitarian principles which we share; and

WHEREAS citizens of the United States should recognize the aims and accomplishments of the United Nations; and

WHEREAS the General Assembly of the United Nations has resolved that October twenty-fourth, the anniversary of the coming into force of the United Nations Charter, should be dedicated each year to making known the purposes, principles, and accomplishments of the United Nations:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby urge the citizens of this Nation to observe Thursday, October 24, 1963, as United Nations Day by means of community programs which will demonstrate their faith in the United Nations and contribute to a better understanding of its aims, problems, and accomplishments.

I also call upon the officials of the Federal and State Governments and upon local officials to encourage citizen groups and agencies of the press, radio, television, and motion pictures to engage in appropriate observance of United Nations Day throughout the land in cooperation with the United States Committee for the United Nations and other organizations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twentieth day of April in the year of our Lord Nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President

DEAN RUSK,
Secretary of State.

Proclamation 3534

CITIZENSHIP DAY AND CONSTITUTION WEEK, 1963

By the President of the United States of America

April 26, 1963

A Proclamation

WHEREAS September 17, 1963, marks the one hundred and seventy-sixth anniversary of the signing of the Constitution of the United States on September 17, 1787; and

WHEREAS the strength of our Nation and the fundamental rights of our citizens are derived from the Constitution; and

WHEREAS citizenship and constitutional precepts are inseparable; and

WHEREAS, in this rapidly changing world of many challenges, it is imperative that all citizens, naturalized or native-born, be aware of the acts and events that led to the formulation and adoption of the Constitution in order that they may fully appreciate the meaning and significance of our precious heritage and place the highest value on our form of government; and

WHEREAS it is appropriate on the one hundred and seventy-sixth anniversary of the signing of the Constitution that each citizen pledge himself anew to the service of his country and to being ever vigilant in the defense and preservation of the Constitution; and

WHEREAS by a joint resolution approved February 29, 1952 (66 Stat. 9), the Congress designated the seventeenth day of September of each year as Citizenship Day in commeroration of the signing of the

36 USC 153.

Constitution on September 17, 1787, and in recognition of those citizens who have come of age and those who have been naturalized during the year; and

36 USC 159. WHEREAS by a joint resolution approved August 2, 1956 (70 Stat. 932), the Congress requested the President to designate the week beginning September 17 of each year as Constitution Week—a time for the study and observance of the acts and events which resulted in the formation of the Constitution; and

WHEREAS those resolutions of the Congress authorize the President to issue annually a proclamation calling for the observance of Citizenship Day and of Constitution Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, call upon the appropriate officials of the Government to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1963; and I urge Federal, State, and local officials, as well as all religious, civic, educational, and other organizations, to hold appropriate ceremonies on that day to inspire all our citizens to rededicate themselves to the faith of the Framers of the Constitution and to the ideals upon which they founded this Nation.

I also designate the period beginning September 17 and ending September 23, 1963, as Constitution Week; and I urge the people of the United States to observe that week with appropriate ceremonies and activities in their schools and churches and in other suitable places to the end that our citizens may have a better understanding of the Constitution and of the rights and responsibilities of United States citizenship.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of April in the year of our Lord nineteen hundred and sixty-three, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3535

MOTHER'S DAY, 1963

April 26, 1963

By the President of the United States of America

A Proclamation

WHEREAS the strength of our Nation depends upon the strength of the American home, which is based on the virtues fostered by the mothers of our country; and

WHEREAS the American mother plays a vital role by precept and example in building a strong family unit and in teaching our children to become good citizens; and

WHEREAS it is fitting that we should set aside one day of each year to acknowledge and express publicly our great affection, gratitude, and respect for the mothers of our Nation; and

WHEREAS by a joint resolution approved May 8, 1914 (38 Stat. 770) the Congress designated the second Sunday in May of each year as Mother's Day and requested the President to issue a proclamation calling for the public observance of that day: 36 USC 141, 142.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby request that Sunday, May 12, 1963, be observed as Mother's Day, and I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on that day.

I urge the people of the United States to give expression on that day to their love and gratitude for their mothers—publicly by display of the flag at their homes or other suitable places, and privately through prayer and thoughtful acts of affection and devotion.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of April in the year of our Lord nineteen hundred and sixty-three, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3536

PRAYER FOR PEACE, MEMORIAL DAY, 1963

By the President of the United States of America April 26, 1963

A Proclamation

WHEREAS Memorial Day provides a fitting occasion for the American people to pause and realize that our Nation has survived recurring crises which have tried the souls of men; and

WHEREAS we recognize that the maintenance of our freedom has required constant vigilance, unified strength, and the willingness of our people to make all necessary sacrifices; and

WHEREAS we are accustomed to join together on Memorial Day each year in grateful tribute to our forebears and to our fellow citizens who have given their lives on the field of battle; and

WHEREAS in memory of their sacrifices in this noble cause we should keep faith with our heroic dead by humbly and devoutly supplicating Almighty God for guidance in our efforts to achieve a peaceful world; and

WHEREAS to this end the Congress, in a joint resolution approved May 11, 1950 (64 Stat. 158), requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, do hereby proclaim Memorial Day, Thursday, May 30, 1963, as a day of prayer for lasting peace, and I urge all citizens on that day to invoke God's blessing on those who have died in defense of our country and to pray for a world of freedom with peace and justice. I designate the hour beginning in each locality at eleven o'clock in the morning of that day as the time to unite in such prayer.

I also urge the press, radio, television, and all other media of information to cooperate in this observance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of April in the year of our Lord nineteen hundred and sixty-three, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3537

PEACE OFFICERS MEMORIAL DAY AND POLICE WEEK

May 4, 1963

By the President of the United States of America

A Proclamation

WHEREAS, from the beginning of this Nation, law enforcement officers have played an important role in safeguarding the rights and freedoms which are guaranteed by the Constitution and in protecting the lives and property of our citizens; and

WHEREAS, through constant application of new procedures and techniques, such officers are becoming more efficient in their enforcement of our laws; and

WHEREAS it is important that our people know and understand the problems, duties, and responsibilities of their police departments and the necessity for cooperating with them in maintaining law and order; and

WHEREAS it is fitting and proper that we express our gratitude for the dedicated service and courageous deeds of law enforcement officers and for the contributions they have made to the security and well-being of all our people; and

36 USC 167.

WHEREAS, by a joint resolution approved October 1, 1962 (76 Stat. 676), the Congress has requested the President to designate May 15 of each year as Peace Officers Memorial Day and the calendar week during which such May 15 occurs as Police Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate May 15, 1963, and May 15 of each succeeding year, as Peace Officers Memorial Day, in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

I also designate the week of May 12 through May 18, 1963, and the calendar week during which May 15 occurs of each succeeding year, as Police Week, in recognition of the service given by the men and women who, night and day, protect us through enforcement of our laws.

I invite State and local government, patriotic, civic, and educational organizations, and the people of the United States generally, to observe Peace Officers Memorial Day and Police Week in this year

and each succeeding year with appropriate ceremonies in which all our people may join in commemorating law enforcement officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities, and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of May in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

Proclamation 3538

NATIONAL HIGHWAY WEEK, 1963

May 9, 1963

By the President of the United States of America

A Proclamation

WHEREAS every American should be concerned with the development of a safe, efficient, and modern transportation network for our growing Nation; and

WHEREAS highways have been, and will continue to be, a vital element in our transportation system and a key to our continued economic growth; and

WHEREAS the Nation is now in the midst of an accelerated highway construction program which is a joint effort of the Federal and State governments and an unparalleled example of American enterprise and achievement; and

WHEREAS the urgent need for this program was tragically demonstrated last year when a record 41,000 people lost their lives on our roads and streets; and

WHEREAS the completion of the National System of Interstate and Defense Highways will save an estimated 5,000 lives each year and provide even greater efficiency and flexibility in transportation; and

WHEREAS the support of every citizen is essential to the completion of the program on schedule and the realization of the system's full benefits:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the week of May 26 through June 1, 1963, as National Highway Week in recognition of the importance of highways to our economy and to our way of life; and I urge the Governors of the States and mayors of cities to issue similar proclamations.

I also ask the appropriate officials of the Federal, State, and local governments, as well as public and private organizations and the general public, to join in observance of this significant occasion.

During this period I encourage all Americans to consider and appreciate the value of highway transportation to their own activities and to our national welfare.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this ninth day of May in the year of our Lord nineteen hundred and sixty-three, and of the Independence of the United States of America the one hundred and eighty-seventh.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3539

REVISING THE BOUNDARIES OF THE BANDELIER NATIONAL MONUMENT, NEW MEXICO

May 27, 1963

By the President of the United States of America

A Proclamation

WHEREAS, the Bandelier National Monument, New Mexico, was established for the preservation and protection of prehistoric, aboriginal ruins by Proclamation No. 1322 of February 11, 1916 (39 Stat. 1764), and was enlarged by Proclamation No. 1991 of February 25, 1932 (47 Stat. 2503), and Proclamation No. 3388 of January 9, 1961 (75 Stat. 1014); and

WHEREAS, certain lands of the United States comprising approximately 2882 acres, contiguous to and west of lands of the monument, formerly administered by the Atomic Energy Commission were determined to be in excess of the needs of that agency, and were transferred to the National Park Service of the Department of the Interior on March 5, 1963, with the approval of the General Services Administration; and

WHEREAS, it appears that it would be in the public interest to add such transferred lands to the Bandelier National Monument because they possess unusual scenic character together with geologic and topographic features, the preservation of which would implement the purposes of such monument; and

WHEREAS, it appears that it would be in the public interest to exclude from the detached Otowi section of the monument approximately 3,925 acres of land containing limited archeological values which have been fully researched and are not needed to complete the interpretive story of the Bandelier National Monument:

NOW THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431), and otherwise, do proclaim as follows:

Subject to any valid interests or rights, the following described parcel of land is hereby added to and reserved as a part of the Bandelier National Monument; and the boundaries of such monument are extended accordingly:

NEW MEXICO PRINCIPAL MERIDIAN

Beginning at the southeast corner of Baca location numbered 1, being also a point of the Sandoval-Los Alamos County line; thence westerly along said county line a distance of approximately one mile, said point being at or near M. P. 1; thence southerly and easterly along said county line to its intersection with the west line of Bandelier National Monument; thence northerly along the west boundary of Bandelier National Monument to the northwest corner of said national monument, being a point in the south right-of-way line of New Mexico State Highway No. 4; thence westerly and southerly along the south right-of-way line of State Highway No. 4 to a point on the east boundary of Baca location numbered 1, being also on the Sandoval-Los Alamos County line; thence southerly along said county line to the point of beginning.

The following described parcel of land, and all interests therein, is hereby excluded from the Bandelier National Monument and restored to the public domain:

NEW MEXICO PRINCIPAL MERIDIAN

T. 19 N., R. 7 E.

Beginning at a point on the north line of the Ramon Vigil Grant which is also the south line of fractional Section 29, such point being 66 feet perpendicular to and easterly from the center line of State Road 4 and further identified as 2,325.54 feet west from the south Section Corner of fractional Sections 28 and 29; thence northerly and easterly along a line 66 feet from and parallel to the center line of State Road 4 a distance of 7,769.5 feet to a point 27.1 feet southeast from the southwest corner of a concrete bridgehead wall on the highway bridge crossing Los Alamos Canyon; thence S. 29°29′ E., 57.5 feet to a 1¼″ pipe set in a mound of stone identified as Angle Point No. 1; thence along a surveyed line approximating the south basaltic rim of Los Alamos Canyon marked by 1¼″ pipes set in mounds of stone and marked AP 2 to AP 11 a total distance of 5,118.04 feet to the aforementioned AP 11 located on the east line of Section 21, from which the quarter corner common to Sections 21 and 22 bears S. 0°02′ E. a distance of 773.27 feet; thence N. 0°02′ W. along the east lines of Sections 21, 16, and 9 to the quarter corner common to Sections 9 and 10; thence westerly along the east-west quarter section lines of Sections 9, 8, and 7 to the west quarter corner of Section 7; thence southerly along the west section lines of Sections 7, 18, and 19 and fractional Section 30 to the southwest section corner of fractional Section 30; thence easterly along the south section lines of fractional Sections 30 and 29 to the point of beginning, totaling 3,925 acres more or less and more particularly described in part in the metes and bounds description following:

Pertinent bearing and distance for boundary paralleling State Road 4 and surveyed points AP 1 to AP 11 bordering Los Alamos Canyon;

From the point of beginning previously described;

Thence N. 27°57′ W. parallel to State Road 4 a distance of 1,184.1 feet;

Thence to the right along a curve having a radius of 3,752.4 feet a distance of 131.0 feet to a point (Chord Bearing and Distance: N. 26°57′ W.—131.0 feet);

Thence to the right along a curve having a radius of 2,798.8 feet a distance of 1,880.6 feet to a point (Chord Bearing and Distance: N. 6°42′ W.—1,845.5 feet);

Thence N. 12°33′ E. a distance of 66.7 feet to a point;

Thence to the right along a curve having a radius of 1,025.6 feet a distance of 125.3 feet to a point (Chord Bearing and Distance: N. 16°03′ E.—125.2 feet):

Thence to the right along a curve having a radius of 1,079.9 feet a distance of 1,093.2 feet to a point (Chord Bearing and Distance: N. 48°33′ E.—1,047.1 feet);

Thence to the right along a curve having a radius of 1,462.2 feet a distance of 127.5 feet to a point (Chord Bearing and Distance: N. 80°02′15″ E.—127.5 feet);

Thence N. 82°31′30″ E. a distance of 1,185.6 feet to a point;

Thence to the left along a curve having a radius of 3,885.7 feet a distance of 1,928.9 feet to a point (Chord Bearing and Distance: N. 68°18′15″ E.—1,909.1 feet);

Thence N. 54°05′ E. a distance of 46.6 feet to a point 66 feet from the center line of State Road 4 from which the southwest corner of a concrete bridgehead wall bears northwesterly a distance of 27.1 feet;

Thence S. 29°29′ E. a distance of 57.5 feet to a 1¼″ pipe, set in a mound of stones, for Angle Point No. 1;

Thence N. 76°11′30″ E. a distance of 369.1 feet to a 1¼″ pipe, set in a mound of stones, for AP No. 2;

Thence N. 68°15′ E. a distance of 354.64 feet to a 1¼″ pipe, set in a mound of stones for AP No. 3;

Thence N. 64°56′30″ E. a distance of 244.6 feet to a 1¼″ pipe, set in a mound of stones, for AP No. 4;

Thence S. 37°56′ E. a distance of 729.6 feet to a 1¼″ pipe, set in a mound of stones, for AP No. 5;

Thence S. 71°09′ E. a distance of 322.4 feet to a 1¼″ pipe, set in a mound of stones, for AP No. 6;

Thence S. 55°23′30″ E. a distance of 357.8 feet to a 1¼″ pipe, set in a mound of stones, for AP No. 7;

Thence S. 73°25′30″ E. a distance of 701.0 feet to a 1¼″ pipe, set in a mound of stones, for AP No. 8;

Thence N. 84°23′ E. a distance of 757.8 feet to a 1¼″ pipe, set in a mound of stones, for AP No. 9;

Thence N. 75°11′ E. a distance of 697.2 feet to a 1¼″ pipe, set in a mound of stones, for AP No. 10;

Thence S. 42°42′30″ E. a distance of 583.9 feet to a 1¼″ pipe set in a mound of stones at the north end of a fence and on the east line of Section 21, T. 19 N., R. 7 E. for AP No. 11.

Lands hereby added to the Bandelier National Monument shall be subject to all the laws and regulations applicable to such monument and subject to the further restriction that the activities conducted thereon shall be confined to those which in the opinion of the Atomic Energy Commission, will not interfere with the program or operations of the Commission on its adjoining lands.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface or remove any feature of the area herein added to the monument and not to locate or settle upon any of the lands reserved by this proclamation.

The Federal lands, and all interests therein, excluded from the monument and restored to the public domain by this proclamation are hereby transferred to the administrative control of the Atomic Energy Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of May in the year of our Lord nineteen hundred and sixty-three and [SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3540

FLAG DAY, 1963

By the President of the United States of America

June 4, 1963

A Proclamation

WHEREAS on June 14, 1777, the thirteen colonies assembled in the Continental Congress chose, as a symbol of unity in their struggle for independence, the flag of the United States consisting of thirteen stripes of red and white and a union of thirteen white stars in a blue field; and

WHEREAS that new nation of thirteen states, born from the wisdom and courage of our Founding Fathers and dedicated to freedom and equality for all, has grown to fifty states whose Stars and Stripes have come to symbolize throughout the world a haven for all races, creeds, and convictions; and

WHEREAS, engaged now in a protracted struggle to maintain the liberty of free men in a dangerous and uncertain world, we need to turn frequently for inspiration to the principles of freedom and justice for which our flag and Nation stand and to the self-sacrifice and vision which have preserved them; and

WHEREAS, in commemoration of the birthday of our flag, the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance: 36 USC 157.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby direct that the flag of the United States be displayed on all Government buildings on Friday, June 14, 1963.

I also call upon all fellow Americans to observe Flag Day by flying the Stars and Stripes at their homes or other suitable places and by pondering our duties and responsibilities as well as our rights and blessings as Americans, to the end that we may more fully achieve the ideals of justice and liberty for which our flag and our country stand.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of June in the year of our Lord nineteen hundred and sixty-three, and of the [SEAL] Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

93-025 O-64-66

Proclamation 3541

MODIFYING PROCLAMATION 3279 ADJUSTING IMPORTS OF PETROLEUM AND PETROLEUM PRODUCTS

June 10, 1963

By the President of the United States of America

A Proclamation

19 USC 1352a note. 76 Stat. 877. 19 USC 1862.

WHEREAS, pursuant to section 2 of the act of July 1, 1954, as amended (72 Stat. 678), and section 232 of the Trade Expansion Act of 1962 (Public Law 87–794), findings and determinations have been made that adjustments in the imports of crude oil, unfinished oils, and finished products were necessary so that such imports would not threaten to impair the national security, such adjustments have been made by Proclamation 3279 (24 F.R. 1781) and modified by Proclamation 3290 (24 F.R. 3527), Proclamation 3328 (24 F.R. 10133), Proclamation 3386 (25 F.R. 13945), Proclamation 3389 (26 F.R. 507, 811), Proclamation 3509 (27 F.R. 11985), and Proclamation 3531 (28 F.R. 4077); and

73 Stat. C25, C39; 74 Stat. C31; 75 Stat. 1005, 1018; *Ante*, pp. 963, 999.

WHEREAS, I find that the interests of national security will be served by relating, as nearly as may be, the maximum levels of authorized imports into Districts I–IV to current domestic production of crude oil and natural gas liquids:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 232 of the Trade Expansion Act of 1962, do hereby proclaim that, effective July 1, 1963, subparagraph (1) of paragraph (a) of section 2 of Proclamation 3279, as amended, is hereby further amended to read as follows:

(a) (1) In Districts I–IV, for a particular allocation period the maximum level of imports, subject to allocation, of crude oil, unfinished oils, and finished products other than residual fuel oil to be used as fuel shall be an amount equal to the difference between 12.2 percent of the quantity of crude oil and natural gas liquids which the Secretary of the Interior estimates will be produced in these districts during that allocation period and the quantity of imports of crude oil, unfinished oils, and finished products excepted by clause (4) of paragraph (a) of section 1 which the Secretary of the Interior estimates will be imported into these districts during that allocation period. As used in this subparagraph, the term "natural gas liquids" means natural gas products and other hydrocarbons such as isopentane, propane, butane, propylene, and butylene, or mixtures thereof, recovered from natural gas by means other than refining. Within such maximum level, the imports of finished products other than residual fuel oil to be used as fuel shall not exceed the level of imports of such products into these districts during the calendar year 1957 and imports of unfinished oils shall not exceed 10 percent of the permissible imports of crude oil and unfinished oils.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 10th day of June in the year of our Lord nineteen hundred and sixty-three, and
[SEAL] of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3542

UNLAWFUL OBSTRUCTIONS OF JUSTICE AND COMBINATIONS IN THE STATE OF ALABAMA

By the President of the United States of America

June 11, 1963

A Proclamation

WHEREAS on June 5, 1963, the United States District Court for the Northern District of Alabama entered an order enjoining the Governor of the State of Alabama, together with all persons acting in concert with him, from blocking or interfering with the entry of certain qualified Negro students to the campuses of the University of Alabama at Tuscaloosa and Huntsville, Alabama, and from preventing or seeking to prevent by any means the enrollment or attendance at the University of Alabama of any person entitled to enroll in or attend the University pursuant to the order of the court of July 1, 1955, in the case of *Lucy* v. *Adams;* and

WHEREAS both before and after the entry of the order of June 5, 1963, the Governor of the State of Alabama has declared publicly that he intended to oppose and obstruct the orders of the United States District Court relating to the enrollment and attendance of Negro students at the University of Alabama and would, on June 11, 1963, block the entry of two such students to a part of the campus of the University of Alabama at Tuscaloosa; and

WHEREAS I have requested but have not received assurances that the Governor and forces under his command will abandon this proposed course of action in violation of the orders of the United States District Court and will enforce the laws of the United States in the State of Alabama; and

WHEREAS this unlawful obstruction and combination on the part of the Governor and others against the authority of the United States will, if carried out as threatened, make it impracticable to enforce the laws of the United States in the State of Alabama by the ordinary course of judicial proceedings; and

WHEREAS this unlawful combination opposes the execution of the laws of the United States and threatens to impede the course of justice under those laws:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, under and by virtue of the authority vested in me by the Constitution and statutes of the United States, including

70A Stat. 15. 10 USC 331-334.

Chapter 15 of Title 10 of the United States Code, particularly sections 332, and 333 and 334 thereof, do command the Governor of the State of Alabama and all other persons engaged or who may engage in unlawful obstructions of justice, assemblies, combinations, conspiracies or domestic violence in that State to cease and desist therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of June in the year of our Lord nineteen hundred and sixty-three, [SEAL] and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3543

CAPTIVE NATIONS WEEK, 1963

July 5, 1963

By the President of the United States of America

A Proclamation

WHEREAS by a joint resolution approved July 17, 1959 (73 Stat. 212) the Congress has authorized and requested the President of the United States of America to issue a proclamation, designating the third week in July 1959 as "Captive Nations Week", and to issue a similar proclamation each year until such time as freedom and independence shall have been achieved for all the captive nations of the world; and

WHEREAS the cause of human rights and dignity remains a universal aspiration and

WHEREAS justice requires the elemental right of free choice and

WHEREAS this nation has an abiding commitment to the principles of national self-determination and human freedom.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week beginning July 14, 1963, as Captive Nations Week.

I invite the people of the United States of America to observe this week with appropriate ceremonies and activities, and I urge them to give renewed devotion to the just aspirations of all people for national independence and human liberty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of July in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3544

FIRE PREVENTION WEEK, 1963

By the President of the United States of America

July 19, 1963

A Proclamation

WHEREAS our Nation can ill afford the terrible havoc which fire brings to our homes, our businesses, and our lives; and

WHEREAS our States, municipalities, and industries have organized programs and established plans for more effective protection against devastation by fire; and

WHEREAS the job of fighting fire by active prevention demands the willing support of those programs and plans by every citizen:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week beginning October 6, 1963, as Fire Prevention Week.

I earnestly request that we, as a Nation and as individual citizens, dedicate ourselves to a year-round campaign against the ever-present menace of fire; and I call for maximum efforts from State and local governments, the Chamber of Commerce of the United States, the American National Red Cross, and labor, business, farm, and professional organizations, as well as schools, civic groups, and public information agencies, in observing Fire Prevention Week and in enlisting the support of all segments of our society in fire prevention efforts.

I also direct the appropriate Federal agencies to initiate and carry on effective fire prevention programs which will advance the cause of safety and stem the destruction of our resources by fire.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this nineteenth day of July in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3545

VETERINARY MEDICINE WEEK

July 26, 1963

By the President of the United States of America

A Proclamation

WHEREAS the profession of veterinary medicine has contributed in abundant measure to the advancement and productivity of American agriculture; and

WHEREAS veterinary scientists were among the pioneers in medical research leading to the control of many of the major scourges of man and animals alike; and

WHEREAS veterinary medicine continues to advance with its allied medical disciplines toward the eradication or dramatic reduction of disease and the humane conduct of medical research, to the great benefit of the health of the American people; and

WHEREAS this year marks the one hundredth anniversary of organized veterinary medicine in this country; and

WHEREAS, in recognition of the centennial of this distinguished profession, the Congress, by a joint resolution approved July 26, 1963, has requested the President to issue a proclamation designating the week beginning July 28, 1963, as Veterinary Medicine Week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby proclaim the week beginning July 28, 1963, as Veterinary Medicine Week; and I call upon the people of the United States to observe that week with ceremonies and activities designed to show our appreciation for the contributions which the veterinarians of our Nation have made to human health and welfare and the humane treatment of animals.

Ante, p. 96.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-sixth day of July in the year of our Lord nineteen hundred and sixty-three, [SEAL] and of the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3546

AMERICAN EDUCATION WEEK, 1963

By the President of the United States of America

July 30, 1963

A Proclamation

WHEREAS the concept of free, universal education for all young people was, for the first time in the history of the world, translated into reality in this country, and this great advance has contributed immeasurably to the strength and prosperity achieved through American democratic principles; and

WHEREAS our future progress in promoting peace and good will in the world as well as our future domestic progress in the constantly widening frontiers of medicine, science and the social sciences, industry, and the arts depend upon the fullest possible educational opportunity for all citizens; and

WHEREAS the ability of our people to promote the domestic tranquility, as essential today as when our Nation was founded, depends in large measure upon their awareness of historical forces and future directions which education imparts; and

WHEREAS our national objectives require that each American, whether young or adult, have an opportunity to develop his highest potential for intellectual attainment and for full vocational or professional training to the extent his capabilities permit; and

WHEREAS our educational system today is neither adequately adjusted nor adequately financed to meet present-day needs and thus fails to provide full educational opportunities for all citizens; and

WHEREAS the urgency and magnitude of the educational task before us make it imperative that every citizen actively support, and participate in, the accomplishment of that task:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the period from November 10 through November 16, 1963, as American Education Week.

