

of or access to, any official diplomatic code or any matter prepared in any such code, or which purports to have been prepared in any such code, and shall willfully, without authorization or competent authority, publish or furnish to another any such code or matter, or any matter which was obtained while in the process of transmission between any foreign government and its diplomatic mission in the United States, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

Approved, June 10, 1933.

[CHAPTER 58.]

AN ACT

To amend existing law in order to obviate the payment of one year's sea pay to surplus graduates of the Naval Academy.

June 10, 1933.
[H. R. 5012.]
[Public, No. 38.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the Act of August 5, 1882 (22 Stat. 285, ch. 391), as is contained in the proviso at the end of section 1057, title 34, United States Code, is hereby amended by repealing the words "and one year's sea pay", so that the said proviso will read as follows: "*Provided*, That if there be a surplus of graduates, those who do not receive such appointments shall be given a certificate of graduation and an honorable discharge."

Naval Academy.
Surplus graduates
not to receive one
year's sea pay.
Vol. 22, p. 285;
U. S. C., p. 1148.
Post, p. 307.

Approved, June 10, 1933.

[CHAPTER 59.]

AN ACT

To promote the foreign trade of the United States in apples and/or pears, to protect the reputation of American-grown apples and pears in foreign markets, to prevent deception or misrepresentation as to the quality of such products moving in foreign commerce, to provide for the commercial inspection of such products entering such commerce, and for other purposes.

June 10, 1933.
[H. R. 4812.]
[Public, No. 39.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any person to ship or offer for shipment or for any carrier, or any steamship company, or any person to transport or receive for transportation to any foreign destination, except as provided in this Act, any apples and/or pears in packages which are not accompanied by a certificate issued under authority of the Secretary of Agriculture showing that such apples or pears are of a Federal or State grade which meets the minimum of quality established by the Secretary for shipment in export. The Secretary is authorized to prescribe, by regulations, the requirements, other than those of grade, which the fruit must meet before certificates are issued. The Secretary shall provide opportunity, by public hearing or otherwise, for interested persons to examine and make recommendation with respect to any standard of export proposed to be established or designated, or regulation prescribed, by the Secretary for the purposes of this Act.

Apples and pears,
American grown.
Shipment for export,
without certificate, un-
lawful.

Regulations to be
prescribed by Secre-
tary of Agriculture.

Hearings to deter-
mine standard of ex-
port.

SEC. 2. The Secretary shall give reasonable notice through one or more trade papers of the effective date of standards of export established or designated by him under this Act: *Provided*, That any apples or pears may be certified and shipped for export in fulfillment of any contract made within six months prior to the date of such shipment if the terms of such contract were in accordance with the grades and regulations of the Secretary in effect at the time the contract was made.

Notice of standard.

Proviso.
Prior contracts, ful-
filling authorized.

Standards or requirements of foreign governments.

Inspection to determine compliance.

Shipments less than carload lots.

Fees for inspection, etc.

Provisos. Availability.

Admissibility of certificates as evidence.

Refusal to issue certificates if unlawful shipments made.

Penalty for violations.

Rules, etc., by Secretary.

Cooperation with States, etc.

Appointment of officers, etc.

Expenditures for printing and binding, etc.

Statutes dealing with same subjects not abrogated.

Separability of Act.

Terms construed.

"Person."

"Secretary of Agriculture."

SEC. 3. Where the government of the country to which the shipment is to be made has standards or requirements as to condition of apples or pears the Secretary may in addition to inspection and certification for compliance with the standards established or designated hereunder inspect and certify for determination as to compliance with the standards or requirements of such foreign government and may provide for special certificates in such cases.

SEC. 4. Apples or pears in less than carload lots as defined by the Secretary may, in his discretion, be shipped to any foreign country without complying with the provisions of this Act.

SEC. 5. For inspecting and certifying the grade, quality, and/or condition of apples and/or pears the Secretary shall cause to be collected a reasonable fee which shall as nearly as may be cover the cost of the service rendered: *Provided*, That when cooperative arrangements satisfactory to the Secretary, or his designated representative, for carrying out the purposes of this Act cannot be made the fees collected hereunder in such cases shall be available until expended to defray the cost of the service rendered, and in such cases the limitations on the amounts expended for the purchase and maintenance of motor-propelled passenger-carrying vehicles shall not be applicable: *Provided further*, That certificates issued by the authorized agents of the United States Department of Agriculture shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

SEC. 6. After opportunity for hearing the Secretary is authorized to refuse the issuance of certificates under this Act for periods not exceeding ninety days to any person who ships or offers for shipment any apples and/or pears in foreign commerce in violation of any of the provisions of this Act. Any person or any common carrier or any transportation agency knowingly violating any of the provisions of this Act shall be fined not less than \$100 nor more than \$10,000 by a court of competent jurisdiction.