I call upon all Americans to inform themselves as to the quality of education and the opportunities for the individual which our schools, colleges, and universities now afford. I call upon all Americans to inform themselves of the problems which confront these vital institutions and to work toward the resolution of these problems with deep commitment and a sense of urgency. I remind my fellow citizens that the attainment of excellence in education is the responsibility of each one of us; that it is a responsibility to our society today, and an obligation to our citizens of the future.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this thirtieth day of July in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3547

NATIONAL FARM-CITY WEEK, 1963

August 5, 1963

By the President of the United States of America

A Proclamation

WHEREAS technology and science on the farm and in the marketing of farm products have made it possible for only eight percent of our civilian labor force to produce a superabundance of food and fiber; and

WHEREAS, because fewer farm workers and fewer acres are required to feed and clothe a greatly increased population and to meet all export and foreign aid requirements, new economic opportunities are urgently needed for our youth in rural areas; and

WHEREAS our increasingly urban society urgently needs open space and outdoor recreation; and

WHEREAS these needs of all citizens can be more fully met through new and multiple uses of land not required for crop production and through wise use of all our soil, water, and forest resources; and

WHEREAS the revitalization of rural areas and the development of rural resources for the benefit of all citizens are dependent in large part on a healthy rate of national economic growth and a national understanding of the ties that bind urban and rural America:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate the week of November 22 through November 28, 1963, as National Farm-City Week; and I call upon our citizens throughout the Nation to participate fully in the observance of that week.

I request that the leaders of labor unions, civic associations, business groups, and women's clubs, and all consumers join in this observance, along with farm and other rural people, as evidence of the interdependence and the strong ties that bind rural and urban citizens.

I urge the Department of Agriculture, the land-grant colleges and universities, the cooperative extension services, and all appropriate officials of the Government to initiate, and to cooperate with national, State, and local organizations in preparing and carrying out, programs for the appropriate observance of National Farm-City Week, including public meetings and discussions, exhibits, and press, radio, and television features, with special emphasis on the interdependence of rural and urban families and the opportunities accruing to all citizens through economic development of rural areas, including new and expanded outdoor recreation enterprises on farms, in small watersheds, and on privately owned forest lands.

I further urge that, whenever possible, urban and rural people exchange visits so that each will better understand the other.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of August in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

Proclamation 3548

PROCLAMATION TO MAKE EFFECTIVE THE TARIFF SCHEDULES OF THE UNITED STATES

By the President of the United States of America

August 21, 1963

A Proclamation

WHEREAS I have caused the Tariff Schedules of the United States to be published in the FEDERAL REGISTER in conformity with Section 101(d) of the Tariff Classification Act of 1962 (P.L. 87–456, 76 Stat. 72); 77A Stat. 3. 28 FR 8599, 9131. 19 USC prec. 1001.

WHEREAS I have taken such action as I deem necessary to bring the United States schedules annexed to foreign trade agreements into conformity with the Tariff Schedules of the United States as provided for in Section 102 of the Tariff Classification Act of 1962, as amended (P.L. 87–456, 76 Stat. 72, as amended by Section 257(g) of P.L. 87–794, 76 Stat. 882); and 19 USC prec. 1001.

WHEREAS I have determined that the rates and provisions proclaimed in paragraph 1 of this proclamation are required or appropriate to carry out foreign trade agreements to which the United States is a party:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under the authority of the Constitution and statutes, including Section 102 of the Tariff Classification Act of 1962, as amended, do proclaim:

1. The rates of duty in column numbered 1 of Schedules 1 to 8, inclusive (except the rates for the items listed in Annex A which is attached and made a part of this proclamation), and the other provisions of the Tariff Schedules of the United States which relate thereto;

2. The temporary modifications set forth in Part 2 of the Appendix to the Tariff Schedules of the United States;

3. The additional import restrictions set forth in Part 3 of the Appendix to the Tariff Schedules of the United States; and

4. The nations or areas and countries set forth in general headnote 3(d) of the Tariff Schedules of the United States (relating to the treatment of products of certain Communist-dominated nations or areas).

The Tariff Schedules of the United States shall become effective as to articles entered, or withdrawn from warehouse, for consumption on or after August 31, 1963.

As to articles entered, or withdrawn from warehouse, for consumption on or after August 31, 1963, the provisions of all prior proclamations which provide for customs treatment inconsistent with the Tariff Schedules of the United States are hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-first day of August in the year of our Lord nineteen hundred and sixty-three, [SEAL] and of the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

ANNEX A

ITEMS IN TARIFF SCHEDULES OF THE UNITED STATES

1. Schedules 1—7

100.03	145.58	175.54	306.60	422.12	601.30
100.05	146.20	176.01	306.61	422.14	601.45
100.35	146.24	176.18	306.62	422.50	601.54
100.45	146.40	176.20	306.63	422.52	601.57
100.65	146.64	176.22	307.40	425.78	602.25
100.77	146.91	176.26	309.41	425.88	603.10
100.79	146.93	176.38	315.45	426.14	603.15
105.60	147.31	176.40	315.60	426.78	632.02
105.70	147.40	176.49	315.80	426.82	632.32
105.84	147.42	176.52	315.85	426.94	632.34
107.10	147.44	176.58	315.90	426.98	632.60
107.35	147.46	176.60	315.95	427.02	644.15
111.56	147.48	176.90	346.10	427.14	644.52
111.60	147.72	177.50	357.80	429.24	644.56
112.34	147.75	178.25	357.90	435.50	644.64
112.66	148.40	180.00	363.50	435.60	644.68
112.74	148.44	180.10	366.06	435.75	644.80
113.20	148.48	180.20	366.45	437.04	644.84
113.25	148.50	182.91	366.63	437.06	646.06
118.10	148.52	184.52	370.16	437.10	652.45
118.15	148.56	186.15	386.20	437.14	653.22
118.25	148.74	188.18		437.50	670.62
119.65	148.83	188.22	405.55	437.74	670.68
119.70	148.90	188.30	406.02	452.04	683.70
126.59	149.10	188.32	406.04	452.12	
126.91	149.22	188.34	408.05	452.50	700.05
130.35	149.26	188.36	408.10	452.54	702.45
130.50	149.28	188.50	408.15	452.56	704.05
130.55	152.05	190.30	408.25	452.60	704.20
131.20	152.22	190.50	408.35	452.62	704.40
131.30	152.38	191.10	408.40	452.66	704.55
131.37	152.50	192.65	408.60	460.20	704.56
131.45	154.35	192.70	408.70	460.60	708.41
131.60	154.60		408.75	472.30	708.57
131.85	155.10	200.30	409.00	474.02	708.75
135.16	155.12	200.40	415.05	485.40	708.89
135.70	155.75	200.50	415.27	485.50	708.93
135.80	160.20	202.36	415.30	493.22	709.01
135.81	160.40	220.05	416.05	493.25	710.06
136.61	161.01	220.10	416.20	493.35	710.88
137.10	161.11	220.30	417.62	493.45	720.84
140.16	161.27	220.31	418.12	494.08	722.12
140.20	161.33	222.28	418.16	494.10	722.55
140.26	161.39	240.10	418.70	494.16	724.05
140.30	161.43	240.12	419.24		724.15
140.40	161.67	240.30	419.36	512.31	724.20
140.50	161.71	240.32	419.82	512.35	724.30
140.60	161.75	274.27	420.06	513.91	730.10
140.65	161.81		420.08	515.11	730.15
140.70	161.94	300.10	420.20	516.74	732.26
141.20	167.90	300.30	420.26	519.71	737.05
141.40	168.90	300.40	420.72	520.75	745.20
145.09	170.01	300.45	420.74	522.24	745.22
145.12	170.05	304.34	420.76	522.37	750.30
145.20	170.35	305.20	420.78	523.41	755.45
145.22	170.55	305.28	420.82	523.81	760.30
145.28	175.03	305.30	420.86	531.21	765.30
145.30	175.15	306.40	421.46	532.14	773.15
145.40	175.33	306.41	421.52		774.20
145.41	175.42	306.42	421.58	601.03	790.20
145.48	175.49	306.43	422.10	601.12	792.30

2. Schedule 8

All items except the following:

805.00	813.20	840.00	850.40	851.20	862.20
808.00	826.10	850.10	850.70	851.30	
810.10	830.00	850.30	851.10	862.10	

Proclamation 3549

CHILD HEALTH DAY, 1963

August 27, 1963

By the President of the United States of America

A Proclamation

WHEREAS it is our aim that each child and each youth in this Nation shall be afforded a meaningful opportunity to share in, and to add to, his rich heritage; and

WHEREAS that goal can be achieved only if there is an alert defense against disease and injury which assures that each child shall have a chance to grow and develop to his fullest capacity; and

WHEREAS the safeguarding of the emotional, physical, and spiritual strength of each boy and girl demands our most concentrated attention in this rapidly developing world; and

WHEREAS the observance of a special day emphasizing child health would serve to enlist effective public support for the accomplishment of the above-described objectives; and

WHEREAS the Congress, by a joint resolution of May 18, 1928, 45 Stat. 617, as amended by a joint resolution of September 22, 1959, 73 Stat. 627 (36 U.S.C. 143), requested the President of the United States to issue annually a proclamation setting apart the first Monday in October as Child Health Day; and

WHEREAS Child Health Day is also an appropriate time to observe a Universal Children's Day, and to salute the work which the United Nations, through its specialized agencies, and the United Nations Children's Fund are doing to build better health for children around the world:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate Monday, October 7, 1963, as Child Health Day; and I invite all persons and all agencies and organizations interested in the welfare of children to unite on that day in observances that will bolster our efforts to foster the health of our children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of August, in the year of our Lord nineteen hundred and sixty-three and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3550

GENERAL PULASKI'S MEMORIAL DAY, 1963

August 27, 1963

By the President of the United States of America

A Proclamation

WHEREAS, as we work toward political, social, and economic freedom for all nations everywhere, we remember the time when we ourselves were not free; and

WHEREAS we recall with gratitude the gallant efforts of men of other nations who helped us to win our own independence; and

WHEREAS a leader among those men was Casimir Pulaski, who opposed foreign interference in his native Poland, who joined the cause of American independence by volunteering in the Continental Army, and who served that cause brilliantly until his death on October 11, 1779, from a wound incurred during a cavalry charge in the city of Savannah; and

WHEREAS, in remembering General Pulaski's contribution to our past, we are reminded of our debt to the future to further the cause of universal freedom;

NOW, THEREFORE, I JOHN F. KENNEDY, President of the United States of America, do hereby designate Friday, October 11, 1963—the one hundred and eighty-fourth anniversary of his death—as General Pulaski's Memorial Day; and call upon officials of the Government to display the flag of the United States on all Government buildings on that day. I also invite the people of the United States to observe the day with appropriate ceremonies in recognition of General Pulaski's dedication to liberty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of August in the year of our Lord nineteen hundred and sixty-three and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3551

NATIONAL EMPLOY THE PHYSICALLY HANDICAPPED WEEK, 1963

August 27, 1963

By the President of the United States of America

A Proclamation

WHEREAS the force behind our Nation's vitality and strength is imbedded in an environment which permits the full exercise of every citizen's right to lead a useful and satisfying life; and

WHEREAS the right to an opporunity to work is a birthright of all persons, irrespective of physical condition; and

WHEREAS a large segment of our population, despite physical and mental handicaps, is desirous of gaining an opportunity to employ their skills and talents, consistent with their capacities, by participating in our Nation's progress through meaningful employment; and

WHEREAS every means should be utilized to foster and encourage the voluntary acceptance of handicapped workers so that they may share fully in the benefits of our economic growth while contributing to the enrichment of our Nation as a whole; and

WHEREAS the Congress, by a joint resolution approved August 11, 1945 (59 Stat. 530), has designated the first week in October of each year as National Employ the Physically Handicapped Week and has requested the President to issue a suitable proclamation each year: 36 USC 155.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do call upon the people of our Nation to observe the week beginning October 6, 1963, as National Employ the Physically Handicapped Week, and to cooperate with the President's Committee on Employment of the Handicapped in furthering equal employment opportunity for the handicapped.

I also call upon Federal, State, and local public officials, leaders of industry and labor, and other interested individuals and organizations to cooperate in its observance by renewing their efforts toward creating community awareness of the abilities of handicapped persons. I urge all volunteers to rededicate themselves during that week to continuing their year-round interest and activities on behalf of the handicapped.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-seventh day of August in the year of our Lord nineteen hundred and sixty-three, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3552

NATIONAL SCHOOL LUNCH WEEK, 1963

By the President of the United States of America

August 27, 1963

A Proclamation

WHEREAS the national school lunch program helps make is possible for our young people to enjoy a lunch rich in the essential elements of a good diet, and helps them to learn the benefits to be derived from good nutrition; and

WHEREAS the serving of a nutritious lunch to 16 million children daily, in 68,000 schools, entails the consumption of foods from the entire range and variety of items that are so abundantly and efficiently produced by our farmers, and the employment of the unexcelled skills and techniques of our highly developed food-marketing system; and

WHEREAS the national school lunch program represents one of the Nation's best examples of a cooperative local-State-Federal partnership for the benefit of a most important segment of our population; and

WHEREAS, in order to gain recognition from citizens and civic groups for the work of the national school lunch program, the Congress, by a joint resolution approved October 9, 1962 (76 Stat. 779), has designated the seven-day period beginning on the second Sunday 36 USC 168.

of October in each year as National School Lunch Week, and has requested the President to issue annually a proclamation calling for the observance of that week:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, call upon the people of the United States to observe the week beginning October 13, 1963, as National School Lunch Week, with ceremonies and activities designed to increase public understanding and awareness of the significance of the school lunch program to the child, to the home, to the farm, to industry, and to the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of August in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,

Secretary of State.

Proclamation 3553

PROCLAMATION OF PROTOCOL FOR THE ACCESSION OF SPAIN TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

September 6, 1963

By the President of the United States of America

A Proclamation

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(A) Agreement Supplementary to a Prior Trade Agreement
(B) Termination of Prior Trade Agreement Proclamation

PART I—PURPOSES

The purposes of this proclamation are:

(a) To proclaim an agreement for the accession of Spain to the General Agreement on Tariffs and Trade (GATT). (61 Stat. (pt. 5) A11)[1]

(b) To terminate in part a proclamation relating to a prior trade agreement with Spain.

PART II—IDENTIFICATION AND JUSTIFICATION

(A) Agreement supplementary to GATT

(1) *Identification of Agreement.* The protocol of July 1, 1963 for the accession of Spain to GATT, containing no new tariff concessions by the United States, supplements provisions of GATT which have been proclaimed. This protocol includes a schedule to GATT of United States concessions (hereinafter referred to as "schedule

[1] That agreement of October 30, 1947, has been proclaimed by Proclamation 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103) which proclamation has been supplemented by subsequent proclamations.

XX" Spain—1963) which comprises the concessions provided for in the schedule of United States concessions annexed to the Interim Agreement of December 31, 1962, signed by the United States and Spain, and proclaimed by Part III (A) of Proclamation 3517 of January 31, 1963 (28 F.R. 1195). Schedule XX (Spain—1963) became a schedule to GATT on August 29, 1963. A copy of the protocol of July 1, 1963, is annexed to this proclamation.

13 UST 3916.

Ante, p. 987.

(2) *Determination that It Is Required or Appropriate that GATT be Supplemented.* As President, I have determined that it is required or appropriate, on and after August 29, 1963, that those provisions of GATT and of agreements supplementary thereto which have heretofore been proclaimed be applied as supplemented by the protocol of July 1, 1963 (identified in paragraph (1) of this subpart).

(B) Termination of prior trade agreement proclamations

As President, I determine that on and after August 29, 1963 it is required or appropriate that Part III (A) of Proclamation 3517 of January 31, 1963 (28 F.R. 1195) be terminated in part insofar as it relates to the Interim Agreement of December 31, 1962 (identified in subpart (A)(1) of this part). This termination results from the proclamation in Part III (A) of this proclamation of schedule XX (Spain—1963) comprising the same concessions as were proclaimed by the proclamation of January 31, 1963.

NOW, THEREFORE, I, JOHN F. KENNEDY under the authority vested in me, as President, by the Constitution and statutes, including section 350(A)(6) of the Tariff Act of 1930, as amended (19 U.S.C. 1351(a)(6)), do proclaim that:

69 Stat. 162.
72 Stat. 673.

PART III—PROCLAIMING PART

(A) Agreement supplementary to a trade agreement

On and after August 29, 1963, those provisions of GATT and agreements supplementary thereto which have heretofore been proclaimed shall be applied as supplemented by the protocol relating to Spain of July 1, 1963 (identified in Part II(A)(1) of this proclamation).

(B) Termination of prior trade agreement proclamation

On and after August 29, 1963, the proclamation of January 31, 1963 (identified in Part II(B) of this proclamation) is terminated in part as specified in Part II(B) of this proclamation.

Ante, p. 987.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of September in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3554

OBSTRUCTIONS OF JUSTICE IN THE STATE OF ALABAMA

September 10, 1963

By the President of the United States of America

A Proclamation

WHEREAS the Governor of the State of Alabama, together with certain other officials of that State, and other persons, individually and in unlawful assemblies, combinations, and conspiracies, have been and are willfully opposing and obstructing the execution of the laws of the United States, including the enforcement of orders entered by the United States District Courts in the State of Alabama relating to the enrollment and attendance of students in public schools in that State, and have been and are impeding the course of justice under those laws; and

WHEREAS such unlawful assemblies, combinations, and conspiracies make it impracticable to enforce the laws of the United States in the State of Alabama by the ordinary course of judicial proceedings; and

WHEREAS such unlawful assemblies, combinations, and conspiracies so hinder the execution of the laws of the State of Alabama, and of the United States within the State of Alabama, that a part or class of its people is deprived of rights, privileges, immunities, and protections named in the Constitution and secured by law, and the constituted authorities of that State refuse to protect such rights, privileges, or immunities, or to give that protection:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States, under and by virtue of the authority vested in me by the Constitution and laws of the United States, including Chapter 15 of Title 10 of the United States Code, particularly Sections 332, 333 and 334 thereof, do command all persons engaged in such unlawful obstructions of justice, assemblies, combinations, and conspiracies to cease and desist therefrom and to disperse and retire peaceably forthwith.

70A Stat. 15.
10 USC 331-334.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of September in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

JOHN FITZGERALD KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3555

COLUMBUS DAY, 1963

September 17, 1963

By the President of the United States of America

A Proclamation

WHEREAS the vision, courage, and dedication of Christopher Columbus destined him to be the discoverer of the New World; and

WHEREAS his voyage, under the Spanish flag, across uncharted seas to an unknown land, will forever stand for us as a symbol of the zeal for new ventures which has characterized our Nation; and

WHEREAS we continue to honor Columbus' daring as we search out the far reaches of space and of human possibility; and

WHEREAS the Congress of the United States, by a joint resolution approved April 30, 1934 (48 Stat. 657), requested the President of the United States to proclaim October 12 of each year as Columbus Day for the observance of the anniversary of the discovery of America:

36 USC 146.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby designate Saturday, October 12, 1963, as Columbus Day, commemorating the four hundred and seventy-first anniversary of the sighting of land in the New World by Columbus and his crew.

I invite the people of the United States to observe the day with appropriate ceremonies in their churches, schools, and other suitable places.

I also direct the appropriate officers of the Federal Government to display the flag of the United States on all Government buildings on that day, and I request the appropriate officers of the State and local governments likewise to display the flag to mark the anniversary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of September in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

93-025 O-64-67

Proclamation 3556

NATIONAL FOREST PRODUCTS WEEK, 1963

September 24, 1963

By the President of the United States of America

A Proclamation

WHEREAS the broad and varied forests of our Nation constitute one of its most important resources—renewable, versatile, and available; and

WHERAS this forest resource, under both public and private ownership, provides basic raw materials for tremendous quantities of essential industrial and consumer products such as lumber, paper, building materials, chemicals, furniture and cloth; offers a productive outlet for a large segment of our Nation's labor force and industrial capability; and, with a broader application of scientific knowledge, affords an outstanding opportunity for the improvement of economic and social conditions in our forested rural areas; and

WHEREAS the Congress, wishing to re-emphasize the importance and the possibilities of our forest heritage, has by joint resolution approved September 13, 1960 (74 Stat. 898), designated the seven-day period beginning on the third Sunday of October in each year as National Forest Products Week, and has requested the President to issue an annual proclamation calling for the observance of that week:

36 USC 163.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 20, 1963, as National Forest Products Week, with activities and ceremonies designed to direct public attention to the significance of our our forests in the overall economy of our Nation, and especially as a foundation for improving the rural economy.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 24th day of September in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

GEORGE W. BALL,
Acting Secretary of State.

Proclamation 3557

VETERANS DAY, 1963

October 5, 1963

By the President of the United States of America

A Proclamation

WHEREAS the Congress has designated the eleventh of November as a legal holiday to be known as Veterans Day, and has dedicated it to the cause of world peace (Act of May 13, 1938, 52 Stat. 351, as amended (5 U.S.C. 87a)); and

WHEREAS this day has an important dual significance in that it gives each one of us an opportunity both to honor the dedicated men and women of all races and religious beliefs who have honorably served in our armed forces in time of war, and to reemphasize our determination to achieve world peace with patience, perseverance, and courage; and

WHEREAS each one of us should have an opportunity to participate in publicly observing the twofold purpose of this day:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, call upon the people of this Nation to observe Monday, November 11, as Veterans Day, remembering those who have borne the burden in time of war and resolving with one accord to achieve a just and lasting peace throughout the world.

I request officials of the Federal and State Governments to work together with the Veterans Day National Committee so that this day may be appropriately commemorated by exercises and ceremonies in every part of our country.

I also direct the appropriate officials of the Federal Government to arrange for the display of the flag of the United States on all public buildings on Veterans Day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of October in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3558

PROCLAMATION AMENDING PART 3 OF THE APPENDIX TO THE TARIFF SCHEDULES OF THE UNITED STATES WITH RESPECT TO THE IMPORTATION OF BUTTER OIL

October 5, 1963

By the President of the United States of America

A Proclamation

7 USC 624 note.

WHEREAS Proclamation No. 3178 of April 15, 1957, issued pursuant to Section 22 of the Agricultural Adjustment Act, as amended

64 Stat. 261.

(7 U.S.C. 624), established a quota for imports of butter substitutes, including butter oil, containing 45 per centum or more of butterfat

19 USC 1001, par. 709.

and classifiable under paragraph 709 of the Tariff Act of 1930, as amended;

WHEREAS at the time of the issuance of that proclamation butter oil was in fact being classified for purposes of tariff duty by the Bureau of Customs under paragraph 709;

WHEREAS, subsequent to the issuance of that proclamation, the United States Customs Court, in litigation involving the rate of duty applicable to butter oil and not involving the construction of that proclamation, held that butter oil was not properly classifiable for purposes of customs duty under paragraph 709 (*Faehndrich et al.* v. *United States*, decided July 3, 1962, C.D. 2351, 97 Treas. Decs. (No. 28) 8);

WHEREAS the decision in that case has the effect of barring the importation of butter oil under the quota established by Proclamation No. 3178, and is contrary to the intent and purpose of that proclamation and Section 22 of the Agricultural Adjustment Act; and

77A Stat. 442.

WHEREAS the quota prescribed by Proclamation No. 3178 has been superseded by the quota prescribed in Item No. 950.06, Part 3, Appendix to the Tariff Schedules of the United States:

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and Statutes of the United States, particularly Section 22 of the Agricultural Adjustment Act, as amended, do hereby proclaim that the article description for Item No. 950.06, Part 3, Appendix to the Tariff Schedules of the United States (published in Part II of the FEDERAL REGISTER of August 17, 1963, and proclaimed by paragraph numbered 3 of Proclamation No.

Ante, p. 1017.

3548 of August 21, 1963) is hereby amended to read as follows:

77A Stat. 28.

"Butter substitutes containing over 45 percent of butterfat provided for in item 116.30, part 4B, schedule 1, and butter oil however provided for elsewhere in these schedules."

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of October in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

JOHN F. KENNEDY

By the President:

Dean Rusk,
Secretary of State.

Proclamation 3559

NATIONAL DAY OF PRAYER, 1963

October 8, 1963

By the President of the United States of America

A Proclamation

Our forefathers declared the independence of our Nation "with a firm reliance on the protection of divine Providence." In that reliance, they set forth the conviction that all men are created equal and endowed by their Creator with unalienable rights to life, liberty, and the pursuit of happiness.

More than a century and three-quarters after our Nation was dedicated to that proposition, it may truly be reaffirmed that "We are a religious people whose institutions presuppose a Supreme Being." Conscious of the religious character of our people, the Congress of the United States by a joint resolution of April 17, 1952, provided that "The President shall set aside and proclaim a suitable day each year, other than a Sunday, as a National Day of Prayer, on which the people of the United States may turn to God in prayer and meditation, at churches, in groups, and as individuals."

66 Stat. 64.
36 USC 185.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, do set aside and proclaim Wednesday, the sixteenth day of October 1963, as the National Day of Prayer.

On this day, let us acknowledge anew our reliance upon the divine Providence which guided our founding fathers. Let each of us, according to his own custom and his own faith, give thanks to his Creator for the divine assistance which has nurtured the noble ideals in which this Nation was conceived.

Most especially, let us humbly acknowledge that we have not yet succeeded in obtaining for all of our people the blessings of liberty to which all are entitled. On this day, in this year, as we concede these shortcomings, let each of us pray that through our failures we may derive the wisdom, the courage, and the strength to secure for every one of our citizens the full measure of dignity, freedom, and brotherhood for which all men are qualified by their common fatherhood under God.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighth day of October in the year of our Lord nineteen hundred and sixty-three, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3560

THANKSGIVING DAY, 1963

November 4, 1963

By the President of the United States of America

A Proclamation

Over three centuries ago, our forefathers in Virginia and in Massachusetts, far from home in a lonely wilderness, set aside a time of thanksgiving. On the appointed day, they gave reverent thanks for their safety, for the health of their children, for the fertility of their fields, for the love which bound them together and for the faith which united them with their God.

So too when the colonies achieved their independence, our first President in the first year of his first Administration proclaimed November 26, 1789, as "a day of public thanksgiving and prayer to be observed by acknowledging with grateful hearts the many signal favors of Almighty God" and called upon the people of the new republic to "beseech Him to pardon our national and other transgressions * * * to promote the knowledge and practice of true religion and virtue * * * and generally to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best."

And so too, in the midst of America's tragic civil war, President Lincoln proclaimed the last Thursday of November 1863 as a day to renew our gratitude for America's "fruitful fields," for our "national strength and vigor," and for all our "singular deliverances and blessings."

Much time has passed since the first colonists came to rocky shores and dark forests of an unknown continent, much time since President Washington led a young people into the experience of nationhood, much time since President Lincoln saw the American nation through the ordeal of fraternal war—and in these years our population, our plenty and our power have all grown apace. Today we are a nation of nearly two hundred million souls, stretching from coast to coast, on into the Pacific and north toward the Arctic, a nation enjoying the fruits of an ever-expanding agriculture and industry and achieving standards of living unknown in previous history. We give our humble thanks for this.

Yet, as our power has grown, so has our peril. Today we give our thanks, most of all, for the ideals of honor and faith we inherit from our forefathers—for the decency of purpose, steadfastness of resolve and strength of will, for the courage and the humility, which they possessed and which we must seek every day to emulate. As we express our gratitude, we must never forget that the highest appreciation is not to utter words but to live by them.

Let us therefore proclaim our gratitude to Providence for manifold blessings—let us be humbly thankful for inherited ideals—and let us resolve to share those blessings and those ideals with our fellow human beings throughout the world.

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, in consonance with the joint resolution of the Congress approved December 26, 1941, 55 Stat. 862 (5 U.S.C. 87b), designating the fourth Thursday of November in each year as Thanksgiving Day, do hereby proclaim Thursday, November 28, 1963, as a day of national thanksgiving.

On that day let us gather in sanctuaries dedicated to worship and in homes blessed by family affection to express our gratitude for the glorious gifts of God; and let us earnestly and humbly pray that

He will continue to guide and sustain us in the great unfinished tasks of achieving peace, justice, and understanding among all men and nations and of ending misery and suffering wherever they exist.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of November, in the year of our Lord nineteen hundred and sixty-three, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

JOHN F. KENNEDY

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3561

NATIONAL DAY OF MOURNING

November 23, 1963

By the President of the United States of America

A Proclamation

To the People of the United States:

John Fitzgerald Kennedy, 35th President of the United States, has been taken from us by an act which outrages decent men everywhere.

He upheld the faith of our fathers, which is freedom for all men. He broadened the frontiers of that faith, and backed it with the energy and the courage which are the mark of the Nation he led.

A man of wisdom, strength, and peace, he moulded and moved the power of our Nation in the service of a world of growing liberty and order. All who love freedom will mourn his death.

As he did not shrink from his responsibilities, but welcomed them, so he would not have us shrink from carrying on his work beyond this hour of national tragedy.

He said it himself: "The energy, the faith, the devotion which we bring to this endeavor will light our country and all who serve it—and the glow from that fire can truly light the world."

Now, therefore, I, Lyndon B. Johnson, President of the United States of America, do appoint Monday next, November 25, the day of the funeral service of President Kennedy, to be a national day of mourning throughout the United States. I earnestly recommend the people to assemble on that day in their respective places of divine worship, there to bow down in submission to the will of Almighty God, and to pay their homage of love and reverence to the memory of a great and good man. I invite the people of the world who share our grief to join us in this day of mourning and rededication.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-third day of November in the year of our Lord nineteen hundred and sixty-three, and of the Independence of the United States of America the one hundred and eighty-eighth.

[SEAL]

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3562

PROCLAMATION CORRECTING PART 3 OF THE APPENDIX TO THE TARIFF SCHEDULES OF THE UNITED STATES WITH RESPECT TO THE IMPORTATION OF AGRICULTURAL COMMODITIES

November 26, 1963

By the President of the United States of America

A Proclamation

67 Stat. C46. WHEREAS, by Proclamation No. 3019 of June 8, 1953 (3 CFR, 1949–1953 Supp., p. 189) which was issued pursuant to section 22 of
64 Stat. 261. the Agricultural Adjustment Act, as amended (7 U.S.C. 624), the President imposed import quotas on certain dairy products, subject to allocation and license requirements administered by the Secretary of Agriculture, including an annual aggregate quota of 4,167,000 pounds upon imports of blue-mold cheese (except Stilton) and cheese and substitutes for cheese containing, or processed from, blue-mold cheese (hereinafter referred to collectively as "blue-mold cheese"); and

WHEREAS, after investigation and report to the President by the United States Tariff Commission under subsection (d) of section 22 of the Agricultural Adjustment Act, the President issued Proclama-
76 Stat. 1459. tion No. 3460 of March 29, 1962 (3 CFR, 1962 Supp., p. 41) which increased the annual quota for blue-mold cheese to an aggregate quantity of 5,016,999 pounds per quota year; and

77A Stat. 441. WHEREAS headnote 1 to part 3 of the Appendix to the Tariff Schedules of the United States, as published in the FEDERAL REGISTER at the direction of the President pursuant to section 101(d) of the
76 Stat. 73. Tariff Classification Act of 1962 (28 F.R. 8599), states that part 3
19 USC prec. 1001. covers "the provisions proclaimed by the President pursuant to section 22 of the Agricultural Adjustment Act, as amended * * * imposing quantitative limitations on articles imported into the United States * * *"; and

WHEREAS part 3 of the Appendix to the Tariff Schedules of the United States does not include certain of the provisions of Proclamation No. 3019 under which the Secretary of Agriculture allocates and licenses the quotas which were imposed thereunder; and

WHEREAS item 950.07 in part 3 of the Appendix to the Tariff Schedules of the United States specifies the quota quantity for blue-mold cheese as originally prescribed by Proclamation No. 3019 (4,167,000 pounds) rather than the quota quantity for such cheese as subsequently increased by Proclamation No. 3460 (5,016,999 pounds); and

WHEREAS, pursuant to section 102(3) of the Tariff Classification
19 USC prec. 1001. Act of 1962, the President proclaimed the additional import restrictions set forth in part 3 of the Appendix to the Tariff Schedules of the United States (Proclamation No. 3548 of August 21, 1963, para-
Ante, p. 1017. graph numbered 3; 28 F.R. 10853) in the erroneous belief that the aforementioned provisions of Proclamation No. 3019 with respect to allocation and licensing had been included, and that the quota specified therein for blue-mold cheese was the effective restriction on such cheese "proclaimed pursuant to section 22 of the Agricultural Adjustment Act" as provided in section 102(3) of the Tariff Classification Act of 1962; and

WHEREAS the United States Tariff Commission has advised me that in the preparation of part 3 of the Appendix to the Tariff Schedules of the United States pursuant to title I of Public Law 768, 83d Congress, and the Tariff Classification Act of 1962, it inadvertently overlooked the aforementioned provisions of Proclamation No. 3019 with respect to the allocation and licensing of the quota quantities and the change made by Proclamation No. 3460; and

19 USC 1332 note.
19 USC prec. 1001.

WHEREAS it would be contrary to the intent and purpose of, and the procedures prescribed by, section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962 to permit these errors to remain uncorrected:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under and by virtue of the authority vested in me as President, and in conformity with the provisions of section 22 of the Agricultural Adjustment Act, as amended, and the Tariff Classification Act of 1962, do hereby proclaim that—

64 Stat. 261.
7 USC 624.
76 Stat. 72.
19 USC prec. 1001.
77A Stat. 442.

(a) headnote 3(a) of part 3 of the Appendix to the Tariff Schedules of the United States is hereby amended by inserting at the end thereof the following:

Such licenses shall be issued under regulations of the Secretary of Agriculture which he determines will, to the fullest extent practicable, result in (1) the equitable distribution of the respective quotas for such articles among importers or users and (2) the allocation of shares of the respective quotas for such articles among supplying countries, based upon the proportion supplied by such countries during previous representative periods, taking due account of any special factors which may have affected or may be affecting the trade in the articles concerned. No licenses shall be issued which will permit any of the cheeses or substitutes for cheese (items 950.07–.10) to be entered during the first 4 months and the first 8 months of the quota year in excess of one-third and two-thirds, respectively, of the quantities specified for such articles in the column entitled "Quota Quantity".

and

(b) the quota quantity amount specified in item No. 950.07 of part 3 of the Appendix to the Tariff Schedules of the United States is hereby amended by deleting "4,167,000" and inserting in lieu thereof "5,016,999".

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of November in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

Dean Rusk,
Secretary of State.

Proclamation 3563

BILL OF RIGHTS DAY

HUMAN RIGHTS DAY

December 2, 1963

By the President of the United States of America

A Proclamation

WHEREAS December 10, 1963, is the fifteenth anniversary of the adoption by the United Nations of the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, and the General Assembly has called for special observance of this anniversary in the hope that it may mark a decisive step forward in the affirmation of these fundamental freedoms; and

WHEREAS December 15, 1963, is the one hundred and seventy-second anniversary of the adoption of the first ten amendments to the Constitution of the United States, which are known as the Bill of Rights, and this day has long been celebrated in gratitude for the guarantees of individual rights and liberties set forth therein; and

WHEREAS many of the principles embodied in our Bill of Rights—freedom of speech, press, and assembly, freedom of religion and conscience, the right to a fair trial, and prohibition against cruel and unusual punishments—are likewise embodied in the Universal Declaration of Human Rights and are hailed by free peoples as the foundation of democratic government and of the rule of law; and

WHEREAS the past year has seen a great surge of determination in this country to assure the full enjoyment of these rights and freedoms without distinction as to race, sex, creed, or color; and

WHEREAS the ideals epitomized in the Bill of Rights and in the Universal Declaration of Human Rights were ever foremost in the heart of our gallant thirty-fifth President, John Fitzgerald Kennedy:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim December 10, 1963, as Human Rights Day and December 15, 1963, as Bill of Rights Day, and call upon the people of the United States to observe the week of December 10–17 as Human Rights Week. Let us set aside time, in our places of worship, in our schools, and in our homes, and at gatherings of civic and patriotic organizations, to examine once again these cherished documents of human rights in order that we may cultivate a greater appreciation of our heritage of individual liberty and responsibility.

Let us rededicate ourselves to the humanitarian precepts enumerated in those documents and let us resolve to devote our full energy to the task of assuring that each human being—regardless of his race, sex, creed, color, or place of national origin—shall be afforded a meaningful opportunity to enjoy fully the rights and benefits embodied in these instruments of liberty and to enjoy fully our heritage of justice under law. In so doing, we will erect an everlasting and vibrant memorial to our departed President.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of December in the year of our Lord nineteen hundred and sixty-three, and [SEAL] of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3564

PROCLAMATION INCREASING RATES OF DUTY ON SPECIFIED ARTICLES

By the President of the United States of America December 4, 1963

A Proclamation

WHEREAS the European Economic Community maintains unreasonable import restrictions upon imports of poultry from the United States;

WHEREAS such unreasonable import restrictions directly and substantially burden United States commerce;

WHEREAS products of the European Economic Community receive benefits of trade agreement concessions made by the United States;

WHEREAS it is consistent with the purposes expressed in Section 102 of the Trade Expansion Act of 1962 (19 U.S.C. 1801) for the United States to suspend the application of the benefits of certain of those trade agreement concessions; 76 Stat. 872.

WHEREAS, having due regard for the international obligations of the United States, particularly paragraph 3 of Article XXVIII of the General Agreement on Tariffs and Trade* requiring any suspension of trade agreement concessions to be made on a most-favored-nation basis, I am taking steps to suspend, on a most-favored-nation basis, certain trade agreement concessions in the United States schedules to that Agreement; and 8 UST 1767.

WHEREAS rates of duty suspended by this proclamation will not be required or appropriate to carry out any trade agreement on and after January 7, 1964:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, acting under the authority vested in me by the Constitution and statutes of the United States of America, including Section 252(c) of the Trade Expansion Act of 1962 (19 U.S.C. 1882(c)) and Section 350(a)(6) of the Tariff Act of 1930, as amended (19 U.S.C. 1351(a)(6)), and in order to suspend the application of the benefits of certain trade agreement concessions, do hereby proclaim (until such time as the President of the United States of America otherwise proclaims)— 76 Stat. 879. 69 Stat. 162; 72 Stat. 673.

(1) the termination of that part of any prior proclamation which proclaims rates of duty inconsistent with those provided for in the amendment made by paragraph (2) of this proclamation; and

(2) the amendment of the Tariff Schedules of the United States (28 F.R. 8599, as corrected, 28 F.R. 9131) by inserting under the heading "Subpart B" of Part 2 of the Appendix thereto the following: 77A Stat. 3.

*That agreement of October 30, 1947, has been proclaimed by Proclamation 2761A of December 16, 1947 (61 Stat. (pt. 2) 1103), which proclamation has been supplemented by subsequent proclamations.

Item	Article	Rates of Duty	
		1	2
945. 13	Potato starch (provided for in item 132.50)	2.5¢ per lb	No change
945. 16	Brandy, valued over $9.00 per gallon (provided for in items 168.20 and 168.22)	$5 per gal	No change
945. 49	Dextrine and soluble or chemically treated starches (provided for in item 493.30)	3¢ per lb	No change
945. 69	Automobile trucks valued at $1,000 or more (provided for in item 692.05)	25% ad val	No change

The rates provided for in the amendment made by paragraph (2) of this proclamation shall be effective as to all articles entered, or withdrawn from warehouse, for consumption on and after January 7, 1964.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fourth day of December in the year of our Lord nineteen hundred and sixty-three, [SEAL] and of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3565

WRIGHT BROTHERS DAY, 1963

December 17, 1963

By the President of the United States of America

A Proclamation

WHEREAS on December 17, 1903, the Wright brothers, Orville and Wilbur, made the first successful flights in a heavier-than-air, mechanically propelled airplane, near Kitty Hawk, North Carolina; and

WHEREAS the Wright brothers' genius and their vision have revolutionized transportation and defense methods and placed the United States in the forefront of world aviation; and

WHEREAS by their deeds the Wright brothers have brought us closer together with the other peoples of the world; and

WHEREAS it is most fitting that the great accomplishments of Orville and Wilbur Wright should be remembered and that they should be memorialized on the anniversary of their success; and

Ante, p. 402. WHEREAS the Congress, by a joint resolution approved December 17, 1963, has designated the seventeenth day of December of each year as Wright Brothers Day, and has requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call upon officials of the Government and the people of the United States to observe the day

of December 17, 1963, with ceremonies and activities designed to commemorate the achievements of the Wright brothers and to further and stimulate interest in aviation in this country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventeenth day of December in the year of our Lord nineteen hundred and sixty-three, [SEAL] and of the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

GEORGE W. BALL,
Acting Secretary of State.

Proclamation 3566

AMERICAN HEART MONTH, 1964

December 30, 1963

By the President of the United States of America

A Proclamation

WHEREAS diseases of the heart and the circulatory system are responsible for over one-half the deaths occurring annually; and

WHEREAS over one-half of the ten million Americans afflicted by the cardiovascular diseases are stricken during their most productive years, thereby causing a staggering physical and economic loss to the nation; and

WHEREAS expanded research has contributed improved methods of prevention, diagnosis, and treatment of the cardiovascular diseases; and

WHEREAS substantial progress in combating those diseases is being made by comprehensive educational and community programs which have brought about swift and wide dissemination and use of such improved methods; and

WHEREAS these programs of research and education have resulted largely from the teamwork between the American Heart Association, its chapters and affiliates, and the Federal Government, particularly the Public Health Service through the National Heart Institute and the Heart Disease Control Program; and

WHEREAS the results thus far achieved in combating the cardiovascular diseases give hope that the continuation and expansion of these programs may eventually eliminate these diseases as important causes of death; and

WHEREAS it is essential to the health and well-being of our nation that our citizens be made aware of the medical, social, and economic aspects of the problem of cardiovascular diseases, and the measures being taken to combat them; and

WHEREAS the Congress, by joint resolution approved December 30, 1963, has requested the President to issue annually a proclamation designating February as American Heart Month:

Ante, p. 843.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America do hereby proclaim the month of February 1964 as American Heart Month; and I invite the governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States to give heed to the nationwide problem of the heart and blood-vessel diseases, and to support the programs required to bring about its solution.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of December in the year of our Lord nineteen hundred and sixty-three, and of
[SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3567

SAVE YOUR VISION WEEK, 1964

December 30, 1963

By the President of the United States of America

A Proclamation

WHEREAS blindness is a major and increasing social and economic problem in the United States in spite of the great advances in the last two decades in medical care, vastly improved health, and increased longevity of our people; and

WHEREAS visual disorders and defects in our younger population interfere with their proper intellectual, social, and emotional development; and

WHEREAS it is essential to the health of our Nation that our citizens be aware of what is being done and what can be done to control the causes of blindness and visual impairments, and that they avail themselves of opportunities for conserving vision; and

Ante, p. 629. WHEREAS the Congress, by a joint resolution approved December 30, 1963, has requested the President to issue annually a proclamation designating the first week in March of each year as Save Your Vision Week:

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby proclaim the week beginning March 1, 1964, as Save Your Vision Week; and I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States to issue similar proclamations.

I also request the medical and allied health professions, the communications industries, and all interested persons and groups to unite during the designated week in public affirmation of our Nation's effort to conserve the God-given and irreplaceable gift of vision.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of December in the year of our Lord nineteen hundred and sixty-three, and of the
[SEAL] Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

Proclamation 3568

UNITED STATES CUSTOMS YEAR

By the President of the United States of America December 30, 1963

A Proclamation

WHEREAS August 1, 1964, marks the one hundred and seventy-fifth anniversary of the signing by President George Washington of legislation establishing the United States Customs Service; and

WHEREAS the United States Customs Service provided the principal revenues of the early Republic and assured its financial stability in its days of struggle; and

WHEREAS the controls on imports and exports and on shipping and trade, deemed essential by the founders of the Republic, would have been impossible without implementation by a Customs Service, honest, resourceful, and efficient; and

WHEREAS the Collector of Customs, the Custom House, and the Customs officer have stood for one hundred and seventy-five years as the symbols of Federal authority in the ports and on the waterfronts; and

WHEREAS after one hundred and seventy-five years the ever more complex demands of our economy and our civilization require the Customs Service of the Treasury Department to remain alert and ready to perform on short notice a widening variety of tasks; and

WHEREAS the Congress, by a joint resolution approved December 30, 1963, has requested the President to issue a proclamation designating 1964 as the one hundred and seventy-fifth anniversary of the establishment of the United States Customs Service: *Ante*, p. 843.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby designate the year 1964 as United States Customs Year; and I request the Bureau of Customs to plan and to participate in appropriate activities recognizing the anniversary to the end that it may serve as an occasion to commemorate the contributions of customs to the health and welfare of every citizen, to the national well-being, and to the development of a sound economy capable of leading the free world and assisting emerging nations.

I also call upon appropriate civic and industrial organizations to cooperate with the Customs Service in recognition of a century and three-quarters of mutually beneficial relationships.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 30th day of December in the year of our Lord nineteen hundred and sixty-three, and of [SEAL] the Independence of the United States of America the one hundred and eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK,
Secretary of State.

GUIDE TO LEGISLATIVE HISTORY OF BILLS ENACTED INTO PUBLIC LAW

(88TH CONGRESS, 1ST SESSION)

NOTE: Companion bills are in parentheses; conference reports in italics

Public Law		77 Stat.	Bill No.	Report No. and Committee reporting				Dates of consideration and passage Congressional Record, Vol. 109 (1963)	
				House		Senate		House	Senate
No.	Date approved								
	1963								
88-1	Mar. 6	3	H.J. Res. 284	35	Appropriations	9	Appropriations	Feb. 27	Mar. 4.
88-2	Mar. 28	4	H.R. 2438	59	Armed Services	64	Armed Services	Mar. 11	Mar. 15.
88-3	Apr. 2	4	H.R. 212	2	Veterans' Affairs	68	Finance	Feb. 4	Mar. 19.
88-4	do	4	H.R. 2085	27	Ways and Means	69	do	Feb. 26	Do.
88-5	Apr. 3	5	S. 1035 (H.R. 4555).	164	Merchant Marine and Fisheries.	79	Commerce	Apr. 2	Apr. 1.
88-6	Apr. 9	5	H.R. 4374	57	Judiciary	86	Judiciary	Mar. 12	Apr. 2.
88-7	do	5	H.J. Res. 282	166	do	87	do	Mar. 28	Do.
88-8	do	6	S. 1089 (H.R. 307).	87	Armed Services	66	Armed Services	Apr. 1	Mar. 19.
88-9	Apr. 10	6	H.R. 1597	24	Ways and Means	72	Finance	Feb. 26; Mar. 28.	Do.
88-10	Apr. 19	8	H.R. 4423 (S. 982).	119	Interior and Insular Affairs.	112	Interior and Insular Affairs.	Apr. 1	Apr. 9.
88-11	Apr. 23	8	H.R. 4715	101	Judiciary	105	Judiciary	Mar. 18; Apr. 10, 22.	Apr. 3.
88-12	Apr. 26	13	H.R. 5067	197	Agriculture			Apr. 9	Apr. 11.
88-13	do	13	H.J. Res. 234	85	House Administration	140	Rules and Administration.	Mar. 19	Apr. 15.
88-14	do	13	H.R. 1087 (S. 22).	91	Interior and Insular Affairs.	118	Interior and Insular Affairs.	Apr. 1	Apr. 10, 11.
88-15	do	14	H.R. 277	92	do	120	do	Mar. 18	Apr. 11.
88-16	May 8	14	H.R. 2849	100	Judiciary	147	Judiciary	do	Apr. 25.
88-17	do	14	H.R. 2833	99	do	144	do	do	Do.
88-18	do	15	H.R. 4549	182	Veterans' Affairs	156	Labor and Public Welfare.	Apr. 10	Apr. 26.
88-19	May 15	15	S. 1227			177	District of Columbia	May 14	May 13.
88-20	do	17	H.R. 199	1	Veterans' Affairs	157	Finance	Apr. 1	May 1.
88-21	do	17	H.R. 211	64	do	158	do	do	Do.
88-22	do	18	H.R. 214	3	do	159	do	do	Do.
88-23	May 17	18	S.J. Res. 39	278	Judiciary	142	Judiciary	May 8	Apr. 24; May 9.
88-24	do	18	S. 138 (H.R. 3200).	248	Interior and Insular Affairs.	116	Interior and Insular Affairs.	May 6	Apr. 9; May 8.

GUIDE TO LEGISLATIVE HISTORY OF BILLS ENACTED INTO PUBLIC LAW—Continued

NOTE: Companion bills are in parentheses; conference reports in italics

Public Law		77 Stat.	Bill No.	Report No. and Committee reporting				Dates of consideration and passage Congressional Record, Vol. 109 (1963)	
				House		Senate		House	Senate
No.	Date approved								
	1963								
88–25	May 17	20	H.R. 5517	198, *275*, *290*	Appropriations	155	Appropriations	Apr. 9, 10; May 2, 8, 14.	Apr. 26, 30; May 1, 15.
88–26	May 20	44	H.R. 4997	180	Agriculture	172	Agriculture and Forestry.	Apr. 25	May 13–16.
88–27	May 23	48	H.R. 2842	98	Judiciary	146	Judiciary	Mar. 18	Apr. 25, 26; May 8.
88–28	do	48	H.R. 2440	62, *289*	Armed Services	123	Armed Services	Mar. 12, 13; May 14.	Apr. 10, 11; May 13.
88–29	May 28	49	S. 20 (H.R. 1762).	160, *303*	Interior and Insular Affairs.	11	Interior and Insular Affairs.	Apr. 29; May 16	Mar. 7, 8, 11; May 1, 16.
88–30	May 29	50	H.R. 6009	277	Ways and Means	186	Finance	May 15	May 28.
88–31	do	51	H.R. 4655	211	do	174	do	Apr. 29; May 16	May 14.
88–32	May 29	52	H.R. 2053	26	do	160	do	Feb. 26; May 16	Apr. 26.
88–33	do	52	S. 18	291	Interior and Insular Affairs.	114	Interior and Insular Affairs.	May 20	Apr. 9.
88–34	do	52	S. 247	294	do	124	do	do	Apr. 11.
88–35	do	53	S. 873 (H.R. 4151).	251	do	119	do	May 6	Apr. 11; May 16.
88–36	June 4	54	H.R. 5389	183	Banking and Currency	175	Banking and Currency	Apr. 10	May 20, 21, 23.
88–37	do	55	S. 386 (H.R. 1162).	292	Interior and Insular Affairs.	115	Interior and Insular Affairs.	May 20	Apr. 10; May 21.
88–38	June 10	56	S. 1409 (H.R. 6060).	309	Education and Labor	176	Labor and Public Welfare.	May 23	May 16, 17, 28.
88–39	June 13	58	H.R. 5366	179, *353*	Appropriations	168	Appropriations	Apr. 4; June 4	May 8; June 4.
88–40	do	66	H.R. 249 (S. 331).	70	Veterans' Affairs	190	Labor and Public Welfare.	Apr. 1	June 4.
88–41	June 21	66	H.R. 2439	4	Armed Services	206	Armed Services	Feb. 4	June 11.
88–42	do	67	H.R. 6441	342	Judiciary	242	Finance	June 4	June 17.
88–43	do	67	H.R. 2821	73	Interior and Insular Affairs.	237	Interior and Insular Affairs.	Mar. 18	Do.
88–44	do	68	H.R. 131	84	do	238	do	Apr. 1	June 19.
88–45	do	68	H.R. 79	34	Merchant Marine and Fisheries.	205	Commerce	Feb. 27; June 13	June 11.
88–46	do	69	H.R. 3574	178	Interior and Insular Affairs.	258	Interior and Insular Affairs.	Apr. 22	June 19.
88–47	do	70	H.J. Res. 180	163	do	259	do	do	Do.
88–48	June 29	70	H.R. 2651	390	Ways and Means	307	Finance	June 20	June 25.
88–49	do	71	H.R. 2827	389	do	308	do	do	Do.