SEC. 7. The Secretary may make such rules, regulations, and orders as may be necessary to carry out the provisions of this Act, and may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, whether operating in one or more jurisdictions; and shall have the power to appoint, remove, and fix the compensation of such officers and employees not in conflict with existing law, and make such expenditures for rent outside the District of Columbia, printing, binding, telegrams, telephones, law books, books of reference, publications, furniture, stationery, office equipment, travel, and other supplies and expenses including reporting services, as shall be necessary to the administration of this Act in the District of Columbia and elsewhere, and as may be appropriated for by Congress. This Act shall not abrogate nor nullify any other statute, whether State or Federal, dealing with the same subjects as this Act; but it is intended that all such statutes shall remain in full force and effect except in so far as they are inconsistent herewith or repugnant hereto.

SEC. 8. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 9. That when used in this Act—

(1) The term "person" includes individuals, partnerships, corporations, and associations.

(2) The term "Secretary of Agriculture" means the Secretary of Agriculture of the United States.

(3) Except as provided herein, the term "foreign commerce" means commerce between any State, or the District of Columbia, and any place outside of the United States or its possessions.

"Foreign commerce."

(4) The term "apples and/or pears" means fresh whole apples or pears, whether or not they have been in storage.

"Apples and/or pears."

Approved, June 10, 1933.

[CHAPTER 60.]

JOINT RESOLUTION

Extending for one year the time within which American claimants may make application for payment, under the Settlement of War Claims Act of 1928, of awards of the Mixed Claims Commission and of the Tripartite Claims Commission.

June 12, 1933.
[H.J. Res. 183.]
[Pub. Res., No. 11.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (g) of section 2 and subsection (f) of section 5 of the Settlement of War Claims Act of 1928, as amended by Public Resolution Numbered 27, Seventy-second Congress, approved June 14, 1932, are further amended, respectively, by striking out the words "five years" wherever such words appear therein and inserting in lieu thereof the words "six years."

Settlement of War Claims Act.
Time for making applications for payment, by American claimants, extended.
Vol. 47, p. 313, amended.
Post, p. 1019.

Approved, June 12, 1933.

[CHAPTER 61.]

AN ACT

To amend sections 4399, 4418, 4428, 4429, 4430, 4431, 4432, 4433, and and¹ 4434 of the Revised Statutes, as amended, relating to the construction and inspection of boilers, unfired pressure vessels, and the appurtenances thereof.

June 13, 1933.
[S. 1129.]
[Public, No. 40.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 4399, 4418, 4428, 4429, 4430, 4431, 4432, 4433, and 4434 of the Revised Statutes, as amended (U.S.C., title 46, secs. 361, 392, 406, 407, 408, 409, 410, 411, and 412), be, and the same are hereby, amended to read as follows:

Construction and inspection of boilers, unfired pressure vessels, etc.
R. S., secs. 4399, 4418, 4428-4434, pp. 852, 856, 858.
U. S. C., pp. 1489, 1492, 1494-1495.
Steam vessels defined.

"SEC. 4399. Every vessel subject to inspection propelled in whole or in part by steam or by any other form of mechanical or electrical power shall be considered a steam vessel within the meaning of and subject to all of the provisions of this Act: *Provided, however,* That motor boats as defined in the Act of June 9, 1910, are exempt from the provisions of this Act.

Proviso.
Motor boats exempt.
Vol. 36, p. 462; U. S. C. p. 1508.

"SEC. 4418. The local inspectors shall also inspect, before the same shall be used and once at least in every year thereafter, the boilers, unfired pressure vessels, and appurtenances thereof, also the propelling and auxiliary machinery, electrical apparatus and equipment, of all vessels subject to inspection; and the inspectors shall satisfy themselves by thorough examination that the same are in conformity with law and the rules and regulations of the board of supervising inspectors, and may be safely employed in the service proposed. No boiler, unfired pressure vessel, or appurtenances thereof shall be allowed to be used if constructed in whole or in part of defective material or which because of its form, design, workmanship, age, use, or for any other reason is unsafe. At each annual inspection all boilers, unfired pressure vessels, and main steam piping shall be subjected to hydrostatic tests or such other tests as may be prescribed by the board of supervising inspectors. The ratio of the hydrostatic test to the maximum working pressure shall be determined by action of the board of supervising inspectors.

Boilers, unfired pressure vessels, etc.
Vol. 33, p. 1027.
Propelling and auxiliary machinery, electrical equipment, etc.
Examination, etc., to be made.

Defective vessels, boilers, etc.

Hydrostatic tests.
Ratio of, to be prescribed.

¹ So in original.