88–50	---do----	71	H.R. 4174------	419	-----do----------	309	-----do----------	-----do---------	Do.
88–51	---do----	71	H.R. 5795------	387	Post Office and Civil Service.	311	Post Office and Civil Service.	June 24--------	Do.
88–52	---do----	72	H.R. 6755------	370	Ways and Means------	281	Finance----------	June 13--------	June 24.
88–53	---do----	73	H.R. 6791------	371, *472*	-----do----------	305	-----do----------	June 20, 27-----	June 25, 26.
88–54	---do----	73	H.J. Res. 467---	386	Banking and Currency-	304	Banking and Currency-	June 17--------	June 26.
88–55	---do----	74	H.J. Res. 508---	448	Appropriations-------	306	Appropriations-------	June 25--------	June 25.
88–56	July 8	75	H.R. 5367------	----------	----------	272	Public Works-------	Apr. 4---------	June 20.
88–57	---do----	76	H.R. 1937------	77	District of Columbia---	294	District of Columbia---	Mar. 11--------	June 26.
88–58	---do----	76	S. 1359--------	432	Ways and Means------	173	Finance----------	June 27--------	May 14.
88–59	---do----	76	H.R. 1819------	190	Post Office and Civil Service.	251	Post Office and Civil Service.	May 20--------	June 26.
88–60	---do----	77	H.R. 3537------	83	District of Columbia---	297	District of Columbia---	Mar. 11--------	Do.
88–61	---do----	79	H.R. 5860------	284	Agriculture----------	280	Agriculture and Forestry.	May 20--------	June 24.
88–62	---do----	79	H.J. Res. 82----	220	Public Works---------	273	Public Works---------	May 6---------	June 20.
88–63	July 17	79	H.R. 6681 (S. 1809).	416	Armed Services-------	337	Armed Services-------	June 27; July 10.	July 9.
88–64	---do----	79	S. 762 (H.R. 6998).	496	Agriculture----------	166	Agriculture and Forestry.	July 8----------	May 2; July 9.
88–65	---do----	80	S.J. Res. 60-----	433	Foreign Affairs-------	179	Foreign Relations-----	-----do---------	May 20.
88–66	July 19	80	S. 535 (H.R. 6689).	453	Interior and Insular Affairs.	264	Interior and Insular Affairs.	-----do---------	June 24.
88–67	---do----	81	S. 1031 (H.R. 2876).	347	Interstate and Foreign Commerce.	207	Commerce----------	-----do---------	June 11.
88–68	---do----	81	S. 581 (H.R. 5930).	360	Agriculture----------	286	Agriculture and Forestry.	-----do---------	June 25.
88–69	---do----	82	H.J. Res. 405 (S.J. Res. 64).	431	Foreign Affairs-------	343	Foreign Relations-----	-----do---------	July 9, 11.
88–70	---do----	82	H.R. 4946------	471	House Administration--	348	Rules and Administration.	June 25--------	July 11.
88–71	---do----	83	S. 969----------	367	Merchant Marine and Fisheries.	197	Commerce----------	July 8----------	May 28.
88–72	July 22	84	S. 1745 (H.R. 7139).	446	Joint Committee on Atomic Energy.	303	Joint Committee on Atomic Energy.	-----do---------	June 25.
88–73	---do----	88	H.R. 2461------	318	Interstate and Insular Affairs.	344	Interstate and Insular Affairs.	June 4---------	July 11.
88–74	---do----	90	H.R. 40--------	271	Agriculture----------	288	Agriculture and Forestry.	May 6---------	July 10.
88–75	July 25	92	H.R. 3845------	175	Interior and Insular Affairs.	239	Interior and Insular Affairs.	Apr. 11--------	July 15, 16.
88–76	---do----	92	S. 582 (H.R. 101).	272	Agriculture----------	285	Agriculture and Forestry.	May 6; July 17.	June 25.
88–77	---do----	93	H.R. 2998------	412	Armed Services-------	359	Armed Services-------	July 8----------	July 16.
88–78	July 26	96	H.J. Res. 513---	555	Judiciary----------	------	----------	July 17--------	July 18.
88–79	---do----	96	H.R. 5279------	177, *551*	Appropriations-------	181	Appropriations-------	Apr. 2; July 17--	May 28; July 18.

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Public Law		77 Stat.	Bill No.	Report No. and Committee reporting				Dates of consideration and passage Congressional Record, Vol. 109 (1963)	
				House		Senate		House	Senate
No.	Date approved								
	1963								
88-80	July 30	114	H.J. Res. 403	361	Agriculture	365	Agriculture and Forestry.	July 8	July 22.
88-81	do	114	H.R. 1933	75	District of Columbia	369	District of Columbia	Mar. 11	Do.
88-82	do	115	S. 546	509	Armed Services	315	Armed Services	July 15	June 28; July 16.
88-83	Aug. 5	115	H.R. 3272	425	Ways and Means	375	Finance	June 27	July 25.
88-84	do	116	S. 1036	368	Merchant Marine and Fisheries.	195	Commerce	July 8	May 28; July 22.
88-85	do	117	S. 489	561	District of Columbia	295	District of Columbia	July 23	June 26.
88-86	do	118	H.R. 3674	440	Ways and Means	376	Finance	June 27	July 25.
88-87	do	118	H.R. 2221	423	do	373	do	do	Do.
88-88	do	118	H.R. 4646	482	Interstate and Foreign Commerce.	361	Public Works	July 8	July 22.
88-89	do	119	S. 490	562	District of Columbia	296	District of Columbia	July 23	June 26.
88-90	Aug. 8	119	H.R. 6011	427	Ways and Means	378	Finance	June 27	July 25.
88-91	do	120	S. 1122 (H.R. 5076).	451	Interior and Insular Affairs.	265	Interior and Insular Affairs.	July 9	June 24; July 25.
88-92	do	120	H.R. 2675	424	Ways and Means	374	Finance	June 27	July 25.
88-93	do	121	H.R. 5712	426	do	377	do	do	Do.
88-94	Aug. 12	121	H.R. 5207	194, *497*	Foreign Affairs	178	Foreign Relations	May 1; July 31	May 23; July 9.
88-95	do	123	H.J. Res. 324 (S.J. Res. 67)	444	do	386	do	July 8	Aug. 6.
88-96	Aug. 15	123	S. 850	569	Public Works	268	Public Works	Aug. 5	June 20.
88-97	do	124	S. 130	567	do	266	do	do	Do.
88-98	do	124	S. 131	568	do	269	do	do	Do.
88-99	Aug. 19	124	S. 1388	597	Agriculture	283	Agriculture and Forestry.	do	June 25; Aug. 8.
88-100	do	128	S. 1652	629	Public Works	362	Public Works	do	July 22.
88-101	Aug. 20	128	H.R. 3872	86, *578*	Banking and Currency.	262	Banking and Currency.	May 1; July 9, 30; Aug. 19.	June 24; July 10; Aug. 15.
88-102	do	129	S. 874	628	Public Works	163	do	Aug. 5	May 9; Aug. 8.
88-103	Aug. 22	129	S. 1032 (H.R. 1157).	630	Merchant Marine and Fisheries.	261	Commerce	do	June 24; Aug. 8.
88-104	Aug. 27	130	H.R. 6177	438, *664*	District of Columbia	371	District of Columbia	June 24; Aug. 1, 19.	July 22; Aug. 2, 14.
88-105	do	130	H.R. 7043	571	House Administration	392	Rules and Administration.	July 23	Aug. 15.
88-106	do	131	H.R. 7824	634	Ways and Means	403	Finance	Aug. 8	Aug. 20.
88-107	do	131	S.J. Res. 51	622	Armed Services			Aug. 20	June 27.

88–108	Aug. 28	132	S.J. Res. 102 (H.J. Res. 665).	713	Interstate and Foreign Commerce.	459	Commerce	Aug. 28	Aug. 26, 27.
88–109	do	134	H.J. Res. 667					Aug. 27	Aug. 27.
88–110	Sept. 3	134	H.R. 6996	418	Armed Services	388	Armed Services	July 8, Aug. 21	Aug. 7.
88–111	do	136	H.R. 4330	216	District of Columbia	298	District of Columbia	Apr. 22; Aug. 26	June 26.
88–112	Sept. 6	140	H.R. 5883	493	Interior and Insular Affairs.	463	Interior and Insular Affairs.	July 8	Aug. 28.
88–113	do	141	H.R. 7500	591, *706*	Science and Astronautics.	385	Aeronautical and Space Sciences.	Aug. 1, 26, 28	Aug. 7–9, 28.
88–114	do	144	S. 1194	603, *700*	Merchant Marine and Fisheries.	204	Commerce	Aug. 5, 27	June 11; Aug. 27.
88–115	do	145	S.J. Res. 33 (H.J. Res. 220).	681	Interstate and Foreign Commerce.	384	Interior and Insular Affairs.	Aug. 19	Aug. 6, 23.
88–116	do	151	H.R. 6710	495	Interior and Insular Affairs.	464	do	July 8	Aug. 28.
88–117	do	151	H.R. 1135	618	Public Works	453	Public Works	Aug. 5	Do.
88–118	do	152	S. 1139 (H.R. 3804).	654	do	278	do	Aug. 19	June 24; Aug. 27.
88–119	do	152	H.R. 5222	320	Interior and Insular Affairs.	466	Interior and Insular Affairs.	June 4	Aug. 28.
88–120	Sept. 9	154	H.R. 3887	249	do	465	do	May 6	Do.
88–121	do	155	H.R. 2671	592	Public Works	455	Public Works	Aug. 5	Do.
88–122	do	155	H.R. 4823	503	do	454	do	July 15	Do.
88–123	Sept. 11	155	H.R. 7594	581	do	456	do	Aug. 5	Do.
88–124	Sept. 16	156	S.J. Res. 72	720	Foreign Affairs	386	Foreign Relations	Sept. 9	Aug. 6.
88–125	Sept. 17	156	S. 1185	690	Interior and Insular Affairs.	260	Interior and Insular Affairs.	do	June 19.
88–126	Sept. 23	158	S. 330	676	Veterans' Affairs	334	Labor and Public Welfare.	do	July 9.
88–127	do	163	S. 1952			487	Banking and Currency.	Sept. 17	Sept. 12.
88–128	do	164	H.R. 5781	364	Merchant Marine and Fisheries.	478	Commerce	July 8; Sept. 11.	Sept. 5.
88–129	Sept. 24	164	H.R. 12	109	Interstate and Foreign Commerce.	485	Labor and Public Welfare.	Apr. 23, 24	Sept. 12.
88–130	do	174	H.R. 5623	583	Merchant Marine and Fisheries.	476	Commerce	Aug. 5; Sept. 11.	Sept. 5.
88–131	do	194	H.R. 6012	365	do	477	do	July 8; Sept. 11.	Do.
88–132	Oct. 2	210	H.R. 5555	208, *773*	Armed Services	387	Armed Services	May 8; Oct. 1.	Aug. 6; Sept. 26.
88–133	Oct. 5	219	H.R. 8100	748	Interstate and Foreign Commerce.	510	Labor and Public Welfare.	Sept. 17	Sept. 24.
88–134	do	223	H.R. 5250	678	Veterans' Affairs	494	Finance	Aug. 19	Sept. 25.

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				House		Senate		House	Senate
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	1963								
88–135	Oct. 8	223	H.R. 6118	647	Interior and Insular Affairs.	468	Interior and Insular Affairs.	Aug. 19; Sept. 26.	Aug. 28.
88–136	Oct. 11	224	H.R. 5888	246, *774*	Appropriations	383	Appropriations	Apr. 30; Sept. 23, 26.	Aug. 7; Sept. 26.
88–137	do	246	H.R. 2485	79	District of Columbia	370	District of Columbia	Mar. 11; Oct. 1	July 22.
88–138	Oct. 16	247	H.R. 1709	232	Judiciary	536	Judiciary	May 6	Oct. 2.
88–139	do	248	H.R. 2845	96	do	547	do	Mar. 18	Do.
88–140	do	249	H.R. 1696	619	Public Works	554	Public Works	Aug. 5	Oct. 3.
88–141	do	250	H.R. 772	649	Banking and Currency	508	Banking and Currency	Aug. 19	Do.
88–142	do	250	S. 453	779	Public Works	267	Public Works	Oct. 7	June 20.
88–143	do	251	S. 743	768	Banking and Currency	291	Banking and Currency	do	June 26.
88–144	do	251	S. 1936	780	Public Works	451	Public Works	do	Aug. 28.
88–145	do	252	S. 812	760	Armed Services	14	Government Operations.	do	Aug. 6.
88–146	do	252	S. 814 (H.R. 4460).	772	Government Operations.	184	do	do	May 27.
88–147	do	252	S. 1125	770	Banking and Currency	290	Banking and Currency	do	June 26.
88–148	Oct. 17	253	S. 13	788	Veterans' Affairs	15	Government Operations.	do	Mar. 4.
88–149	do	254	H.R. 7179	439, *812*	Appropriations	502	Appropriations	June 26; Oct. 8.	Sept. 24; Oct. 8.
88–150	do	270	H.R. 4842	648	Banking and Currency	509	Banking and Currency	Aug. 19	Oct. 3.
88–151	do	271	H.R. 242 (S. 412).	67	Veterans' Affairs	189	Labor and Public Welfare.	Mar. 18; Oct. 7	June 17.
88–152	do	271	H.R. 3369		Judiciary	495	Finance	Oct. 7	Sept. 25; Oct. 1.
88–153	do	272	H.R. 6246	391	Ways and Means	488	do	June 27	Oct. 3.
88–154	do	272	S. 1994	759	Armed Services	390	Armed Services	Oct. 7	Aug. 7.
88–155	Oct. 18	272	S. J. Res. 123	854	House Administration	560	Rules and Administration.	Oct. 16	Oct. 11.
88–156	Oct. 24	273	H.R. 7544	637	Ways and Means	551	Finance	Aug. 27; Oct. 15	Oct. 2.
88–157	do	276	H.R. 7195	550	Public Works	552	Public Works	July 24; Oct. 17	Do.
88–158	do	278	H. J. Res. 724	754	Banking and Currency	561	Banking and Currency	Sept. 26	Oct. 15.
88–159	Oct. 28	278	H.R. 641	295	Interior and Insular Affairs.	563	Interior and Insular Affairs.	May 20	Oct. 21.
88–160	do	279	H. J. Res. 192	595	Agriculture	503	Agriculture and Forestry.	Aug. 5	Oct. 17.
88–161	Oct. 29	279	H.R. 4588	252	Interior and Insular Affairs.	564	Interior and Insular Affairs.	May 6	Oct. 21.
88–162	Oct. 30	281	H. J. Res. 782					Oct. 28	Oct. 28.

88–163	---do----	281	H.R. 75----------	375	Merchant Marine and Fisheries.	569	Commerce----------	June 17---------	Oct. 21.
88–164	Oct. 31	282	S. 1576----------	694, *862*	Interstate and Foreign Commerce.	180	Labor and Public Welfare.	Sept. 10; Oct. 21.	May 27; Oct. 21.
88–165	Nov. 4	299	S. 1064----------	846	Science and Astronautics.	336	Commerce----------	Oct. 21---------	July 9.
88–166	---do----	300	H.R. 844----------	111	Interior and Insular Affairs.	576	Interior and Insular Affairs.	Apr. 1----------	Oct. 22.
88–167	---do----	301	H.R. 2635----------	113	-----do----------	579	-----do----------	-----do---------	Do.
88–168	---do----	301	H.R. 3306----------	492	-----do----------	471	-----do----------	July 8; Oct. 22--	Oct. 9.
88–169	---do----	302	H.R. 845----------	112	-----do----------	577	-----do----------	Apr. 1----------	Oct. 22.
88–170	---do----	302	H.R. 6225----------	692	-----do----------	586	-----do----------	Aug. 28---------	Do.
88–171	---do----	304	H.R. 6481----------	443	-----do----------	587	-----do----------	Aug. 5----------	Do.
88–172	Nov. 7	304	S. 1523----------	848	Public Works----------	271	Public Works----------	Oct. 21----------	June 24; Oct. 30.
88–173	---do----	305	H.R. 8821----------	860	Ways and Means----------	629	Finance----------	Oct. 22---------	Nov. 5.
88–174	---do----	307	H.R. 6500----------	345, *882*	Armed Services----------	571	Armed Services----------	June 5; Oct. 31--	Oct. 22, 31.
87–175	Nov. 13	330	H.R. 1049----------	159	Judiciary----------	605	Judiciary----------	Apr. 22---------	Oct. 30.
88–176	---do----	331	H.R. 2835----------	95	-----do----------	596	-----do----------	Mar. 18---------	Do.
88–177	---do----	332	H.J. Res. 626----	674	-----do----------	616	-----do----------	Sept. 9---------	Do.
88–178	---do----	334	H.R. 7405----------	651	Banking and Currency----	625	Foreign Relations-----	Aug. 19---------	Nov. 5.
88–179	---do----	335	S. 876----------	830	Government Operations.	185	Government Operations.	Nov. 4----------	May 27.
88–180	Nov. 19	335	H.R. 1989----------	115	Interior and Insular Affairs.	582	Interior and Insular Affairs.	Apr. 11; Nov. 6--	Oct. 22.
88–181	---do----	336	H.R. 5244----------	849	Public Works----------	636	Public Works----------	Oct. 21---------	Nov. 8.
88–182	Nov. 20	337	S. 912 (H.R. 7123).	877	Interior and Insular Affairs.	472	Interior and Insular Affairs.	Nov. 18---------	Aug. 28.
88–183	---do----	338	H.R. 2073----------	222	-----do----------	589	-----do----------	May 6; Nov. 7--	Oct. 24.
88–184	---do----	340	H.R. 3488----------	766	Banking and Currency----	630	Banking and Currency----	Oct. 7----------	Nov. 7.
88–185	---do----	340	H.R. 7193----------	767	-----do----------	631	-----do----------	-----do---------	Do.
88–186	Nov. 26	341	S. 777----------	863	Foreign Affairs--------	215	Foreign Relations-----	Nov. 20---------	June 13, 17; Nov. 21.
88–187	---do----	342	H.R. 8969----------	885	Ways and Means----------	646	Finance----------	Nov. 7----------	Nov. 21.
88–188	Nov. 29	342	H.J. Res. 809----	----------	----------	----------	----------	Nov. 26---------	Nov. 27.
88–189	---do----	343	S. 2267 (H.R. 8971).	911	Joint Committee on Atomic Energy.	647	Joint Committee on Atomic Energy.	-----do---------	Nov. 21.
88–190	Dec. 2	343	H.R. 2837----------	72	Judiciary----------	145	Judiciary----------	Mar. 18---------	Apr. 25,26; Nov. 18.
88–191	Dec. 5	344	H.R. 3191----------	285	District of Columbia---	650	District of Columbia---	May 13----------	Nov. 26.
88–192	---do----	345	H.R. 3190----------	215	-----do----------	657	-----do----------	Apr. 22---------	Do.
88–193	---do----	347	H.R. 7497----------	701	-----do----------	651	-----do----------	Aug. 26---------	Do.
88–194	Dec. 11	347	H.R. 2905 (S. 536).	297	Interior and Insular Affairs.	670	Interior and Insular Affairs.	May 20----------	Dec. 3.
88–195	---do----	348	H.R. 9291----------	----------	----------	----------	----------	Dec. 2, 9--------	Dec. 3, 10.
88–196	---do----	349	H.R. 2467 (S. 711).	296	Interior and Insular Affairs.	673	Interior and Insular Affairs.	May 20----------	Dec. 3.

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	1963								
88–197	Dec. 11	349	S. 1243 (H.R. 5345).	905	Interior and Insular Affairs.	570	Interior and Insular Affairs.	Dec. 2	Oct. 21; Dec. 3.
88–198	Dec. 12	350	H.R. 5949	783	do	666	do	Oct. 7	Nov. 27.
88–199	do	359	H.R. 976	430	do	660	do	July 8	Do.
88–200	Dec. 13	359	H.R. 9009	892	Foreign Affairs	759	Foreign Relations	Nov. 13	Dec. 12.
88–201	do	361	H.R. 134	378	Interstate and Foreign Commerce.	665	Commerce	July 10; Dec. 3	Nov. 27.
88–202	do	362	S.J. Res. 137 (H.J. Res. 852).	1013	Judiciary	------	------	Dec. 10	Dec. 9.
88–203	do	363	S. 1703 (H.R. 8195).	722	Agriculture	372, 391	Agriculture and Forestry.	Oct. 31	Aug. 15; Dec. 3, 4.
88–204	Dec. 16	363	H.R. 6143	310, *884*	Education and Labor	557	Labor and Public Welfare.	Aug. 14; Oct. 29; Nov. 6.	Oct. 10, 11, 15, 21; Dec. 10.
88–205	do	379	H.R. 7885	646, *1006*	Foreign Affairs	588	Foreign Relations	Aug. 22, 23; Dec. 9.	Oct. 22, 24, 28–30; Nov. 1, 4–8, 12–15; Dec. 12, 13.
88–206	Dec. 17	392	H.R. 6518 (S. 432).	508, *1003*	Interstate and Foreign Commerce.	638	Public Works	July 24; Dec. 10.	Nov. 19; Dec. 10.
88–207	do	402	H.R. 5691	679	Veterans' Affairs	755	Labor and Public Welfare.	Sept. 9	Dec. 10.
88–208	do	402	H.R. 2906	483	Interstate and Foreign Commerce.	664	Commerce	July 8	Nov. 27.
88–209	do	402	H.J. Res. 335 (S.J. Res. 124).	752	Judiciary	------	------	Oct. 7; Dec. 16	Dec. 6.
88–210	Dec. 18	403	H.R. 4955	393, *1025*	Education and Labor	553	Labor and Public Welfare.	Aug. 6; Oct. 29; Dec. 12.	Oct. 3, 7, 8; Dec. 13.
88–211	do	419	S. 2054	1001	District of Columbia	653	District of Columbia	Dec. 9	Nov. 26.
88–212	do	421	S. 1533	1000	do	655	do	do	Do.
88–213	do	421	H.R. 5703	554	Judiciary	690	Judiciary	Aug. 6	Dec. 6.
88–214	Dec. 19	422	H.R. 8720 (S. 1716, S. 1831).	861	Education and Labor	458, 480	Labor and Public Welfare.	Dec. 12	Dec. 13.
88–215	do	425	H.R. 8747	824, *1004*	Appropriations	641	Appropriations	Oct. 10; Dec. 10	Nov. 19, 20; Dec. 10.
88–216	do	448	H.R. 4479	645	Interior and Insular Affairs.	752	Interior and Insular Affairs.	Aug. 19	Dec. 10.

88–217	Dec. 21	448	H.R. 5495	322	Judiciary	726	Judiciary	June 4	Dec. 6.
88–218	do	449	H.R. 4276	288	District of Columbia	658	District of Columbia	May 13; Dec. 12	Nov. 26, 27; Dec. 6.
88–219	do	462	H.R. 5778	636	Post Office and Civil Service.	757	Post Office and Civil Service.	Aug. 19	Dec. 12.
88–220	do	463	H.R. 9139	901, *1036*	Appropriations	750	Appropriations	Nov. 18; Dec. 13	Dec. 9, 13.
88–221	do	466	H.R. 7601	785	Judiciary	734	Judiciary	Oct. 7	Dec. 6.
88–222	do	467	H.R. 4839	321	do	771	do	June 4	Dec. 13.
88–223	do	468	H.R. 6001	850	Public Works	637	Public Works	Oct. 21	Dec. 6.
88–224	do	469	H.R. 8751	931	House Administration	767	Rules and Administration.	Dec. 2	Dec. 12.
88–225	Dec. 23	469	S. 1172	1029	Merchant Marine and Fisheries.	474	Commerce	Dec. 17	Oct. 7.
88–226	do	469	S. 2364 (H.R. 9341).	1018	Judiciary	772	Judiciary	do	Dec. 13.
88–227	do	470	S. 1698	1028	Merchant Marine and Fisheries.	663	Commerce	do	Dec. 3.
88–228	do	470	S. 1767 (H.R. 6678).	1042	Armed Services	773	Armed Services	do	Dec. 13.
88–229	do	471	S. 1756 (H.R. 7170).	937	Interior and Insular Affairs.	452	Public Works	do	Aug. 28; Dec. 18.
88–230	do	471	S. 1868	894	do	462	Interior and Insular Affairs.	Nov. 18	Aug. 28; Dec. 13.
88–231	do	472	S. 2139 (H.R. 8527).	903	do	584	do	Dec. 2	Oct. 22; Dec. 13.
88–232	do	472	S. 2228 (H.R. 9023).	1011, 1007	Banking and Currency	622	Banking and Currency	Dec. 17	Nov. 5.
88–233	do	472	S. 2275 (H.R. 8970).	972	Interior and Insular Affairs.	675	Interior and Insular Affairs.	do	Dec. 4.
88–234	do	473	H.R. 2985	385	Judiciary	620	Judiciary	July 8; Dec. 17	Oct. 30, 31; Dec. 16.
88–235	do	473	H.R. 6756	784	Interior and Insular Affairs.	778	Interior and Insular Affairs.	Oct. 7	Dec. 16.
88–236	do	474	H.R. 3005	888	Armed Services	775	Armed Services	Nov. 18	Dec. 13.
88–237	do	475	H.R. 4062	319	Interior and Insular Affairs.	667	Interior and Insular Affairs.	July 8; Dec. 17	Nov. 27.
88–238	do	475	H.R. 4338	414	Armed Services	776	Armed Services	July 8	Dec. 13.
88–239	do	476	H.R. 5179	580	Post Office and Civil Service.	756	Post Office and Civil Service.	Aug. 5; Dec. 13.	Dec. 12.
88–240	do	477	H.R. 7044	691	Foreign Affairs	783	Foreign Relations	Oct. 1	Dec. 17.
88–241	do	478	H.R. 4157	377	Judiciary	743	Judiciary	June 17; Dec. 11.	Dec. 6.
88–242	Dec. 30	629	S.J. Res. 113	1030	do	682	do	Dec. 17	Dec. 5, 19.
88–243	do	630	H.R. 5338	219	District of Columbia	649	District of Columbia	Apr. 22; Dec. 11.	Nov. 26.

GUIDE TO LEGISLATIVE HISTORY OF BILLS ENACTED INTO PUBLIC LAW—Continued

NOTE: Companion bills are in parentheses; conference reports in italics

Public Law		77 Stat.	Bill No.	Report No. and Committee reporting				Dates of consideration and passage Congressional Record, Vol. 109 (1963)	
				House		Senate		House	Senate
No.	Date approved								
	1963								
88-244	Dec. 30	775	H.J. Res. 778	873	Foreign Affairs	781	Foreign Relations	Nov. 4	Dec. 17.
88-245	do	776	H.R. 7063	388, *1056*	Appropriations	747	Appropriations	June 18; Dec. 18	Dec. 12, 18.
88-246	do	802	S.2311	1090	House Administration	763	Rules and Administration.	Dec. 21	Dec. 12.
88-247	do	802	H.J. Res. 880					Dec. 24	Dec. 24.
88-248	do	803	H.R. 6868	369, *896*	Appropriations	313	Appropriations	June 11; Nov. 8, 13; Dec. 17.	June 26; Nov. 27; Dec. 18.
88-249	do	818	S. 1175 (H.R. 7458).	906	Interior and Insular Affairs.	469	Interior and Insular Affairs.	Dec. 17	Aug. 28; Dec. 20.
88-250	do	820	H.R. 6754	355, *1088*	Appropriations	497	Appropriations	June 6; Dec. 21.	Sept. 25, 26, 30; Dec. 21.
88-251	do	834	S. 1319	1014	Judiciary	684	Judiciary	Dec. 17	Dec. 6, 19.
88-252	do	835	H.R. 7431	499, *1055*	Appropriations	632	Appropriations	July 11; Dec. 18.	Nov. 15, 18; Dec. 18.
88-253	do	840	H.R. 8667	799, *1019*	Public Works	648	Public Works	Oct. 21; Dec. 17.	Nov. 27; Dec. 3, 18.
88-254	do	843	H.J. Res. 848	1031	Judiciary			Dec. 17	Dec. 20.
88-255	do	843	H.J. Res. 680	1023	do			do	Dec. 19.
88-256	do	843	H.R. 9413	1038	Banking and Currency			do	Dec. 18.
88-257	Dec. 31	844	H.R. 9140	902, *1027*	Appropriations	746	Appropriations	Nov. 19; Dec. 12.	Dec. 9, 12.
	1964								
88-258	Jan. 6	857	H.R. 9499	1040, *1087*, *1091*.	do	785	do	Dec. 16, 19, 21, 23, 24.	Dec. 18, 19, 30.

LAWS AFFECTED IN VOLUME 77

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EXPLANATION

General.

The following tables are designed to serve as a guide to prior laws and other Federal instruments which are patently amended, repealed, referred to, or otherwise cited by the textual provisions of the public laws contained in this volume. These tables were initiated as a separate pamphlet to accompany Volume 70 of the United States Statutes at Large. Beginning with Volume 71, they are being published as an integral part of each volume.

From time to time the tables will be cumulated and made separately available as a convenience to users. Tables 1–9 of Volumes 70–74 covering the years 1956 through 1960 have been cumulated and published as a separate pamphlet. Coverage and arrangement of the tables are subject to change with a view to improved usefulness.

The arrangement of the tables is outlined above. There are two basic groups: (1) Tables 1–10 cover amendments, repeals, and other actions directly affecting prior laws and other Federal instruments; and (2) Tables 11–19 cover all citations and other references to prior laws and other Federal instruments.

Details of Arrangement.

Tables 1–9 are limited to cases in which prior laws and other Federal instruments are expressly affected.

Table 10 is a catch-all table designed as a finding aid to relationships which are expressed in general terms. Listed in this table are all public laws in this volume which contain such provisions as "notwithstanding any other provision of law," and "all laws in conflict with this law are hereby repealed."

Tables 11–19 cover all other cases in which prior laws or other Federal instruments are mentioned in the text of the public laws in this volume, without regard to the purpose underlying such reference.

In each of the basic groups the first and largest table is entitled "General Legislation," and contains listings of all laws affected which have not been codified in the Revised Statutes, the Internal Revenue Codes, or in those titles of the United States Code which have been enacted into positive law. Succeeding tables cover these codified provisions, as well as other instruments such as reorganization plans, veterans' regulations, Executive orders and proclamations, and treaties and international agreements. The numbering of the tables in the two groups is parallel. Thus Table 2 and Table 12 both relate to the Revised Statutes; Table 7 and Table 17 both relate to veterans' regulations.

Table 1 is arranged chronologically. In preparing this table the "basic act" principle has been followed. Under this principle the key listing of amendatory legislation will be found under the basic act affected, rather than under intervening amendments thereto. Furthermore, all laws included are treated as if tables covering prior volumes of the United States Statutes at Large were in existence. Thus, no attempt is made to give an historical picture of a law, and only the latest amendment in the chain will be reflected. Occasionally, to promote clarity, cross references have been supplied at key points.

Users of Table 1 should, therefore, look under the date, public law number, or statutes volume and page number of the basic act affected, in order to determine whether changes have been made by the public laws contained in this volume. Although a given section of any act may have been added at a later date, the section is carried under the date and statutes citation of the basic act. For this reason the page numbers in the column headed "Statutes volume and page" are the numbers of the page on which each act begins.

All tables are arranged chronologically, except where the existence of a system of codification makes possible a sequential arrangement from the lowest to the highest title or section number. In Tables 1–10 there is a "Comment" column, in which the nature of the affecting action is described. These are editorial comments, intended to reflect what is patent in the laws reviewed, and every effort has been made to avoid interpretations.

In Tables 11–19 the "Comment" column is unnecessary, since in each instance the comment would be "Cited" or "Referred to." In these tables, moreover, the number of columns has been held to a minimum in the interest of brevity. Thus Table 11 contains only three columns listing the date and number of the law referred to, and the page number in this volume at which the reference may be found.

Caveat.

All the tables are editorially compiled and presented as reference guides only. Hence they have no evidentiary status or legal effect. Indirect or implied relationships are not included. These may be found through use of the Subject Index or through research based on the text itself.

The Office of the Federal Register invites criticisms or suggestions with a view to improving the tables wherever possible.

LAWS AFFECTED IN VOLUME 77

TABLES OF AMENDMENTS AND REPEALS OF PRIOR LAWS AND OTHER FEDERAL INSTRUMENTS

TABLE 1.—*General Legislation*

NOTE: All cross references in this table are to entries in Table 1 unless otherwise indicated.

Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Chapter	Section	77 Stat.	Public law	Section	Comment
1801							
Feb. 27	2:103	15	12	621	88–241	21	Repeal.
1870							
June 17	16:153	133	----------	621	88–241	21	Do.
21	16:158	135	5	618	88–241	12	Revision.
21	16:160	141	4	621	88–241	21	Repeal.
1875							
Mar. 3	18:371	130	1	621	88–241	21	Partial repeal.
1877							
Feb. 27	19:240	69	2	621	88–241	21	Do.
1878							
June 20	20:206	359	1	786	88–245	----------	Exception.
1880							
June 14	21:180	211	1	118	88–88	2	Project abandoned.
1887							
Feb. 4	24:379	104	201–228	361	88–201	1	Exception.
4	24:379	104	203(b)(10)	402	88–208	----------	Addition.
1888							
July 9	25:246	597	----------	621	88–241	21	Repeal.
1889							
Mar. 1	25:772	328	73	621	88–241	21	Do.
1891							
Mar. 3	26:848	536	----------	621	88–241	21	Do.
1892							
June 25	27:60	135	1	621	88–241	21	Do.
1893							
Feb. 9	27:434	74	4, 10	621	88–241	21	Do.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Chapter	Section	77 Stat.	Public law	Section	Comment
1894							
July 30	28:160	172	1, 3	621	88–241	21	Repeal.
31	28:162	174	2	15	88–18	----------	Nonapplicability.
1895							
Jan. 12	28:601	23	87	241	88–136	----------	Exception.
12	28:601	23	87	776–778, 786	88–245	----------	Do.
1896							
May 25	29:138	245	----------	621	88–241	21	Repeal.
1897							
June 7	30:96	4	1, art. 11	116	88–84	1	Revision.
7	30:96	4	1, art. 15(d)	116	88–84	2	Do.
1898							
June 8	30:434	394	1–11	621	88–241	21	Repeal.
July 1	30:544	541	47a(2)	14	88–16	----------	Revision.
1	30:544	541	57n	330	88–175	2	Applicability.
1	30:544	541	60d	14, 15	88–17	----------	Revision.
1	30:544	541	334	330	88–175	1	Do.
1	30:544	541	355	330	88–175	2	Addition.
1	30:544	541	367(3)	331	88–175	3	Revision.
1	30:544	541	369(2), (3)	331	88–175	4	Do.
1899							
Feb. 21	30:841	176	----------	55	88–37	----------	Consolidation and acquisition of additional lands.
1901							
Mar. 3	31:1189	854	----------	478	88–241	1	Judiciary and Judicial Procedure, revision and codification of certain laws.
3	31:1189	854	----------	630	88–243	1	Uniform Commercial Code, enactment.
3	31:1189	854	2, 6	622	88–241	21	Repeal.
3	31:1189	854	9, 10	622	88–241	21	Do.
3	31:1189	854	12–26	622	88–241	21	Do.
3	31:1189	854	28, 29	622	88–241	21	Do.
3	31:1189	854	33–35	622	88–241	21	Do.
3	31:1189	854	37, 38	622	88–241	21	Do.
3	31:1189	854	41–61	622	88–241	21	Do.
3	31:1189	854	65	622	88–241	21	Do.
3	31:1189	854	72	622	88–241	21	Do.
3	31:1189	854	86–90	622	88–241	21	Do.
3	31:1189	854	93	452	88–218	7	Restriction.
3	31:1189	854	93	597	88–241	1	Exception.
3	31:1189	854	93	618	88–241	13	Revision.
3	31:1189	854	101–121	622	88–241	21	Repeal.
3	31:1189	854	123	622	88–241	21	Do.
3	31:1189	854	126, 127	622	88–241	21	Do.
3	31:1189	854	129	622	88–241	21	Do.
3	31:1189	854	142–145	622	88–241	21	Do.
3	31:1189	854	174, 175	622	88–241	21	Do.
3	31:1189	854	177	622	88–241	21	Do.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Chapter	Section	77 Stat.	Public law	Section	Comment
1901							
Mar. 3	31:1189	854	184	622	88–241	21	Repeal.
3	31:1189	854	190–204	622	88–241	21	Do.
3	31:1189	854	204a	622	88–241	21	Do.
3	31:1189	854	205–209	622	88–241	21	Do.
3	31:1189	854	212	622	88–241	21	Do.
3	31:1189	854	215	622	88–241	21	Do.
3	31:1189	854	215a	622	88–241	21	Do.
3	31:1189	854	217–220	622, 623	88–241	21	Do.
3	31:1189	854	224	623	88–241	21	Do.
3	31:1189	854	229	623	88–241	21	Do.
3	31:1189	854	235–241	623	88–241	21	Do.
3	31:1189	854	243–258	623	88–241	21	Do.
3	31:1189	854	399–401	623	88–241	21	Do.
3	31:1189	854	412–430	623	88–241	21	Do.
3	31:1189	854	445–477	623	88–241	21	Do.
3	31:1189	854	480	524	88–241	1	Applicability.
3	31:1189	854	483, 484	623	88–241	21	Repeal.
3	31:1189	854	484a	623	88–241	21	Do.
3	31:1189	854	485	623	88–241	21	Do.
3	31:1189	854	485a	623	88–241	21	Do.
3	31:1189	854	486–491	623	88–241	21	Do.
3	31:1189	854	546–A, B	774	88–243	15	Do.
3	31:1189	854	546–C, D	772	88–243	10, 11	Revision.
3	31:1189	854	546–D (a)	772	88–243	11	Nonapplicability.
3	31:1189	854	546–E	774	88–243	15	Repeal.
3	31:1189	854	546–F, G	773	88–243	12, 13	Revision.
3	31:1189	854	548	773	88–243	14	Do.
3	31:1189	854	833a	774	88–243	15	Repeal.
3	31:1189	854	839	769	88–243	3	Revision.
3	31:1189	854	934	623	88–241	21	Repeal.
3	31:1189	854	963–967	623	88–241	21	Do.
3	31:1189	854	969–974	623	88–241	21	Do.
3	31:1189	854	974a	623	88–241	21	Do.
3	31:1189	854	975–986	623	88–241	21	Do.
3	31:1189	854	988–990	623	88–241	21	Do.
3	31:1189	854	992–1010	623	88–241	21	Do.
3	31:1189	854	1023	460	88–218	26	Restriction.
3	31:1189	854	1025	460	88–218	26	Do.
3	31:1189	854	1056–1073	623	88–241	21	Repeal.
3	31:1189	854	1073a	623	88–241	21	Do.
3	31:1189	854	1074–1091	623	88–241	21	Do.
3	31:1189	854	1093–1098	623	88–241	21	Do.
3	31:1189	854	1100–1104	623, 624	88–241	21	Do.
3	31:1189	854	1104A	624	88–241	21	Do.
3	31:1189	854	1105–1111	624	88–241	21	Do.
3	31:1189	854	1114	78	88–60	5(a)	Do.
3	31:1189	854	1119	774	88–243	15	Do.
3	31:1189	854	1143–1150	624	88–241	21	Do.
3	31:1189	854	1205–1217	624	88–241	21	Do.
3	31:1189	854	1265	620, 624	88–241	20, 21	Repeal; effective date.
3	31:1189	854	1265	769, 775	88–243	2, 16	Amendment; nonapplicability; effective date.
3	31:1189	854	1266–1270	624	88–241	21	Repeal.
3	31:1189	854	1272–1282	624	88–241	21	Do.
3	31:1189	854	1298–1303	624	88–241	21	Do.
3	31:1189	854	1304–1388	774	88–243	15	Do.
3	31:1189	854	1389	774	88–243	15	Partial repeal.
3	31:1189	854	1390–1493	774	88–243	15	Repeal.
3	31:1189	854	1529–1573	624	88–241	21	Do.
3	31:1189	854	1621	774	88–243	15	Do.
3	31:1189	854	1628a	345	88–192	1	Addition.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1902							
Jan. 31	32:2	4	1	624	88–241	21	Repeal.
June 13	32:331	154	3	305	88–172	3	Additional functions.
30	32:520	206	----------	452	88–218	7	Supplemental provision. (See also 1901, ch. 854, sec. 93.)
30	32:520	206	----------	618	88–241	13	Do.
30	32:520	206	----------	623–626	88–241	21	Partial repeal.
30	32:520	206	----------	769	88–243	2	Supplemental provision. (See also 1901, ch. 854, sec. 1265.)
July 1	32:552	217	----------	78	88–60	5(b)	Amendment.
1	32:552	217	----------	626	88–241	21	Partial repeal.
1	32:590	218	1	623	88–241	21	Supplemental provision.
1	32:590	218	7, par. 42	617	88–241	10	Amendment.
1904							
Apr. 28	33:554	240	----------	774	88–243	15	Repeal.
28	33:555	241	1–5	774	88–243	15	Do.
1906							
Mar. 19	34:73	56	1–45	626	88–241	21	Do.
23	34:84	65	----------	251	88–144	----------	Applicability.
23	34:86	66	----------	594	88–241	1	Do.
Apr. 21	34:126	114	----------	626	88–241	21	Repeal.
May 7	34:175	148	7	616	88–241	4	Amendment.
June 29	34:616	353	----------	473	88–235	----------	Boundary revision.
1907							
Feb. 1	34:870	48	10	616	88–241	5	Amendment.
1	34:874	51	----------	626	88–241	21	Repeal.
9	34:887	80	4	114	88–81	----------	(Revised. See 1929, P.L. 966.)
1909							
Feb. 17	35:623	232	----------	626	88–241	21	Repeal.
18	35:629	240	----------	621	88–241	21	Partial repeal. (See 1889, ch. 328, sec. 73.)
1910							
Apr. 15	36:301	137	1–49	774	88–243	15	Repeal.
15	36:301	137	56–59	774	88–243	15	Do.
15	36:301	137	62	774	88–243	15	Do.
May 18	36:374	185	1	626	88–241	21	Partial repeal.
June 9	36:464	202	----------	626	88–241	21	Repeal.
25	36:864	315	2	626	88–241	21	Do.
1911							
Mar. 1	36:961	435	----------	109	88–79	----------	Restriction.
2	36:966	441	1	626	88–241	21	Partial repeal.
1912							
June 26	37:139	201	1	626	88–241	21	Do.
July 16	37:192	226	1, 2	617, 618	88–241	11	Revision.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1912							
Aug. 23	37:360	299	1	626	88–241	21	Partial repeal.
24	37:417	302	----------	101	88–79	----------	Exception.
1913							
Feb. 4	37:657	359	10(a), (b)	344	88–191	----------	Existing text designated as (a) and amended; new subsec. (b) added.
Mar. 4	37:828	430	----------	109	88–79	----------	Supplemental provisions.
4	37:938	435	1	626	88–241	21	Partial repeal.
Dec. 23	38:251	43	16	54	88–36	3	Amendment.
1914							
July 16	38:454	127	5	391	88–205	404(c)	Exception.
1916							
May 10	39:66	73	6	836	88–252	----------	Nonapplicability.
Aug. 25	39:535	235	----------	472	88–233	1(a)	Exception.
Sept. 1	39:676	250	1	626	88–241	21	Partial repeal.
7	39:728	260	18(b)(1)	129	88–103	----------	Amendment.
7	39:742	267	----------	228	88–136	----------	Applicability.
7	39:742	267	32, 42	228	88–136	----------	Supplemental provision.
1917							
Feb. 23	39:929	347	----------	410	88–210	10	Exception.
Sept. 24	40:288	43	----------	221	88–133	7(a)	Supplemental provision.
24	40:288	43	21	50	88–30	----------	Public debt limit, increase.
24	40:288	43	21	131	88–106	----------	Do.
24	40:288	43	21	342	88–187	----------	Do.
1919							
Mar. 1	40:1213	314	11	241	88–136	----------	Exception. (See also 1895, ch. 23, sec. 87.)
1	40:1213	314	11	776–778	88–245	----------	Do.
1920							
Feb. 28	41:456	152	201	81	88–67	----------	Repeal.
Apr. 19	41:555	181	1	623, 627	88–241	21	Partial repeal.
1921							
Mar. 3	41:1310	365	1–11	627	88–241	21	Repeal.
3	41:1310	365	13	627	88–241	21	Do.
May 27	42:9	9	----------	774	88–243	15	Do.
Aug. 15	42:159	51	407(c)	79	88–61	----------	Addition.
1922							
May 19	42:543	220	----------	622	88–241	21	Repeal.
Sept. 20	42:857	316	----------	80	88–66	----------	Supplemental provision. (See also Rev. Stat. 2450, 2451, 2456, table 2.)

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1923							
Mar. 4	42:1506	529	----------	627	88–241	21	Repeal.
1924							
June 3	43:360	185	----------	81	88–67	1	Do.
Dec. 13	43:713	294	----------	627	88–241	21	Do.
13	43:713	295	28	616	88–241	6	Revision.
1925							
Mar. 3	43:1119	561	3–5	627	88–241	21	Repeal.
3	43:1119	561	13(a)	617	88–241	8	Amendment.
1926							
Apr. 3	44:234	90	----------	627	88–241	21	Repeal.
May 7	44:403	186	----------	122	88–94	2(g)	Supplemental provision.
7	44:403	186	----------	391	88–205	404(d)	Do.
7	44:403	186	1	122	88–94	2(b)	Amendment.
7	44:403	186	2	122	88–94	2(a)	Repeal.
7	44:403	186	3, 4	122	88–94	2(c), (d)	Amendment.
7	44:403	186	4(d)	121	88–94	1	Addition.
7	44:403	186	9	122	88–94	2(e)	Amendment.
20	44:577	257	9	133	88–108	4	Applicability.
22	44:616	268	----------	154	88–120	----------	Supplemental provision.
25	44:629	280	----------	52	88–34	----------	Applicability.
June 14	44:741	385	----------	627	88–241	21	Repeal.
July 3	44:812	460	3	617	88–241	8	Supplemental provision. (See also 1925, P.L. 561, sec. 13(a).)
3	44:892	505	----------	627	88–241	21	Repeal.
1927							
Feb. 26	44:1249	658	----------	622	88–241	21	Do.
Mar. 3	44:1391	765	3	251	88–144	----------	Sec. 3 deleted; new 3 added.
4	44:1413	791	3	616	88–241	4	Supplemental provision. (See also 1906, P.L. 148.)
1928							
Apr. 6	45:410	243	----------	627	88–241	21	Repeal.
May 15	45:533	390	3	627	88–241	21	Do.
21	45:645	457	1	627	88–241	21	Partial repeal.
29	45:950	571	1	616	88–241	6	Supplemental provision. (See also 1924, P.L. 295.)
Dec. 20	45:1056	641	----------	627	88–241	21	Repeal.
1929							
Feb. 27	45:1326	831	38	615	88–241	2	Amendment.
Mar. 1	45:1415	867	----------	627	88–241	21	Repeal.
1	45:1437	890	----------	627	88–241	21	Do.
2	45:1519	966	1, "Sec. 4"	114	88–81	----------	Amendment.
2	45:1519	966	1, "Sec. 7"	615	88–241	3	Do.
1930							
Apr. 23	46:253	165	1	212	88–132	5(a)	Supplemental provision.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1930							
May 14	46:279	216	----------	818	88-249	----------	Boundary revision.
14	46:279	216	4	819	88-249	5	Repeal.
27	46:391	271	7	100	88-79	----------	Exception.
June 17	46:590	361 (title I)	----------	1017	Proc. No. 3548	----------	Promulgation of Tariff Schedules of U.S. (See Vol. 77A, U.S. Statutes at Large.)
17	46:590	361 (title I)	----------	1028	Proc. No. 3558	----------	Amendment of Item No. 950.06, Pt. 3, App. to Tariff Schedules.
17	46:590	361 (title I)	----------	1033	Proc. No. 3562	----------	Amendment of Item No. 950.07, Pt. 3, App. to Tariff Schedules.
17	46:590	361 (title I)	----------	1033	Proc. No. 3562	----------	Amendment of headnote 3(a), Pt. 3, App. to Tariff Schedules.
17	46:590	361 (title I)	----------	1035	Proc. No. 3564	----------	Amendment of Subpt. B, Pt. 2, App. to Tariff Schedules.
17	46:590	361	1, par. 1	121	88-93	----------	Duty suspension.
17	46:590	361	1, par. 301	71	88-50	1	Duty suspension, extension.
17	46:590	361	1, par. 309	118	88-86	----------	Amendment.
17	46:590	361	1, par. 1511	52	88-32	----------	Duty suspension.
17	46:590	361	201, par. 1670(b)	120	88-92	----------	Duty suspension, extension.
17	46:590	361	201, par. 1684(b)	119	88-90	----------	Do.
17	46:590	361	201, par. 1798(c)(2)(A)	73	88-53	1(a), (b)	Amendment; supplemental provision.
17	46:590	361	201, par. 1798(c)(2)(B)	73	88-53	1(a)	Amendment.
19	46:785	390	----------	627	88-241	21	Repeal.
July 3	46:918	520	2	304, 305	88-172	----------	Board abolished; transfer of functions.
1931							
Feb. 27	46:1424	742	2, 4	617	88-241	8	Supplemental provision. (See also 1925, P. L. 561, sec. 13(a).)
Mar. 2	46:1481	Pub. Res. 126	----------	130	88-105	1	(Revised. See 1941, P. L. 249.)
2	46:1481	Pub. Res. 126	----------	469	88-224	----------	(Revised. See 1963, P. L. 88-105.)
3	46:1489	791	----------	410	88-210	10	Exception.
1932							
Feb. 11	47:48	28	----------	627	88-241	21	Repeal.
June 30	47:382	212	----------	801	88-245	----------	Exception.
30	47:382	212	212	15	88-18	----------	Applicability.
30	47:382	212	212	264	88-149	507	Nonapplicability.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1932							
July 1	47:550	237	----------	617	88-241	10	Supplemental provision. (See also 1902, P. L. 218, sec. 7, par. 42.)
8	47:647	272	----------	623	88-241	21	Supplemental provision. (See also 1901, ch. 854, sec. 485a.)
1933							
Feb. 28	47:1370	385	----------	627	88-241	21	Repeal.
1934							
June 19	48:1125	436	8, 11 (ch.II)	347	88-193	1, 2	Amendment.
19	48:1125	436	26,29(ch.II)	76	88-57	1	Do.
19	48:1178	438	----------	54	88-36	1	Repeal.
27	48:1246	479	221(f)	73	88-54	----------	Amendment.
27	48:1246	479	809(f)	163	88-127	1(1)	Do.
27	48:1246	479	809(g)(1)	163	88-127	1(2)	Do.
27	48:1246	479	809(g)(2)(iii)(B)	163	88-127	1(3)	Revision.
27	48:1246	479	810(b)(1)	163	88-127	2(1)	Do.
27	48:1246	479	810(d),(k)	163	88-127	2(2),(3)	Amendment.
1935							
Apr. 11	49:152	32	1-5	627	88-241	21	Repeal.
11	49:152	32	7, 8	627	88-241	21	Do.
27	49:163	46	16(h)	45, 47	88-26	3	Addition; exception.
27	49:163	46	16(h)(1)	46, 47	88-26	3	Exceptions.
July 26	49:500	220	11	344	88-190	2	Applicability.
26	49:500	220	11(b)-(d)	343	88-190	1(a)	Revision.
26	49:500	220	11(g)	344	88-190	1(b)	Existing text replaced by new subsec. (g).
Aug. 7	49:539	252	1-4	623, 627	88-241	21	Repeal.
14	49:620	271	302(a)	225	88-136	----------	Exception.
14	49:620	271	303(a)(1)	226	88-136	----------	Applicability.
14	49:620	271	408(a)(2)	70	88-48	----------	Supplemental provision.
14	49:620	271	501	273	88-156	2(a)	Amendment.
14	49:620	271	502(a)	273	88-156	2(b)	Revision.
14	49:620	271	502(b)	240	88-136	----------	Supplemental provisions.
14	49:620	271	502(b)	273	88-156	2(c)	Amendment.
14	49:620	271	504(a),(b)	240	88-136	----------	Supplemental provision.
14	49:620	271	511	273	88-156	3(a)	Amendment.
14	49:620	271	512(a)	274	88-156	3(b)	Partial revision.
14	49:620	271	512(b)	240	88-136	----------	Supplemental provision.
14	49:620	271	512(b)	274	88-156	3(c)	Amendment.
14	49:620	271	514	240	88-136	----------	Supplemental provision.
14	49:620	271	531	274	88-156	4	Revision.
14	49:620	271	532	274	88-156	4	Addition.
14	49:620	271	901(c)(1)	51	88-31	1(1)	Amendment.
14	49:620	271	901(c)(1)(A)	51	88-31	1(2)	Do.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1935							
Aug. 14	49:620	271	901(c)(1)(A)	52	88–31	4	Exception; supplemental provision.
14	49:620	271	903(c)(2)(D)	51, 52	88–31	3	Amendment.
14	49:620	271	901(c)(3)	51	88–31	1(3)	Addition.
14	49:620	271	905(b)	51	88–31	2(c)	Amendment.
14	49:620	271	1701–1704	275	88–156	5	Addition.
22	49:681	300	----------	627	88–241	21	Repeal.
22	49:682	301	----------	627	88–241	21	Do.
24	49:750	320	32	826, 827	88–250	----------	Supplemental provision; restrictions.
1936							
May 15	49:1273	587	----------	617	88–241	8	Supplemental provision. (See also 1925, P.L. 561, sec. 13(a).)
June 22	49:1570	738	----------	842	88–253	1	Supplemental provision.
22	49:1570	738	3	840	88–253	1	Applicability.
29	49:1985	835	506	469	88–225	----------	Supplemental provision.
29	49:1985	835	511(h)	470	88–227	----------	Amendment.
1937							
Mar. 17	50:29	21	1–76a, 79	774	88–243	15	Repeal.
June 24	50:307	162	1, "Sec. 3(a), (c)"	219	88–133	1, 2	Amendment.
24	50:307	162	1, "Sec. 4(k), (n)"	219	88–133	3, 4	Do.
24	50:307	162	1, "Sec. 5(f)(2)"	220	88–133	5	Do.
24	50:307	162	1, "Sec. 5(l)(9), (10)"	220	88–133	6	Do.
24	50:307	162	1, "Sec.15(a)"	220	88–133	7(a)	Do.
24	50:307	162	1, "Sec. 15(b)"	220	88–133	7(a)	Subsec. (b) deleted; new (b) added.
Aug. 25	50:787	356	9	617	88–241	9	Amendment.
Sept. 1	50:888	412	----------	250	88–141	1	Exception.
1938							
Feb. 16	52:31	430	316(a)	81	88–68	----------	Amendment.
16	52:31	430	316(b)	82	88–68	----------	Revision.
16	52:31	430	316(c)	114	88–80	----------	Exception.
16	52:31	430	316(h)	114	88–80	----------	Addition.
16	52:31	430	334(i), (j)	79	88–64	----------	Subsec. (i) redesignated as (j) and amended.
16	52:31	430	344(m)(2)	13	88–12	----------	Exception.
16	52:31	430	344(n)	13	88–12	----------	Amendment.
16	52:31	430	359(c)	92	88–76	----------	Supplemental provision.
Mar. 5	52:103	441	1–19	627	88–241	21	Repeal.
5	52:103	441	5(g)	117	88–85	----------	Amendment.
5	52:103	441	21	627	88–241	21	Repeal.
May 31	52:584	555	5	627	88–241	21	Do.
June 1	52:596	571	----------	626	88–241	21	Do.
1	52:596	571	19	619	88–241	17(b)	Supplemental provision.
7	52:620	580	10	617	88–241	7	Amendment.
25	52:1060	718	6(d)	56	88–38	3	Addition.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1938							
June 25	52:1094	722	3	222	88–133	301	Revision.
25	52:1094	722	4(a–2)(i)	222	88–133	302	Do.
25	52:1094	722	8(a), (f)	222, 223	88–133	303(a), 304	Amendment.
25	52:1094	722	10(b)	222	88–133	303(b)	Exception.
25	52:1094	722	10(d)	223	88–133	305	Amendment.
28	52:1215	761	----------	151	88–117	----------	Supplemental provision.
28	52:1215	761	----------	841, 842	88–253	1	Supplemental provisions.
28	52:1215	761	2	840	88–253	1	Supplemental provision. (See also 1936, P.L. 738, sec. 3.)
1939							
Apr. 5	53:566	20	1, 3, 6, 7	774	88–243	15	Repeal.
5	53:566	20	8(a), (b)	627	88–241	21	Do.
July 6	53:998	165	4	54	88–36	1	Do.
15	53:1004	176	1	627	88–241	21	Partial repeal.
26	53:1085	225 (title III)	----------	627	88–241	21	Repeal.
Aug. 1	53:1145	251	1(6)	164	88–128	1(a)	Addition.
1	53:1145	251	2	164	88–128	1(b)	Amendment.
4	53:1187	260	9(d)(1)	8	88–10	----------	Exception.
11	53:1408	388	13–15	246, 247	88–137	1, 2	Sec. 13 (relating to construction of provisions) renumbered as 14; sec. 13 (relating to effective date) renumbered as 15; new sec. 13 added.
1940							
June 12	54:307	602	1	627	88–241	21	Partial repeal.
July 2	54:735	720	----------	626	88–241	21	Repeal.
2	54:736	722	1, 2	771	88–243	6	Amendment.
2	54:736	722	4	771	88–243	7	Do.
2	54:736	722	6–8	119	88–89	1–3	Do.
2	54:736	722	8	771	88–243	8	Do.
2	54:736	722	11	119	88–89	4	Do.
2	54:736	722	13	119	88–89	5, 6	Amendment; supplemental provision.
Oct. 9	54:1063	824	32, 35 (ch. II)	76	88–57	2, 3	Amendment.
1941							
Aug. 18	55:633	220	----------	421	88–213	----------	Patent extended.
18	55:638	228	----------	842	88–253	1	Supplemental provisions.
Sept. 18	55:686	249	----------	130	88–105	1	Revision.
18	55:686	249	----------	469	88–224	----------	(Revised. See 1963, P.L. 88–105.)
Dec. 15	55:801	341	----------	627	88–241	21	Repeal.
1942							
Mar. 13	56:171	497	----------	71	88–50	1	(Revised. See 1950, P.L. 869.)
Apr. 1	56:190	512	1–14	627	88–241	21	Repeal.
1	56:190	512	1	77	88–60	1	Name change.
1	56:190	512	4(a)	77	88–60	2	Revision.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1942							
Apr. 1	56:190	512	5 (a), (c)	77, 78	88–60	3, 4	Revision.
1	56:190	512	6	78	88–60	6	Supplemental provision.
Oct. 26	56:990	763	----------	152	88–118	----------	Amendment.
1944							
June 17	58:279	342	2(c)	850	88–257	----------	Exception.
28	58:509	371	6	839	88–252	12	Do.
28	58:509	371	16	628	88–241	21	Repeal.
30	58:645	386	----------	52	88–33	----------	Name change.
July 1	58:682	410	----------	285, 289, 294	88–164	125, 137, 207	Restriction.
1	58:682	410	214(b), (d)	400	88–206	1	Supplemental provision.
1	58:682	410	221(b)	214	88–132	5(k)	Amendment.
1	58:682	410	301, 311	401	88–206	1	Restriction.
1	58:682	410	314(c)	401	88–206	1	Do.
1	58:682	410	326(b)	83	88–71	2(a)	Repeal.
1	58:682	410	326(c)	83	88–71	2(b)	Amendment.
1	58:682	410	633(b)	299	88–164	407(a)	Do.
1	58:682	410	705(c)(4)	173	88–129	3(a)	Addition.
1	58:682	410	711	173	88–129	3(b)	Do.
1	58:682	410	720–728	164	88–129	2	Do.
1	58:682	410	740–745	170	88–129	2(b)	Do.
1	58:682	410	761–766	282	88–164	101	Do.
Dec. 20	58:817	505	1, 2, 4	628	88-241	21	Repeal.
22	58:887	534	----------	842	88–253	1	Supplemental provision.
22	58:887	534	1	840	88–253	1	Applicability.
22	58:887	534	8	249	88–140	2	Exception.
22	58:887	534	9(a)	842	88–253	2	Supplemental provision.
23	58:927	567	----------	774	88–243	15	Repeal.
1945							
June 13	59:238	85	----------	806	88–248	----------	Supplemental provision.
13	59:238	85	----------	863	88–258	----------	Do.
30	59:271	103	----------	837	88–252	----------	Exception.
30	59:271	103	1	628	88–241	21	Partial repeal.
July 31	59:508	166	1	304	88–172	----------	Transfer of functions.
31	59:512	171	19	334	88–178	----------	Addition.
31	59:526	173	2(c)(1)	128	88–101	1(a)	Amendment.
31	59:526	173	7, 8	128	88–101	1(b), 2	Do.
Dec. 6	59:597	248	104	61	88–39	----------	Exception.
6	59:597	248	104	114	88–79	----------	Do.
6	59:597	248	104	444	88–215	----------	Do.
6	59:597	248	104	801	88–245	----------	Do.
6	59:597	248	104	831	88–250	----------	Do.
6	59:597	248	104	847, 854	88–257	----------	Do.
6	59:597	248	104	862	88–258	----------	Do.
1946							
Mar. 23	60:59	333	----------	213	88–132	5(f)	Continuation of benefits.
June 11	60:237	404	----------	107	88–79	----------	Exception.
11	60:237	404	4	369	88–204	107(c)	Applicability; partial exception.
11	60:246	408	----------	350	88–198	----------	Amendment of compact.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1946							
July 1	60:386	479	----------	806	88-248	----------	Supplemental provision.
1	60:386	479	----------	863	88-258	----------	Amendment.
9	60:501	493	1	628	88-241	21	Partial repeal.
23	60:596	520	3	6	88-8	----------	Exception.
23	60:596	520	3	272	88-154	----------	Do.
24	60:641	526	----------	75	88-56	----------	Supplemental provision.
24	60:641	526	----------	842	88-253	1	Do.
31	60:750	579	----------	54	88-36	1	Repeal.
Aug. 1	60:775	586	----------	410	88-210	10	Exception.
1	60:775	586	201	411	88-210	11(a)	Amendment.
1	60:775	586	202(c)	411	88-210	11(a)	Do.
1	60:775	586	301	411	88-210	11(b)	Do.
2	60:806	600	7(b)	252	88-146	----------	Do.
7	60:889	637	----------	628	88-241	21	Repeal.
8	60:919	664	3	247	88-137	2	Amendment. (See also 1939, P.L. 388.)
8	60:931	674	----------	628	88-241	21	Repeal.
13	60:999	724	571(a)	391	88-205	404(a)	Amendment.
13	60:999	724	911(2)	391	88-205	404(b)	Do.
13	60:999	724	914	391	88-205	404(c)	Addition.
13	60:999	724	921(d)	391	88-205	404(c)	Deletion.
13	60:999	724	1081	391	88-205	404(d)	Addition.
1947							
May 15	61:92	53	----------	628	88-241	21	Repeal.
July 11	61:312	177	----------	628	88-241	21	Do.
16	61:328	195 (art. I, title XII)	11(c)(3)	840	88-252	14	Exception.
16	61:328	195 (art. VI)	2(a)	130	88-104	1	Amendment.
18	61:381	201	----------	628	88-241	21	Repeal.
23	61:409	219	16	192	88-130	4(b)	Supplemental provision.
1948							
June 19	62:487	676	1, 2	628	88-241	21	Repeal.
19	62:487	677	1	628	88-241	21	Do.
24	62:579	745	----------	628	88-241	21	Do.
24	62:604	759	----------	135	88-110	2	Exception.
24	62:604	759	4-6	4	88-2	4	Supplemental provision.
24	62:604	759	6(c)(2)	134	88-110	2	Revision.
24	62:604	759	6(h)	135	88-110	2	Exception.
24	62:604	759	13(a)	136	88-110	6	Amendment.
24	62:604	759	17(c)	4	88-2	1	Do.
25	62:869	773	14-16	628	88-241	21	Repeal.
25	62:869	773	24	628	88-241	21	Do.
25	62:869	773	32(b)	615-618	88-241	2-4, 7, 9, 11	Supplemental provisions.
26	62:1052	791	----------	215	88-132	5(f)	Continuation of benefits.
30	62:1171	858	201-209	841	88-253	1	Supplemental provision.
1949							
May 24	63:76	71	----------	806	88-248	----------	Do.
24	63:89	72	127	615-618	88-241	2-4, 7, 9, 11	Supplemental provisions.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1949							
May 24	63:89	72	135–140	628	88–241	21	Repeal.
June 20	63:213	111	----------	628	88–241	21	Do.
20	63:213	112	----------	628	88–241	21	Do.
20	63:214	113	----------	628	88–241	21	Do.
21	63:215	116	----------	628	88–241	21	Do.
30	63:377	152	----------	431	88–215	----------	Exception.
July 15	63:413	171	100–113	250	88–141	1	Do.
26	63:481	189	----------	774	88–243	15	Repeal.
28	63:482	191	2, 3	628	88–241	21	Do.
Aug. 2	63:491	201	3–5	628	88–241	21	Do.
24	63:627	264	5	471	88–229	----------	Amendment.
30	63:679	275	----------	80	88–66	----------	Supplemental provision.
Oct. 7	63:724	335	----------	850	88–257	----------	Exception.
12	63:802	351	----------	213	88–132	5(c)	Supplemental provision.
12	63:802	351	201(a)	213	88–132	5(d)(1)	Do.
12	63:802	351	511	212	88–132	5(b)	Do.
25	63:887	369	1–3	628	88–241	21	Repeal.
26	63:907	390	----------	793	88–245	302	Supplemental provision.
26	63:930	410	----------	152	88–118	----------	Supplemental provision. (See also 1942, P.L. 763.)
28	63:954	429	----------	224	88–136	----------	Exception.
28	63:954	429	----------	793, 795	88–245	----------	Do.
31	63:1051	439	105(a)	44	88–26	2	Amendment.
31	63:1051	439	105(d)	44	88–26	2	Addition; applicability.
31	63:1051	439	510	363	88–203	----------	Amendment.
1950							
Mar. 18	64:27	462	----------	410	88–210	10	Exception.
Apr. 20	64:48	475	507	440	88–215	----------	Conditional exception.
May 17	64:163	516	101	336	88–181	----------	Project modification.
17	64:163	516	201–219	842	88–253	1	Supplemental provision.
June 30	64:310	593	----------	252	88–145	----------	Do.
July 21	64:369	617	----------	299	88–165	----------	Amendment.
Aug. 1	64:384	630	----------	304	88–171	2	Exception.
1	64:384	630	30	302	88–170	3	Supplemental provision.
3	64:408	655	----------	4	88–2	2	(Revised. See 1951, P.L. 51, sec. 3.)
7	64:416	669	----------	774	88–243	15	Repeal.
Sept. 8	64:794	771	16	4	88–2	3	Amendment.
18	64:A224	[1] 957	----------	213	88–132	5(f)	Continuation of benefits.
23	64:967	815	----------	419	88–210	31	(Revised. See 1958, P.L. 85–620, sec. 101.)
23	64:981	825	2	156	88–125	1(a)	Exception.
27	64:1044	843	----------	71	88–51	----------	Suspension of certain restrictions.
30	64:1093	869	2	71	88–50	1	Amendment. (See also 1930, P.L. 361, sec. 1, par. 301.)
30	64:1100	874	----------	264	88–149	506	Exception.
30	64:1100	874	2(a)	419	88–210	32	Amendment.

[1] Private Law.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1950							
Sept. 30	64:1100	874	3(b)	419	88–210	32	Amendment.
30	64:1100	874	4(a)	419	88–210	32	Do.
1951							
Jan. 11	64:1240	917	2–19	628	88–241	21	Repeal.
June 19	65:75	51	3, "Sec. 1"	4	88–2	2	Amendment.
Aug. 3	65:154	105	4	626	88–241	21	Repeal.
Oct. 11	65:406	172	----------	194	88–131	3	Do.
20	65:452	183	497	73	88–52	3(b)	Amendment.
1952							
Mar. 14	66:24	281	1	628	88–241	21	Repeal.
Apr. 15	66:59	315	1	628	88–241	21	Do.
June 3	66:96	369	2	770	88–243	5	Revision.
4	66:100	373	1, 2	771	88–243	7, 8	Supplemental provisions. (See also 1940, P.L. 722, secs. 4, 8.)
5	66:126	376	1–3	772–774	88–243	10–13, 15	Supplemental provisions. (See also 1901, ch. 854, secs. 546–A–G.)
12	66:134	388	1–3	626	88–241	21	Repeal.
July 9	66:481	476	262	134	88–110	1	Do.
10	66:517	488	701–707	216	88–132	9(b)	Do.
1953							
June 18	67:64	67	----------	772	88–243	11	Supplemental provision. (See also 1901, ch. 854, sec. 546–D.)
18	67:65	69	1	628	88–241	21	Repeal.
18	67:66	71	1	628	88–241	21	Do.
29	67:90	85	212	618	88–241	11(b)	Supplemental provision. (See also 1912, P.L. 226, sec. 2.)
29	67:90	85	403, 408, 410	628	88–241	21	Repeal.
Aug. 5	67:366	193	1(i)	477	88–240	1	Addition.
1954							
June 8	68:177	389	3	137	88–111	1(5)	Amendment.
8	68:177	389	4(h)	136	88–111	1(1)	Do.
8	68:177	389	11(e)–(g)	136, 137	88–111	1(2)	Addition.
8	68:177	389	12(b)	137	88–111	1(3)	Revision.
8	68:177	389	20(b)	770	88–243	4	Do.
8	68:177	389	32	137	88–111	1(4)	Amendment.
8	68:177	389	71(b)(4)	137	88–111	1(6)	Addition.
8	68:177	389	107(f)–(h)	137, 138	88–111	1(7)	Do.
8	68:177	389	108	138	88–111	1(8)	Revision.
8	68:177	389	121(b)(20), (21)	139	88–111	1(9)	Addition.
8	68:177	389	127	139	88–111	1(10)	Revision.
8	68:177	389	130(a)	140	88–111	1(11)	Amendment.
8	68:177	389	136	140	88–111	1(12)	Revision.
8	68:177	389	151	140	88–111	1(13)	Addition.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1954							
June 8	68:240	392	1–17	628	88–241	21	Repeal.
8	68:240	392	18(b)	628	88–241	21	Do.
18	68:255	406	1	475	88–237	1	Amendment.
18	68:255	406	4	475	88–237	2	Addition.
July 10	68:454	480	----------	387	88–205	301(e)(3)	Restriction.
10	68:454	480	101(f)	390	88–205	403(a)	Revision.
10	68:454	480	105, 106	390	88–205	403(b), (c)	Amendment.
10	68:454	480	202	390	88–205	403(d)	Do.
22	68:497	517	8(b)(i), (ii)	335	88–180	----------	Existing text designated as par. (i) and amended; new (ii) added.
27	68:535	534	301	322	88–174	304(a)	Amendment.
27	68:535	534	502(3)	322	88–174	304(b)	Do.
Aug. 3	68:652	565	2, "Sec. 2"	232	88–136	----------	Supplemental provisions.
3	68:652	565	2, "Sec. 3(a)(1)"	232	88–136	----------	Supplemental provision.
17	68:736	598	5(c)	429	88–215	----------	Exception.
17	68:736	598	10	429	88–215	----------	Supplemental provision.
26	68:832	665	----------	390	88–205	304	Do.
30	68:919	703	1, "Sec. 44"	87	88–72	105(b)	Exception.
30	68:919	703	1, "Sec. 169"	86	88–72	105(b)	Do.
30	68:919	703	1, "Sec. 261"	88	88–72	107	Revision.
31	68:1043	748	1	628	88–241	21	Repeal.
31	68:1048	755	1, 2	628	88–241	21	Do.
Sept. 3	68:1248	780	201–210	840–842	88–253	1	Supplemental provisions.
1955							
June 30	69:199	112	----------	442	88–215	----------	Supplemental provision.
July 11	69:290	139	1, 2	628	88–241	21	Repeal.
11	69:290	139	4	626	88–241	21	Do.
14	69:322	159	----------	392, 401	88–206	----------	Revision; title amended.
15	69:324	161	515	325	88–174	505	Revision.
Aug. 5	69:499	242	----------	812	88–248	----------	Amendment.
9	69:539	255	1	301	88–167	----------	Do.
9	69:609	313	4	628	88–241	21	Repeal.
1956							
Apr. 11	70:111	486	101–106	628	88–241	21	Do.
11	70:111	486	107(a), (b)	628	88–241	21	Do.
11	70:111	486	108–114	628	88–241	21	Do.
July 9	70:498	660	1, "Sec. 6"	236	88–136	----------	Supplemental provision.
11	70:523	689	1	392	88–205	406	Amendment.
24	70:598	757	3	421	88–212	----------	Do.
24	70:626	772	----------	100	88–79	----------	Exception.
26	70:676	812	1	628	88–241	21	Repeal.
31	70:736	854	401	793	88–245	----------	Exception.
Aug. 1	70:799	877	2(a)–(c)	850	88–257	----------	Do.
1	70:890	885	3(h), (i)	391	88–205	404(d)	Supplemental provision.
1	70:890	885	13	391	88–205	405	Addition.
1	70:908	896	----------	410	88–210	10	Exception.
3	70:986	959	1	471	88–230	1(a)	Amendment.
3	70:986	959	2	471	88–230	1(b)	Revision.
10	70A:1	1028	3(b)	214	88–132	5(k)	Amendment.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1957							
June 27	71:206	85–62	9	4	88–2	4	Amendment.
Aug. 13	71:344	85–127	----------	92	88–76	----------	Amendment. (See also 1938, P.L. 430, sec. 359(c).)
21	71:403	85–162	111(a)(2), (3)	86	88–72	104(a)	Amendment.
30	71:516	85–235	1	120	88–92	----------	Supplemental provision. (See also 1930, P.L. 361, sec. 201, par. 1670(b).)
30	71:531	85–241	406(a)	327	88–174	510	Amendment.
30	71:531	85–241	407(g)	326	88–174	506	Do.
Sept. 4	71:609	85–284	2	119	88–90	----------	Revision. (See also 1930, P.L. 361, sec. 201, par. 1684(b).)
9	71:634	85–315	104(b)	271	88–152	2	Amendment.
1958							
Apr. 11	72:87	85–377	1	429	88–215	----------	Exception. (See 1954, P.L. 598, sec. 5.)
16	72:87	85–378	1, 3	71	88–49	----------	Amendment.
23	72:97	85–382	1, 2	629	88–241	21	Repeal.
May 20	72:122	85–422	7(b), (c)	213	88–132	5(c)	Supplemental provision.
27	72:134	85–426	213	71	88–51	----------	Supplemental provision. (See also 1950, P.L. 843.)
June 4	72:171	85–441	104	306	88–173	2	Revision.
6	72:183	85–451	1(b), (f)	130	88–104	2(a), (b)	Amendment.
20	72:216	85–463	2	629	88–241	21	Repeal.
July 3	72:297	85–500	201–209	842	88–253	1	Supplemental provision.
3	72:297	85–500	203	123	88–96	----------	Do.
7	72:339	85–508	6(g)	223	88–135	----------	Amendment.
18	72:370	85–530	16	130	88–105	2	Partial repeal.
18	72:398	85–539	1	629	88–241	21	Repeal.
29	72:426	85–568	307(c)	144	88–113	6	Addition.
31	72:439	85–570	----------	82	88–70	----------	Amendment.
Aug. 12	72:548	85–620	101, "Sec. 3"	419	88–210	31(a)	Do.
12	72:548	85–620	101, "Sec. 14(b)"	419	88–210	31(b)	Do.
12	72:548	85–620	101, "Sec. 15 (15)"	419	88–210	31(c)	Do.
14	72:602	85–645	4(a)	120	88–92	----------	Supplemental provision. (See also 1930, P.L. 361, sec. 201, par. 1670(b).)
28	72:1084	85–846	3	86	88–72	103	Supplemental provision.
Sept. 2	72:1580	85–864	103(a)	415	88–210	21(a)	Amendment.
2	72:1580	85–864	103(g)–(i)	415	88–210	21(b), (c)	Do.
2	72:1580	85–864	103(k)	415	88–210	21(d)	Do.
2	72:1580	85–864	201, 202	415, 416	88–210	22(a), (b)	Do.
2	72:1580	85–864	203(b)	416	88–210	22(c)	Do.
2	72:1580	85–864	205(b)(2)(A)(i)	416	88–210	22(d)(1)	Do.
2	72:1580	85–864	205(b)(3)	416	88–210	22(d)(2)	Do.
2	72:1580	85–864	206	416	88–210	22(e)	Do.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1958							
Sept. 2	72:1580	85–864	301	416	88–210	23(a)	Amendment.
2	72:1580	85–864	302(a)	231	88–136	----------	Supplemental provision.
2	72:1580	85–864	302(a)(2)	416	88–210	23(b)(1)	Amendment.
2	72:1580	85–864	302(a)(4)	416	88–210	23(b)(2)	Deletion.
2	72:1580	85–864	302(b)	231	88–136	----------	Supplemental provision.
2	72:1580	85–864	302(c)	416	88–210	23(b)	Addition.
2	72:1580	85–864	303(a)(1)(A)	417	88–210	23(c)	Amendment.
2	72:1580	85–864	304(b)	417	88–210	23(d)	Do.
2	72:1580	85–864	305	231	88–136	----------	Supplemental provision.
2	72:1580	85–864	402 (a), (b)	417	88–210	24 (a), (b)	Existing text designated as (a) and amended; new subsec. (b) added.
2	72:1580	85–864	404(b)	417	88–210	24(c)	Revision.
2	72:1580	85–864	501	417	88–210	25(a)	Amendment.
2	72:1580	85–864	502 (a), (b)	417	88–210	25(b) (1), (2)	Existing text designated as (a) and amended; new subsec. (b) added.
2	72:1580	85–864	503(a)(1)	418	88–210	25(c)(1)	Revision.
2	72:1580	85–864	503(a)(2)	418	88–210	25(c)(2)	Amendment.
2	72:1580	85–864	503(a)(2)(A)	418	88–210	25(c)(2)	Do.
2	72:1580	85–864	504 (a), (b)	418	88–210	25(d)	Do.
2	72:1580	85–864	511	418	88–210	25(e)	Do.
2	72:1580	85–864	601	418	88–210	26(a)	Do.
2	72:1580	85–864	611	418	88–210	26(b)	Do.
2	72:1580	85–864	701	419	88–210	27(a)	Do.
2	72:1580	85–864	731	419	88–210	27(b)	Do.
2	72:1580	85–864	761	419	88–210	27(c)	Do.
2	72:1580	85–864	763	419	88–210	27(d)	Do.
2	72:1580	85–864	1008	419	88–210	28(a)	Do.
2	72:1580	85–864	1009(a)	419	88–210	28(b)	Do.
2	72:1606	85–866	97	272	88–153	----------	Amendment. (See also IRC 1954, sec. 162, table 4.)
2	72:1698	85–874	2(a)	128	88–100	1	Amendment.
2	72:1698	85–874	2(b)	128	88–100	2	Revision.
2	72:1698	85–874	6(a)	128	88–100	3	Amendment.
2	72:1698	85–874	7(a)	128	88–100	4	Do.
6	72:1777	85–926	1	294	88–164	301 (a)(1)–(3), (b)	Do.
6	72:1777	85–926	2	294	88–164	301(a)(3)	Do.
6	72:1777	85–926	3	294	88–164	301(a)(4)	Partial repeal.
6	72:1777	85–926	7	294	88–164	301(a)(4)	Revision.
1959							
Mar. 18	73:4	86–3	5	472, 473	88–233	----------	Supplemental provisions.
June 23	73:81	86–50	110(b)	86	88–72	104(b)	Authorization increase.
July 23	73:239	86–106	3	770	88–243	4	Supplemental provision. (See also 1954, P.L. 389, sec. 20(b).)
Aug. 4	73:275	86–130	1–8	624, 629	88–241	21	Repeal.
10	73:302	86–149	412(b)	329	88–174	610	Revision.
10	73:302	86–149	501(1)	330	88–174	705(a)	Amendment.
10	73:302	86–149	504(1)(a)	330	88–174	705(b)	Do.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1959							
Sept. 9	73:473	86–241	----------	629	88–241	21	Repeal.
14	73:555	86–272	202	67	88–42	----------	Revision.
16	73:568	86–288	1	120	88–92	----------	Supplemental provision. (See also 1930, P.L. 361, sec. 201, par. 1670(b).)
22	73:628	86–354	11, 13	270	88–150	----------	Amendment.
23	73:654	86–372	202(a)(4)	278	88–158	----------	Do.
28	73:708	86–382	2(i)	76	88–59	1(a)	Do.
28	73:708	86–382	4(3)	77	88–59	1(b)	Do.
1960							
Apr. 8	74:17	86–412	----------	837, 838, 840	88–252	1, 15	Supplemental provisions.
22	74:54	86–427	----------	120	88–92	----------	Amendment. (See also 1957, P.L. 85–235; 1958, P.L. 85–645; and 1959, P.L. 86–288.)
22	74:69	86–431	1(9)	771	88–243	9(a)	Revision.
22	74:69	86–431	1(11)	772	88–243	9(b)	Addition.
22	74:74	86–433	2, 3	14	88–15	----------	Amendment.
22	74:74	86–433	4(a)	14	88–15	----------	Do.
May 13	74:120	86–457	109	86	88–72	104(b)	Authorization increase.
June 8	74:166	86–500	101	310	88–174	104(a)	Amendment.
8	74:166	86–500	201	328	88–174	606(a)(3)	Exception.
8	74:166	86–500	502(1)	311	88–174	104(b)	Amendment.
11	74:200	86–507	1(46), (47)	629	88–241	21	Repeal. (See 1935, P.L. 32 and 1938, P.L. 441.)
11	74:200	86–507	1(50)	617	88–241	9	Supplemental provision. (See also 1937, P.L. 356, sec. 9.)
12	74:216	86–518	8(c)	469	88–225	----------	Amendment. (See also 1936, P.L. 835, sec. 506.)
July 5	74:322	86–584	----------	769	88–243	1	Exception.
12	74:381	86–614	1(b)	82	88–69	----------	Amendment.
14	74:480	86–645	201–212	842	88–253	1	Supplemental provision.
14	74:480	86–645	203	842	88–253	1	Amendment.
Sept. 2	74:755	86–703	----------	237	88–136	----------	Supplemental provision.
8	74:821	86–722	----------	472	88–231	----------	Do.
8	74:821	86–722	----------	846	88–257	----------	Exception.
8	74:869	86–735	----------	390	88–205	304	Supplemental provision.
8	74:869	86–735	----------	390	88–205	401(a)	Short title assigned.
8	74:869	86–735	2	390	88–205	401(b)	Amendment.
1961							
Mar. 24	75:16	87–7	4	222	88–133	303(c)	Partial repeal.
May 1	75:47	87–27	----------	405	88–210	4(a)(3)	Exception.
June 27	75:96	87–57	101	311	88–174	105(a)	Amendment.
27	75:96	87–57	201	316	88–174	204(a)	Do.
27	75:96	87–57	602 (1), (2)	311, 316	88–174	105(b), 204(b)	Do.
27	75:96	87–57	701–707	330	88–174	703	Repeal of certain features; exceptions.

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Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1961							
June 27	75:96	87–57	701(1)	330	88–174	704(a)	Amendment.
27	75:96	87–57	704(1)(a)	330	88–174	704(b)	Do.
Aug. 10	75:335	87–132	2	73	88–53	1(b)	Do.
Sept. 1	75:424	87–194	----------	79	88–63	----------	Do.
4	75:424	87–195	----------	390	88–205	304	Supplemental provision.
4	75:424	87–195	----------	859	88–258	107, 109	Restrictions.
4	75:424	87–195	101	379	88–205	101(b)	Repeal.
4	75:424	87–195	102	379	88–205	101(c)	Amendment.
4	75:424	87–195	201 (b) (1), (2)	380	88–205	102 (a)(1)	Deleted; new clauses (1), (2) added.
4	75:424	87–195	201(d)	380	88–205	102 (a)(2)	Amendment.
4	75:424	87–195	201(f)	380	88–205	102 (a)(3)	Addition.
4	75:424	87–195	202(a)	380	88–205	102 (b)	Amendment.
4	75:424	87–195	205	857	88–258	----------	Exception.
4	75:424	87–195	212	381	88–205	103 (a)	Amendment.
4	75:424	87–195	214 (a), (b)	381	88–205	103 (b)	Do.
4	75:424	87–195	214(b)	859	88–258	109 (b)	Exception.
4	75:424	87–195	214(c)	381	88–205	103(b)(3)	Addition.
4	75:424	87–195	221(b)	381	88–205	104 (a)(1)	Amendment.
4	75:424	87–195	221(b)(1),(2)	381	88–205	104(a)(2),(3)	Do.
4	75:424	87–195	222 (a), (b)	381	88–205	104(b), (c)	Do.
4	75:424	87–195	222 (a), (b)	382	88–205	104 (g)(2)	Supplemental provision.
4	75:424	87–195	222 (d), (e)	381, 382	88–205	104 (d), (e)	Revision.
4	75:424	87–195	222 (d), (e)	382	88–205	104 (g)(2)	Supplemental provision.
4	75:424	87–195	222(f)	382	88–205	104(g)(2)	Do.
4	75:424	87–195	222(g)	382	88–205	104(f)	Addition.
4	75:424	87–195	224(b)	382	88–205	104(g)	Amendment.
4	75:424	87–195	224(c)	382	88–205	104(g)	Deletion.
4	75:424	87–195	241	860	88–258	113	Appropriation limitation.
4	75:424	87–195	241 (a), (b)	382	88–205	105	Existing text designated as (a); new subsec. (b) added.
4	75:424	87–195	251(b)	382	88–205	106(a)	Amendment.
4	75:424	87–195	251(e), (f)	382	88–205	106(a)(2), (3)	Do.
4	75:424	87–195	251(g)	382, 383	88–205	106(a)(4), (c)	Addition; supplemental provision.
4	75:424	87–195	252, 253	383	88–205	106(b), (c)	Amendment.
4	75:424	87–195	261	383	88–205	107	Addition.
4	75:424	87–195	302	383	88–205	108	Amendment.
4	75:424	87–195	402	383	88–205	109	Do.
4	75:424	87–195	451	384	88–205	110	Do.
4	75:424	87–195	501	384	88–205	201	Repeal.
4	75:424	87–195	504(a)	384	88–205	202(a)	Amendment.
4	75:424	87–195	505(a)	384	88–205	202(b)	Do.
4	75:424	87–195	510(a)	384	88–205	202(c)	Do.
4	75:424	87–195	511	384	88–205	202(d)	Do.
4	75:424	87–195	512	384	88–205	202(e)	Addition.
4	75:424	87–195	601(b)(4)	385	88–205	301(a)(2)	Amendment.
4	75:424	87–195	601(b)(5), (6)	385	88–205	301(a)(3)	Addition.
4	75:424	87–195	601(c)	385	88–205	301(b)	Do.
4	75:424	87–195	611(b)	385	88–205	301(c)	Amendment.
4	75:424	87–195	612(a), (b)	385	88–205	301(d)	Existing text designated as (a); new subsec. (b) added.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1961							
Sept. 4	75:424	87–195	620(a)(1)–(3)	386	88–205	301(e)(1)	Existing text designated as (1); new pars. (2), (3) added.
4	75:424	87–195	620(e)	386	88–205	301(e)(2)	Revision.
4	75:424	87–195	620(i)–(m)	387	88–205	301(e)(3)	Addition.
4	75:424	87–195	621	388	88–205	302(a)	Amendment.
4	75:424	87–195	624(a)(2),(3)	388	88–205	302(b)(1),(2)	Do.
4	75:424	87–195	624(b)	388	88–205	302(b)	Do.
4	75:424	87–195	624(d)(1)	388	88–205	302(b)(4)	Do.
4	75:424	87–195	626(b)	389	88–205	302(c)	Do.
4	75:424	87–195	631(c)	389	88–205	302(d)	Addition.
4	75:424	87–195	635(k)	389	88–205	302(e)	Do.
4	75:424	87–195	636(h)	389	88–205	302(f)	Do.
4	75:424	87–195	637(a)	389	88–205	302(g)	Amendment.
4	75:424	87–195	638	389	88–205	302(h)	Addition.
4	75:424	87–195	644(f)	389	88–205	303	Amendment.
4	75:424	87–195	645	390	88–205	304	Revision.
6	75:470	87–203	----------	629	88–241	21	Repeal.
14	75:513	87–242	1	629	88–241	21	Do.
21	75:527	87–256	105(f)	786	88–245	----------	Applicability.
21	75:527	87–256	108(c)	786	88–245	----------	Do.
21	75:538	87–257	----------	192	88–130	4(b)	Repeal. (See 1947, P.L. 219, sec. 16.)
22	75:575	87–276	6(a), (b)	231	88–136	----------	Supplemental provision.
22	75:575	87–276	6(a), (b)	295	88–164	301(c)	Amendment.
22	75:589	87–290	----------	237	88–136	----------	Supplemental provision.
22	75:612	87–293	3(b)	359	88–200	1	Amendment.
22	75:612	87–293	5(b)	359	88–200	2(a)	Do.
22	75:612	87–293	5(c)	359	88–200	2(b)	Deleted; new subsec. (c) added.
22	75:612	87–293	5(f)(2)	359	88–200	2(c)	Amendment.
22	75:612	87–293	5(g), (h)	360	88–200	2(d), (e)	Do.
22	75:612	87–293	5(k)	360	88–200	2(f)	Addition.
22	75:612	87–293	6(1)	360	88–200	3	Amendment.
22	75:612	87–293	7(b)	360	88–200	4	Do.
22	75:612	87–293	10(a)(3)	360	88–200	5	Do.
22	75:612	87–293	13(a), (b)	360	88–200	6	Do.
22	75:612	87–293	19(a), (b)	360	88–200	7	Existing text designated as (a); new subsec. (b) added.
22	75:612	87–293	301(a)–(c)	360	88–200	8	Addition.
26	75:631	87–297	31(2)	342	88–186	5	Amendment.
26	75:631	87–297	33	342	88–186	3	Do.
26	75:631	87–297	45(b), (c)	341	88–186	2	Subsec. (b) redesignated as (c); new (b) added.
26	75:631	87–297	49(a)	341	88–186	1	Amendment.
26	75:631	87–297	49(c), (d)	342	88–186	4	Addition.
26	75:676	87–315	109	86	88–72	104(b)	Authorization increase.
26	75:681	87–318	----------	629	88–241	21	Repeal.
Oct. 3	75:762	87–346	3	5	88–5	----------	Amendment.
3	75:766	87–347	6(a)(2)	92	88–75	----------	Do.
3	75:766	87–347	6(a)(6)	92	88–75	----------	Addition.
4	75:769	87–349	1, 2	629	88–241	21	Repeal.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1962							
Mar. 9	76:21	87–413	1	619	88–241	17(b)	Supplemental provision. (See also 1938, P.L. 571, sec. 19.)
9	76:21	87–413	1, 3–5	629	88–241	21	Repeal.
15	76:23	87–415	----------	405	88–210	4(a)(3)	Exception.
15	76:23	87–415	101	422	88–214	1	Amendment.
15	76:23	87–415	202(a)	422	88–214	2(a)	Do.
15	76:23	87–415	202(b)–(h)	422	88–214	2(b)	Subsecs. (b)–(g) redesignated as (c)–(h); new (b) added.
15	76:23	87–415	202(d)	422	88–214	2(c)	Former subsec. (d) amended.
15	76:23	87–415	202(i)	422	88–214	2(c), (d), 3(a)	Addition; exception.
15	76:23	87–415	203(a)	422	88–214	3(a)	Amendment.
15	76:23	87–415	203(c), (d)	422, 423	88–214	3(b), (c)	Revision.
15	76:23	87–415	203(h)(2)	423	88–214	3(d)	Amendment.
15	76:23	87–415	205(b)	423	88–214	4(a), (b)	Revision.
15	76:23	87–415	205(d), (e)	423	88–214	4(c)	Amendment.
15	76:23	87–415	208	423	88–214	5	Addition.
15	76:23	87–415	231	422	88–214	3(a)	Supplemental provision.
15	76:23	87–415	231	424	88–214	6	Amendment.
15	76:23	87–415	304(a)–(c)	424	88–214	7	Do.
15	76:23	87–415	305(b)	424	88–214	8	Do.
15	76:23	87–415	309(a), (b)	424	88–214	9	Do.
15	76:23	87–415	310(a), (b)	424	88–214	10	Do.
June 28	76:114	87–508	5(e)	73	88–52	3(b)	Do.
July 1	76:124	87–512	----------	50	88–30	----------	Supplemental provision. (See also 1917, P.L. 43, sec. 21.)
25	76:172	87–543	155(b)	70	88–48	----------	Amendment. (See also 1935, P.L. 271, sec. 408(a)(2).)
27	76:223	87–554	101	311	88–174	106(a)	Amendment.
27	76:223	87–554	301	322	88–174	305(a)	Do.
27	76:223	87–554	602(1), (3)	311, 322	88–174	106(b), 305(b)	Do.
27	76:223	87–554	606	328	88–174	606(a)(3)	Exception.
27	76:223	87–554	610	329	88–174	609(b)	Repeal.
Aug. 9	76:335	87–578	----------	29	88–25	----------	Supplemental provision.
13	76:357	87–581	101–106	378	88–204	403(a)	Applicability.
14	76:361	87–582	----------	24	88–25	----------	Supplemental provisions.
24	76:398	87–596	1(a), (b)	629	88–241	21	Repeal.
24	76:398	87–596	2(b)	629	88–241	21	Do.
30	76:411	87–616	1	122	88–94	3(a)	Amendment.
30	76:411	87–616	5(a)	123	88–94	3(c)	Do.
30	76:411	87–616	6(a), (b)	122	88–94	3(b)	Existing text designated as (a) and amended; subsec. (b) added.
30	76:411	87–616	6(a)	122	88–94	3(b)	Exception.
Sept. 25	76:576	87–684	----------	75	88–55	101(b)	Supplemental provision.
26	76:599	87–701	110	86	88–72	104(b)	Authorization increase.
27	76:605	87–703	326	47	88–26	4	Amendment.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1962							
Oct. 3	76:716	87-741	----------	74	88-55	101(b)	Supplemental provision.
11	76:872	87-794	----------	405	88-210	4(a)(3)	Exception.
11	76:872	87-794	231(a), (b)	390	88-205	402	Existing text designated as (a); new subsec. (b) added.
15	76:954	87-828	1(a)	140	88-112	----------	Amendment.
18	76:1080	87-843	----------	75	88-55	101(b)	Supplemental provision.
23	76:1150	87-867	----------	33	88-25	----------	Do.
23	76:1150	87-867	----------	75	88-55	101(b)	Do.
23	76:1163	87-872	----------	74	88-55	101(b)	Do.
23	76:1171	87-873	2-4, 6	629	88-241	21	Repeal.
23	76:1173	87-874	201-212	841	88-253	1	Project modification.
23	76:1173	87-874	201-212	842	88-253	1	Supplemental provision.
23	76:1173	87-874	201	840	88-253	1	Applicability. (See also 1936, P.L. 738, sec. 3.)
23	76:1173	87-874	202	840	88-253	1	Applicability. (See also 1944, P.L. 534, sec. 1.)
23	76:1173	87-874	203	123	88-96	----------	Supplemental provision.
23	76:1173	87-874	203	155	88-122	----------	Project modification.
24	76:1216	87-880	----------	75	88-55	101(b)	Supplemental provision.
1963							
June 29	77:74	88-55	102(c)	134	88-109	----------	Amendment.
July 8	77:77	88-60	2-5	629	88-241	21	Repeal.
22	77:84	88-72	101	343	88-189	1	Amendment.
22	77:84	88-72	101(d)	343	88-189	2	Addition of projects.
26	77:96	88-79	----------	74	88-55	101(a)	Supplemental provision.
Aug. 5	77:117	88-85	1, 2	629	88-241	21	Repeal.
27	77:130	88-105	1	469	88-224	----------	Revision.
28	77:134	88-109	----------	281	88-162	----------	Amendment. (See also 1963, P.L. 88-55, sec. 102 (c).)
Sept. 6	77:141	88-113	----------	143	88-113	4	Exception.
Oct. 11	77:224	88-136	----------	74	88-55	101(a)	Supplemental provision.
16	77:247	88-138	4	469	88-226	----------	Amendment.
17	77:254	88-149	----------	74	88-55	101(a)	Supplemental provision.
30	77:281	88-162	----------	342	88-188	----------	Amendment. (See also 1963, P.L. 88-109 and P.L. 88-55.)
31	77:282	88-164	301(c)	231	88-136	----------	Supplemental provision. (See also 1961, P.L. 87-276, sec. 6.)
Nov. 7	77:307	88-174	101-106	327	88-174	603	Supplemental provision.
7	77:307	88-174	201-204	327	88-174	603	Do.
7	77:307	88-174	301-305	327	88-174	603	Do.
7	77:307	88-174	401, 402	327	88-174	603	Do.
Dec. 16	77:363	88-204	201-203	371	88-204	202	Exception.
16	77:379	88-205	----------	387	88-205	301(e)(3)	Restriction.
21	77:449	88-218	----------	460	88-218	27	Supplement to existing D.C. laws.

TABLE 1.—*General Legislation*—Continued

Provisions affected				Amendatory provisions			
Date	Statutes vol.: page	Public law	Section	77 Stat.	Public law	Section	Comment
1963							
Dec. 21	77:449	88–218		461	88–218	29, 30	Exceptions.
21	77:449	88–218	7, 10	454	88–218	11(c)	Nonapplicability.
30	77:630	88–243	1	769, 775	88–243	1, 15(c)	Applicability.
30	77:630	88–243	1	770, 771	88–243	4, 6(b)	Exception; nonapplicability.
30	77:776	88–245		74	88–55	101(a)	Supplemental provision.
30	77:776	88–245		791	88–245		Exception.
30	77:803	88–248		74	88–55	101(a)	Supplemental provision.
30	77:820	88–250		74	88–55	101(a)	Do.

TABLE 2.—*Revised Statutes*

Affected section	Amendatory provisions			
	77 Stat.	Public law	Section	Comment
234	76	88–58		Amendment.
355	260–262	88–149		Exception.
355	327, 329	88–174	601, 702	Do.
355	801	88–245		Do.
355	861	88–258		Do.
367	373	88–204	304(c)	Applicability.
2450, 2451	80	88–66		Supplemental provision.
2456	80	88–66		Do.
3617	852	88–257		Exception.
3648	50	88–29	2(f)	Do.
3648	122	88–94	2(c)	Do.
3648	241	88–136		Do.
3648	257	88–149		Do.
3648	327, 329	88–174	601, 702	Do.
3648	394	88–206	1	Do.
3648	430, 431	88–215		Do.
3648	780, 799	88–245		Do.
3648	861	88–258		Do.
3679	800	88–245		Do.
3679(c)	65	88–39		Do.
3679(c)	265	88–149	512	Exception, with condition.
3679(c)	441	88–215		Exception.
3679(d)(2)	75	88–55	103	Do.
3709	394	88–206	1	Do.
3709	427	88–215		Do.
3709	778, 786, 794	88–245		Do.
3709	812–814	88–248		Do.
3735	786	88–245		Do.
3828	786	88–245		Do.
4233 (rules 13, 15(d))	116, 117	88–84	3, 4	Revision.
5145	472	88–232	1	Amendment.
5149	472	88–232	2	Do.
5581	13	88–13		Supplemental provision.

TABLE 2.—*Revised Statutes*—Continued

Affected section	Amendatory provisions			
	77 Stat.	Public law	Section	Comment
D.C.				
763	621	88–241	21	Repeal.
767	621	88–241	21	Do.
793	621	88–241	21	Do.
804	621	88–241	21	Do.
837	621	88–241	21	Do.
929, 930	621	88–241	21	Do.
933–935	621	88–241	21	Do.
1049	621	88–241	21	Do.
1065–1068	621	88–241	21	Do.

TABLE 3.—*Internal Revenue Code of 1939*

Affected section	Amendatory provisions			
	77 Stat.	Public law	Section	Comment
2000(c)(2)	73	88–52	3(b)(2)	Supplemental provision.
2800(a)	73	88–52	3(b)(2)	Do.
3030(a)	73	88–52	3(b)(2)	Do.
3150(a)	73	88–52	3(b)(2)	Do.

TABLE 4.—*Internal Revenue Code of 1954*

Affected section	Amendatory provisions			
	77 Stat.	Public law	Section	Comment
11(b)	72	88–52	2	Amendment.
162	272	88–153		Supplemental provision.
163(c), (d)	6, 7	88–9	1(a), (c)	Subsec. (c) redesignated as (d); new (c) added.
214(c)(3)(A), (B)	4	88–4	1	Part of existing text designated as (A); new (B) added.
821(a)(1)	72	88–52	2	Amendment.
821(c)(1)(A)	72	88–52	2	Do.
1055, 1056	7, 8	88–9	1(b), (d)	Sec. 1055 redesignated as 1056; new 1055 added.
3201, 3202	221	88–133	201, 202	Amendment.
3211	221	88–133	201	Do.
3221(a)	221	88–133	202	Do.
3301	51	88–31	2(a), (b)	Amendment; supplemental provision.
3301	306	88–173	2	Exception.
3302(c)	306	88–173	2	Supplemental provision.
3302(c)(2)	305	88–173	1(c)	Amendment.
3302(c)(2)(A)	305	88–173	1(a)	Revision.
3302(c)(2)(B)	305	88–173	1(b)	Amendment.
3302(d)(1)	51	88–31	2(b)	Revision.
4061	72	88–52	3(a)	Amendment.
4251(b)(2)	72	88–52	3(a)	Do.
4261	72	88–52	3(a)	Do.
4541	71	88–50	2	Exception.
4891–4897	54	88–36	201	Repeal.
5001(a)	73	88–52	3(b)(2)	Supplemental provision.
5001(a)(1), (3)	72	88–52	3(a)	Amendment.

TABLE 4.—*Internal Revenue Code of 1954*—Continued

Affected section	Amendatory provisions			
	77 Stat.	Public law	Section	Comment
5022	72, 73	88–52	3(a), (b)(2)	Amendment; supplemental provision.
5041(b)	72, 73	88–52	3(a), (b)(2)	Do.
5051(a)	72, 73	88–52	3(a), (b)(2)	Do.
5063(a), (b)	72	88–52	3(b)	Amendment.
5701(c)	73	88–52	3(b)(2)	Supplemental provision.
5701(c)(1)	72	88–52	3(a)	Amendment.
5707(a), (b)	72	88–52	3(b)	Do.
6412(a)(1)	72	88–52	3(b)	Do.
6422(7)–(14)	54	88–36	201(c)	Par. (7) deleted; (8)–(14) renumbered as (7)–(13).
6808(11)–(13)	54	88–36	201(d)	Par. (11) deleted; (12), (13) renumbered as (11), (12).

TABLE 5.—*Positive Law Titles of United States Code*

(The following titles of the U.S. Code have been enacted into positive law: Titles 1, 3, 4, 6, 9, 10, 13, 14, 17, 18, 23, 28, 32, 35, 37, 38, and 39.)

Provisions affected		Amendatory provisions			
Title	Section	77 Stat.	Public law	Section	Comment
10	270(b)	136	88–110	4	Amendment.
10	510(b)(1)	474	88–236		Revision.
10	511(b)	135	88–110	2	Exception.
10	511(d)	135	88–110	3	Addition.
10	591(b)(1)	474	88–236		Revision.
10	1401	214	88–132	5(h)(1)	Amendment.
10	1401a	213	88–132	5(g)(1)	Addition.
10	1402	215	88–132	5(l)(2)	Supplemental provision.
10	1402(a)	214, 215	88–132	5(l)(1)	Revision; supplemental provision.
10	1431	192, 193	88–130	3(q), 5(h)	Exception.
10	2231–2238	329	88–174	701	Applicability.
10	2233(b)	330	88–174	706	Exception.
10	2313(b)	327	88–174	604	Do.
10	2354	237	88–136		Do.
10	2674(a)	328	88–174	608	Amendment.
10	2681(b)	326	88–174	508	Revision.
10	2682	329	88–174	609(a)	Addition.
10	3741, 3742	93	88–77	1(1), (2)	Revision.
10	3746	93	88–77	1(3)	Do.
10	3991	214	88–132	5(h)(2)	Amendment.
10	4774(a)	325	88–174	503	Supplemental provision.
10	4774(b)	325	88–174	503	Revision.
10	4774(d)	327, 329	88–174	601, 702	Exception.
10	4774(d)	861	88–258		Do.
10	6149	214	88–132	5(h)(3)	Repeal.
10	6150	215	88–132	5(l)	Provision subsequent to repeal.
10	6151(b)	214	88–132	5(h)(4)	Amendment.
10	6241, 6242	93, 94	88–77	2(1), (2)	Revision.
10	6244	94	88–77	2(3)	Do.
10	6323(e)	214	88–132	5(h)(4)	Amendment.
10	6325(a)(2), (b)(2)	214	88–132	5(h)(4)	Do.
10	6326(c)(2)	214	88–132	5(h)(4)	Do.
10	6327(b)	214	88–132	5(h)(5)	Do.
10	6381(a)(2)	214	88–132	5(h)(4)	Do.
10	6383(c)(2)	214	88–132	5(h)(4)	Do.
10	6390(b)(2)	214	88–132	5(h)(4)	Do.
10	6394(h)	214	88–132	5(h)(4)	Do.
10	6396(c)(2)	214	88–132	5(h)(6)	Do.
10	6398(b)(2)	214	88–132	5(h)(6)	Do.
10	6399(c)(2)	214	88–132	5(h)(6)	Do.
10	6400(b)(2)	214	88–132	5(h)(6)	Do.

TABLE 5.—*Positive Law Titles of United States Code*—Continued

Provisions affected		Amendatory provisions			
Title	Section	77 Stat.	Public law	Section	Comment
10	6483(c)	215	88–132	5(l), (m)	Applicability; repeal.
10	7574(a)	325	88–174	503	Supplemental provision.
10	7574(b)	325	88–174	503	Revision.
10	8202	79	88–63		Supplemental provision.
10	8741, 8742	94	88–77	3(1), (2)	Revision.
10	8746	95	88–77	3(3)	Do.
10	8991	214	88–132	5(h)(2)	Amendment.
10	9774	261	88–149		Exception.
10	9774(a)	325	88–174	503	Supplemental provision.
10	9774(b)	325	88–174	503	Revision.
10	9774(d)	327, 329	88–174	601, 702	Exception.
10	9774(d)	463	88–220		Do.
14	41a	174	88–130	1(1)	Addition.
14	42	174	88–130	1(2)	Revision.
14	44	175	88–130	1(3)	Amendment.
14	46(a)–(c)	175	88–130	1(4)	Do.
14	47(a), (d)	175	88–130	1(5), (6)	Do.
14	190	175	88–130	1(8)	Do.
14	211–214	177	88–130	1(10)(C)	Addition.
14	214	193	88–130	5(e)	Supplemental provision; applicability.
14	221–248	177	88–130	1(10)(A)	Repeal.
14	251–262	178	88–130	1(10)(C)	Addition.
14	253, 254	186	88–130	1(10)(C)	Applicability.
14	258	186	88–130	1(10)(C)	Do.
14	260	186	88–130	1(10)(C)	Do.
14	271–277	181	88–130	1(10)(C)	Addition.
14	271	193	88–130	5(d)	Supplemental provision.
14	281–287	183	88–130	1(10)(C)	Addition.
14	282–285	190	88–130	2	Applicability.
14	288	175, 185, 190	88–130	1(8), (10), (11)	Addition; exception.
14	289	175, 186, 190, 193	88–130	1(8), (10), (11), 6	Addition; exception; effective date.
14	290–294	187	88–130	1(10)(C)	Addition.
14	301–313a	177	88–130	1(10)(A)	Repeal.
14	321–327	187	88–130	1(10)(C)	Addition.
14	331–335	189	88–130	1(10)(C)	Do.
14	357(c)	144	88–114	1(1), 2	Amendment; nonapplicability.
14	358	144	88–114	1(2)	Repeal.
14	423	186	88–130	1(10)(C)	Exception.
14	423	214	88–132	5(i)	Amendment.
14	433(a)	190	88–130	1(11)(A)	Do.
14	433(i)	190	88–130	1(11)(B)	Addition.
14	435–437	192	88–130	4(a)	Repeal.
14	439, 440	192	88–130	4(a)	Do.
14	491	95	88–77	4	Revision.
14	656	68	88–45	2	Addition.
14	759a(a)	190	88–130	1(12)	Amendment.
14	791	190	88–130	1(13)	Do.
18	203	136	88–110	6	Nonapplicability.
18	205	136	88–110	6	Do.
18	207	136	88–110	6	Do.
18	751(a), (b)	834	88–251	1	Existing text designated as (a); new subsec. (b) added.
18	752(a), (b)	834	88–251	2	Do.
18	3238	48	88–27		Revision.
18	3288, 3289	248	88–139	2	Amendment.
18	5032	834	88–251	1	Exception.
23	104(b)(3)	276	88–157	2	Revision.
23	104(b)(5)	276, 277	88–157	3(a), (b)	Amendment.

TABLE 5.—*Positive Law Titles of United States Code*—Continued

Provisions affected		Amendatory provisions			
Title	Section	77 Stat.	Public law	Section	Comment
23	106(c)	278	88–157	7(a)	Revision.
23	109(b)	277	88–157	4	Do.
23	121(d)	278	88–157	7(b)	Amendment.
23	131(c)	277	88–157	5	Do.
23	307(c)(1)	277	88–157	6	Revision.
28	43(b)	331	88–176	1(a)	Do.
28	46(c)	331	88–176	1(b)	Do.
28	132(b)	331	88–176	2	Do.
28	138–141	248	88–139	1	Do.
28	332	331	88–176	3	Amendment.
28	452	248	88–139	2	Do.
28	507(b)	373	88–204	304(c)	Applicability.
28	601–610	480	88–241	1	Do.
28	1391(f)	473	88–234		Addition.
28	1869	248	88–139	2	Amendment.
28	1869	509	88–241	1	Exception.
28	1874	524	88–241	1	Applicability.
28	2241–2255	585	88–241	1	Exception.
28	2679	373	88–204	304(c)	Applicability.
32	107	255, 258, 259	88–149		Exception.
37	201(b)	212	88–132	3(a)	Amendment.
37	203	210, 212	88–132	2, 5(a)(2)	Revision; supplemental provision.
37	301(a)(2), (9)	215, 216	88–132	6, 7	Revision.
37	301(e)	216	88–132	8	Amendment.
37	302	4	88–2	5	Do.
37	302(b)(3), (4)	212	88–132	4	Do.
37	303	4	88–2	5	Do.
37	305	217, 218	88–132	12(a), (b)	Revision; supplemental provision.
37	310	216	88–132	9(a)	Addition.
37	403(b)	216	88–132	10	Amendment.
37	406a	475	88–238		Addition.
37	421(a)	212	88–132	3(b)	Amendment.
37	427	217	88–132	11	Addition.
38	314(k)	17	88–20	1	Amendment.
38	314(k)	18	88–22	1	Do.
38	411	218	88–132	13(a)	Savings provision.
38	411(a)	223	88–134	1	Amendment.
38	411(b)(2)	17	88–21	1	Do.
38	413(1)–(4)	17	88–21	2	Do.
38	414(a)–(c)	17	88–21	3	Do.
38	415(b)–(d)	17	88–21	4	Do.
38	560(a), (b)	95	88–77	5(1)	Revision.
38	561, 562	95	88–77	5(2)	Amendment.
38	632	66	88–40	2	Do.
38	632(1)	66	88–40	1	Do.
38	904	4	88–3		Do.
38	1735(a), (b)	162	88–126	2(1)–(3)	Do.
38	1735(c)	162	88–126	2(4)	Deletion.
38	1736(a), (b)	162	88–126	3	Existing text designated as (a) and amended; new subsec. (b) added.
38	1737	162	88–126	4	Amendment.
38	1771–1778	158	88–126	1	Addition.
38	1820(a)(4)	271	88–151	1	Amendment.
38	4103(b)	15	88–18		Do.
38	4110(e)	402	88–207		Addition.
39	705(c), (d)	462	88–219		Revision.
39	4154	50	88–29	2(f)	Exception.
39	4359(e)(2)	477	88–239	4	Amendment.
39	6402(a)(6)	477	88–239	3(3)	Addition.
39	6402a	476	88–239	1	Do.

TABLE 6.—*Reorganization Plans*

Provisions affected			Amendatory provisions			
Year	Statutes vol.: page	Plan	77 Stat.	Public law	Section	Comment
1939	53:1431	No. II, sec. 1(e).	122	88–94	2(f)	Repeal.
1952	66:824	No. 5	247	88–137	3	Exception.
1952	66:824	No. 5	462	88–218	31	Do.

TABLE 7.—*Veterans' Regulations*

Provisions affected			Amendatory provisions			
Vets. regs.	Part	Paragraph	77 Stat.	Public law	Section	Comment
None						

TABLE 8.—*Executive Orders and Proclamations*

Number	Date	Amendatory provisions			
		77 Stat.	Public law	Section	Comment
Executive orders:					
	1908				
802	May 26	124	88–99		Boundary revision.
877	July 1	19	88–24	3(b)	Exclusion of certain lands.
	1910				
1216	June 23	18	88–24		Name change; boundary revision.
Proclamations:					
	1939				
2339	June 29	18	88–24		Supplemental provision.
	1942				
2554	Apr. 27	349	88–197		Name change; land addition.
	1963				
3548	Aug. 21	1017			For proclamations affecting Tariff Schedules see 1930, P.L. 361, table 1.

TABLE 9.—*Treaties and International Agreements*

Provisions affected				Amendatory provisions			
Date	Series No.	UST	Identification	77 Stat.	Public law	Section	Comment
1962							
June 22	TIAS 5401	14:1039	International Labor Organization constitution.	80	88–65		Instrument of amendment; acceptance authorized.

TABLE 10.—*Provisions Respecting General Repeals, Conflicts, Etc.*

77 Stat.	Public law	Section	Comment
45, 47	88–26	2, 3	Commodity Credit Corp., marketing of negotiable certificates.
45, 47	88–26	3	Feed grains, acreage diversion program; termination of agreements, authority.
63, 64	88–39		Government funds, expenditure, exceptions to regulations.
63, 64	88–39		Government service, employment and compensation of persons, exceptions to regulations.
79	88–61		Packers and Stockyards Act, 1921, Agriculture Secretary, limitation of authority.
81	88–67	2	Inland Waterways Corp., transfer of functions to Commerce Secretary.
100	88–79		Classification laws, exception.
102	88–79		Trust Territory of the Pacific Islands, eligibility for surplus food commodities.
133	88–108	2	National Mediation Board, authority to compensate arbitrators.
135	88–110	2	Armed Forces, reservists, deferment provisions.
144	88–113	6	National Aeronautics and Space Admin., expiration of unfunded appropriation authorizations.
169	88–129	2(b)	Civil-service laws, exception.
175	88–130	1(8)	Coast Guard Academy, civilian teaching staff, service creditable for retirement.
182, 183	88–130	1(10)(C)	Coast Guard, wartime temporary service promotions, special provisions.
184–187, 190, 192	88–130	1(10)(C)	Coast Guard officers, separation and retirement provisions.
193	88–130	5(a), (e)	Coast Guard officers, special promotion provisions.
213	88–132	5(f)	Armed Forces, special pay and allowances provisions, continuation.
215	88–132	5(l)	Armed Forces, advancement on retired list, recomputation of retired pay.
224, 225, 227	88–136		Civil-service laws, exception.
241	88–136		Civil-service or classification laws, exception.
263	88–149	502	Noncitizens, laws prohibiting employment, etc., exception.
266	88–149	513	Armed Forces, commissary stores sales prices, adjustment.
266	88–149	514	Armed Forces, proficiency flying; flight pay requirements.
272	88–155	2	Copyright laws with respect to publications in the public domain, exception.
303	88–170	4	Guam, assistance rendered by Federal agencies without reimbursement.
304	88–171	2	Guam, urban renewal and housing, issuance of notes, bonds, etc., authority.
328	88–174	606(a)	Military public works authorizations, certain repeals; exceptions.
328	88–174	606(b)	Military family housing construction, authorizations, certain repeals; exception.
337	88–182	2	Navajo Tribe of Indians, Utah, oil and gas leases, authorized.
346	88–192	2	D.C., devises and bequests by will, repeal of inconsistent laws.
348	88–195	2	Civil-service and classification laws, exception.

TABLE 10.—*Provisions Respecting General Repeals, Conflicts, Etc.*—Continued

77 Stat.	Public law	Section	Comment
349	88–196		Rosebud Sioux Indian Reservation, S. Dak., sale and exchange of tribal lands, authority.
371	88–204	203(a)	Civil-service laws, exception.
373	88–204	304(c)(3)	Real property, acquisition and disposal by U.S., exception to laws regarding.
375	88–204	401(c)(1), (2)	Higher education institutions, Federal grants for construction, exclusion of certain amounts.
383	88–205	106(c)	Alliance for Progress, funds available.
386	88–205	301(e)	Cuba, assistance furnished by U.S., restriction.
387	88–205	301(e)(3)	Foreign aid; restriction on assistance to countries engaged in military efforts.
389	88–205	302(d)	Foreign aid; Development Assistance Committee, Chairman, termination of appointment by President.
401	88–206	1	Health, Education, and Welfare, Secretary, authority not affected.
410, 411	88–210	9(a), 12(b)	Civil-service laws, exception.
428	88–215		Retired employees health benefits fund, availability for administrative expenses.
458–461	88–218	21, 23, 27–30	D.C., horizontal property regimes, application of and compliance with existing laws.
460	88–218	27	D.C., Horizontal Property Act, supplement to existing laws.
471	88–229		Alaska, public works, collection or release of obligations, authority of Interior Secretary.
500	88–241	1	D.C., Juvenile Court, jurisdiction.
769	88–243	1	D.C., laws prescribing form or contents of documents of title, etc., not affected.
778, 799	88–245		Civil-service and classification laws, exception.
814	88–248		Government requirements for purchase and procurement by contracts, exception.
833	88–250	602	Employment of aliens, exception to laws prohibiting.
861	88–258		Civil-service or classification laws, exception.
861	88–258		Noncitizens, laws prohibiting payment of, exception.

TABLES OF PRIOR LAWS AND OTHER FEDERAL INSTRUMENTS REFERRED TO IN TEXT

TABLE 11.—*General Legislation*

Date	Chapter	77 Stat.	Date	Chapter	77 Stat.
1787			**1879**		
Sept. 17	Constitution	118	Mar. 3	186	241
1862			**1887**		
July 2	130	90	Mar. 2	314	822

TABLE 11.—*General Legislation*—Continued

Date	Chapter	77 Stat.
1890		
Apr. 30	173	113
Aug. 30	837	157
1895		
Jan. 12	23	816, 829
1901		
Mar. 1	670	242
3	854	15, 450, 493, 521, 560, 574, 576, 582, 585, 619
3	872	788
	Public law	
1902		
June 17	161	847, 849
July 1	218	485
1904		
Apr. 22	140	838
1906		
Mar. 23	66	483, 500, 595
Apr. 16	103	13
May 7	148	485
June 30	382	107, 829
1907		
Feb. 1	48	485
1910		
May 17	181	111
1911		
Mar. 1	435	110, 127
1912		
Apr. 9	116	240
1913		
Feb. 4	359	751
Mar. 4	426	225
1914		
May 8	95	822
1916		
June 15	94	66
Aug. 25	235	19, 474
Sept. 7	267	103, 227, 348

Date	Public law	77 Stat.
1917		
Feb. 23	347	159, 409
Oct. 6	91	781
1920		
June 5	259	228, 748
10	280	70
1921		
June 10	13	102
1922		
Sept. 21	331	827
1924		
Apr. 23	104	835, 839
May 19	120	442
27	148	108
June 7	276	817
Dec. 13	295	485
1925		
Feb. 4	361	500, 595
Mar. 3	561	485
1926		
May 7	186	777
20	257	132, 244
June 14	386	53, 89
July 2	450	823
1927		
Mar. 4	803	41, 227
1928		
May 15	391	845
29	618	500
Dec. 21	642	849
1929		
Feb. 11	719	33, 865
20	Pub. Res. 89	102
27	831	486
Mar. 2	935	240
2	966	486
June 20	17	817
1930		
May 29	284	838
June 17	361	798
1931		
Mar. 3	787	815
3	791	230, 407–410

TABLE 11.—*General Legislation*—Continued

Date	Public law	77 Stat.
1932		
June 30	212	108, 852
July 22	304	444, 445
1933		
May 18	17	854
June 6	30	225, 226
13	43	444
1934		
May 7	211	793
June 6	291	732
12	307	440
13	324	167, 173, 283, 285, 288, 293, 378, 408
18	383	99
19	Pub. Res. 43	80
19	416	25, 243
19	436	344
27	479	326, 327, 444, 445, 447
28	482	97
1935		
Feb. 22	14	103
Apr. 27	46	20, 44, 823, 824, 827, 829
June 29	182	230
July 5	198	244
26	220	816
Aug. 14	271	24, 220, 239–241, 306
19	286	779
21	292	849
24	320	103
26	337	109
27	Pub. Res. 64	145
29	388	349
29	392	779
30	403	167, 173, 283, 285, 288, 293, 378, 408
1936		
Feb. 29	461	828
May 20	605	830
June 4	638	99
4	648	779
8	673	836
15	678	845
22	738	824
22	742	151, 278
29	835	789–791
30	846	228
1937		
Mar. 24	Pub. Res. 14	113
June 3	137	826
July 8	192	61
22	210	824, 831
Aug. 16	308	225
25	356	486
28	405	97, 98
Sept. 1	412	438, 447
1938		
Feb. 16	430	46, 825, 827
May 11	505	109
June 7	580	486
15	634	109
25	717	229
25	718	57, 228, 244
25	748	109
1939		
Apr. 13	Pub. Res. 9	113
May 24	85	98
Aug. 2	252	828
4	260	67, 68, 848
9	355	780
1940		
June 11	589	109
11	591	109
17	637	109
27	668	808, 810
July 2	711	112
2	722	751, 755, 772, 773
11	Pub. Res. 93	245
19	753	427
19	756	849
Aug. 27	Pub. Res. 96	227
Sept. 16	783	227
Oct. 9	812	808
1941		
June 28	136	779
July 1	145	810
Aug. 18	213	227
Sept. 20	250	809
Oct. 29	284	240
Nov. 21	310	61
1942		
Feb. 16	454	838
July 9	663	264
Dec. 10	796	816
1944		
Feb. 26	237	106
Apr. 22	292	493, 538
May 29	319	428
June 22	346	225
28	369	849
July 1	410	24, 111, 233–238, 244, 287, 291, 374
Sept. 21	425	110, 820, 822–825, 829–831
Dec. 22	534	851
1945		
Apr. 19	35	849, 850
25	40	779
July 31	173	389
Dec. 6	248	785, 856

TABLE 11.—*General Legislation*—Continued

Date	Public law	77 Stat.
1946		
Feb. 20	304	64
Apr. 30	370	122
May 13	377	429
June 4	396	826
11	404	830
28	464	795, 796
July 23	520	434, 435
26	549	228
30	565	780
Aug. 1	586	159, 230, 407–410
2	600	21, 22, 58–65, 108, 110–113, 170, 245, 246, 263, 295, 372, 377, 385, 398, 410, 412, 425–429, 431, 434, 435, 437, 438, 440, 441, 443, 444, 776, 777, 779, 780, 784, 793, 794, 797–799, 801, 803, 805, 807, 811, 815, 816, 820, 822–825, 829, 830, 836, 839, 846, 847, 852, 854–856, 861–863
7	648	26, 838
8	658	236
12	722	112
13	724	389, 776–778, 780, 797, 799, 862
13	726	111, 300, 302, 347
14	733	822–826, 833
1947		
Feb. 28	8	821
June 23	101	244, 245
July 16	195	456
18	204	102
26	253	425
30	268	436
31	291	69, 152, 279
Aug. 5	361	106
6	373	787
8	388	827
1948		
Jan. 27	402	799, 801
Apr. 3	472	381, 382
24	496	821
May 14	527	838
June 16	655	237
24	759	135, 227, 441
29	806	820
30	843	80
July 2	883	435, 436
3	896	228
Aug. 10	901	437
1949		
Jan. 19	2	63
Feb. 26	11	786
June 9	92	428, 799
10	93	783
30	152	26, 243, 335, 434, 436, 800
1949		
July 11	162	227
15	171	21, 437, 438, 831
Oct. 12	351	60
25	387	447
26	390	430
27	421	833
28	429	103, 263, 484, 485, 488, 489, 497, 498
31	439	46, 47, 103
1950		
Mar. 10	455	781
18	462	230, 407–410
Apr. 20	475	437, 445
24	478	109, 110
May 3	499	831
10	507	440
July 28	626	782, 783
Aug. 1	630	102, 303
3	636	359
19	719	428
Sept. 8	774	105, 435, 810
12	784	102
13	786	778, 779
21	797	445, 446
23	815	230, 366
30	874	59, 230
30	875	23, 426
1951		
Jan. 12	920	426, 427
June 19	51	135
July 12	78	226, 227
30	86	576
Oct. 26	213	386, 857, 859
1952		
June 27	414	474
July 3	448	107
9	476	135
15	547	856
16	550	306
19	592	112
1953		
June 26	83	822
July 30	163	798
Aug. 8	239	238
13	264	58, 786
15	286	811
1954		
Apr. 1	325	463
May 18	364	835, 837, 838
June 4	388	360
16	Pri. L. 419	236
18	420	242
30	451	102
July 10	480	3, 105, 386, 389, 434, 440, 777, 816, 821, 832, 860
22	517	102
22	519	432, 434

TABLE 11.—*General Legislation*—Continued

Date	Public law	77 Stat.
1954		
July 26	531	231
28	545	833
Aug. 2	560	437, 438
4	566	823
5	568	111
17	598	348
26	663	857
26	665	381–383, 386, 858
28	690	826
30	703	84, 852, 853
Sept. 1	763	58, 59, 61–63, 108, 110–113, 245, 268, 430, 431, 439, 440, 442, 444, 447, 778, 784, 793, 797, 812, 813, 833, 846, 847, 854
1955		
Apr. 22	24	814
July 4	130	848
14	159	235
28	185	151
Aug. 3	211	430
4	221	852
5	242	808
9	296	360
9	305	227
11	345	326, 437, 445
11	352	822
11	360	822
11	372	27
1956		
Apr. 11	485	849
11	486	618
May 28	540	110, 827, 829, 833
June 7	569	24, 238
19	597	230
July 31	854	348
Aug. 1	885	776
1	896	230, 407–410
3	941	238
3	959	99
3	979	110, 826
6	982	751
6	984	848
7	1020	437
7	1021	824
8	1024	826
1957		
July 10	85–94	493
Aug. 16	85–147	815
Sept. 7	85–300	837
7	85–305	113
1958		
Mar. 28	85–357	112
June 6	85–451	835, 837, 838
July 7	85–507	846
11	85–515	835
29	85–568	425
Aug. 12	85–624	845, 848
1958		
Aug. 18	85–672	791
20	85–692	838
23	85–726	427, 430, 747, 785
23	85–743	103
25	85–745	435
28	85–836	227
28	85–844	433
28	85–851	102
Sept. 2	85–857	442
2	85–864	171, 230, 836
2	85–883	107
2	85–890	788
2	85–913	29
6	85–926	231
6	85–934	833
6	85–935	113
1959		
June 25	86–70	113
Aug. 7	86–143	145
Sept. 9	86–249	129, 432, 436, 437
14	86–255	433
14	86–257	227
23	86–372	27, 438, 446
24	86–380	65
28	86–382	428
1960		
Apr. 22	86–431	752
22	86–441	71
May 6	86–449	795
14	86–472	780
June 1	86–479	71
12	86–515	837
12	86–516	106
30	86–555	784
July 5	86–571	240
7	86–599	104
12	86–610	232
12	86–629	861
14	86–660	791
14	86–669	112
Sept. 6	86–707	855
8	86–724	428
8	86–735	857
13	86–777	104
1961		
May 1	87–27	224, 785
June 29	87–63	787
30	87–70	438
July 6	87–82	41, 805
26	87–112	828
Aug. 8	87–128	21, 824, 826, 827, 831
17	87–155	832
Sept. 4	87–195	857, 858, 863
21	87–256	232, 389, 780, 799, 800
22	87–290	231
22	87–293	171, 389, 861
26	87–297	798
26	87–307	792
27	87–328	854
Oct. 4	87–360	113

TABLE 11.—*General Legislation*—Continued

Date	Public law	77 Stat.
1961		
Oct. 4	87–364	27
4	87–378	135
4	87–383	106
1962		
Mar. 2	87–408	835
15	87–415	224
Apr. 4	87–432	28, 99
May 31	87–460	235
June 28	87–510	862
July 25	87–550	798
27	87–554	465
Sept. 5	87–626	103
5	87–639	841
14	87–658	855
14	87–661	109
25	87–688	230
27	87–703	20, 44, 46, 829
Oct. 3	87–734	28
1962		
Oct. 3	87–735	28
4	87–746	861
5	87–749	822
10	87–788	822
11	87–793	25, 429
11	87–794	21, 30, 229, 787
23	87–866	22, 780, 792
23	87–867	42
24	87–879	20, 828
1963		
Aug. 27	88–104	835
Oct. 2	88–132	223
Dec. 16	88–205	380
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31	88–257	108

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291	777	3648	781	3732	265, 266

TABLE 13.—*Internal Revenue Code of 1939*

Section	77 Stat.	Section	77 Stat.	Section	77 Stat.
None					

TABLE 14.—*Internal Revenue Code of 1954*

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1 *et seq*	12, 422	3301	305	3306(b)(1)	305, 306
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1	213	809
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10	270	135
10	564	190
10	593	182
10	1078(a)	83
10	1201–1221	187
10	1263	190
10	1293	190
10	1305	190
10	1371	190
10	1402	212
10	1431–1446	256
10	2231–2238	464
10	2301–2314	328
10	2353	267
10	2665	265
10	2672	264
10	2673	463
10	2674	466
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10	6331	212
10	7202	256
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TABLE 16.—*Reorganization Plans*

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TABLE 17.—*Veterans' Regulations*

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E.O. 9083	Feb. 28, 1942	190	E.O. 10787	Nov. 6, 1958	97
E.O. 9358	July 1, 1943	427	E.O. 10918	Feb. 16, 1961	65
E.O. 10422	Jan. 9, 1953	428	E.O. 11035	July 9, 1962	436
E.O. 10500	Nov. 4, 1953	846	E.O. 11130	Nov. 29, 1963	362

TABLE 19.—*Treaties and International Agreements*

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