

"SEC. 4b. ENLISTED MEN.—On and after July 1, 1936, the grades and ratings of enlisted men shall be such as the President may from time to time direct, with monthly base pay in each grade and pay for each rating as prescribed by law. The numbers in grades and/or ratings of enlisted men shall be such as are authorized from time to time by the President by Executive order: *Provided*, That nothing in this section shall operate to reduce the pay which any enlisted man is now receiving, during his current enlistment and while he holds his present grade and rating, nor to change the present rate of pay of any enlisted man now on the retired list, nor to change existing provisions of law relating to flying cadets: *Provided further*, That the transportation privileges authorized by section 12 of the Act of Congress approved May 18, 1920, shall apply only to enlisted men of the first three grades: *Provided further*, That nothing herein shall be construed to authorize any increase in the number of the enlisted personnel of the Regular Army."

SEC. 2. All laws and parts of laws in conflict with the provisions of this Act are repealed as of the effective date of this Act.

Approved, June 20, 1936.

Enlisted men.
Grades and ratings;
pay.

Proviso.
Present pay not re-
duced.

Transportation priv-
ileges.
Vol. 41, p. 605.

Personnel not in-
creased.

Inconsistent laws re-
pealed.

[CHAPTER 633.]

AN ACT

To provide for the modification of the contract of lease entered into on June 12, 1922, between the United States and the Board of Commissioners of the Port of New Orleans.

June 20, 1936.
[S. 4252.]

[Public, No. 727.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War, with the consent of the lessee, may, in his discretion, and in such manner as he may consider desirable, reduce the consideration or obligation, require repairs and maintenance, and otherwise modify the terms, consideration, and provisions of the lease entered into between the United States and the Board of Commissioners of the Port of New Orleans on June 12, 1922, as now or hereafter supplemented, covering the New Orleans Army Base or portions thereof, in the event it appears that full performance of the lessee's obligations under such lease will result in default by, or impose undue hardship upon, the lessee: *Provided*, That the rental shall not be made lower than the fair rental value to be determined by the Secretary of War from an appraisal by qualified disinterested appraisers, the cost of appraisal to be paid by the Secretary of War from the rental collected under the lease.

Port of New Orleans.
Modification of con-
tract of lease.

Proviso.
Determination of fair
rental value.

Approved, June 20, 1936.

[CHAPTER 634.]

AN ACT

To amend the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), to extend and adapt its provisions to the convention between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded at the city of Mexico February 7, 1936, and for other purposes.

June 20, 1936.
[S. 4584.]

[Public, No. 728.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the title of the Act entitled "An Act to give effect to the convention between the United States and Great Britain for the protection of migratory birds concluded at Washington, August sixteenth, nineteen hundred and sixteen, and for other purposes", approved July 3, 1918 (40 Stat. 755), is hereby amended as of the day on which the President shall proclaim the exchange of ratifications of the convention between

Migratory Bird
Treaty Act, amend-
ment.
Vol. 40, p. 755.
U. S. C., p. 686.

Effective date.

the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936, or on the day of the enactment of this Act, whichever date is later, so that it will read as follows:

Title modified.

"An Act to give effect to the conventions between the United States and Great Britain for the protection of migratory birds concluded at Washington August sixteenth, nineteen hundred and sixteen, and between the United States and the United Mexican States for the protection of migratory birds and game mammals concluded at the city of Mexico February seventh, nineteen hundred and thirty six, and for other purposes."

Term "convention" pluralized.

SEC. 2. That said Act approved July 3, 1918, is hereby amended as of the day aforesaid by striking out the word "convention" wherever it occurs therein and by inserting in lieu thereof the word "conventions".

SEC. 3. That section 2 of said Act approved July 3, 1918, is hereby amended as of the day aforesaid so as to read as follows:

Certain provisions of Act to apply to United Mexican States.

"SEC. 2. That unless and except as permitted by regulations made as hereinafter provided, it shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, barter, offer to purchase, purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, or any part, nest, or egg of any such birds, included in the terms of the conventions between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the United States and the United Mexican States for the protection of migratory birds and game mammals concluded February 7, 1936."

SEC. 4. That section 4 of said Act approved July 3, 1918, is hereby amended as of the day aforesaid by adding at the end thereof the following:

Game mammals; regulation of imports and exports, United States and Mexico.

"It shall be unlawful to import into the United States from Mexico, or to export from the United States to Mexico, any game mammal, dead or alive, or parts or products thereof, except under permit or authorization of the Secretary of Agriculture in accordance with such regulations as he shall prescribe having due regard to the laws of the United Mexican States relating to the exportation and importation of such mammals or parts or products thereof and the laws of the State, District, or Territory of the United States from or into which such mammals, parts, or products thereof, are proposed to be exported or imported, and the laws of the United States forbidding importation of certain live mammals injurious to the interests of agriculture and horticulture, which regulations shall become effective as provided in section 3 hereof."

Vol. 40, p. 756.

SEC. 5. That section 9 of said Act approved July 3, 1918, is hereby repealed as of the day aforesaid and the following is hereby substituted in lieu thereof:

Appropriations authorized.

"SEC. 9. That there is authorized to be appropriated, from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and to accomplish the purposes of said conventions and this Act and regulations made pursuant thereto, and the Secretary of Agriculture is authorized out of such moneys to employ in the city of Washington and elsewhere such persons and means as he may deem necessary for such purpose and may cooperate with local authorities in the protection of migratory birds and make the necessary investigations connected therewith."

SEC. 6. That all moneys now or hereafter available for administration and enforcement of said Act approved July 3, 1918, shall be equally available for the administration and enforcement of said Act as hereby amended.

Approved, June 20, 1936.

Funds available.

[CHAPTER 635.]

AN ACT

To prohibit the commercial use of the coat of arms of the Swiss Confederation pursuant to the obligation of the Government of the United States under article 28 of the Red Cross Convention signed at Geneva July 27, 1929.

June 20, 1936.
[S. 4667.]
[Public, No. 729.]

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, partnership, incorporated or unincorporated company, or association within the jurisdiction of the United States to use, whether as a trade mark, commercial label, or portion thereof, or as an advertisement or insignia for any business or organization or for any trade or commercial purpose, the coat of arms of the Swiss Confederation, consisting of an upright white cross with equal arms and lines on a red ground, or any simulation thereof: *Provided,* That no person, corporation, or association that actually used or whose assignors actually used a design or insignia identical with or similar to that described herein for any lawful purpose for ten years next preceding the effective date of this Act shall be deemed forbidden to continue the use thereof for the same purpose.

Swiss Confederation. Commercial use of coat of arms of, prohibited. Vol. 47, p. 2092.

Proviso. Use of similar design for past 10 years.

SEC. 2. Any person who willfully violates the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be liable to a fine of not exceeding \$500 or imprisonment for a term not exceeding one year, or both.

Penalty for violation.

Approved, June 20, 1936.

[CHAPTER 636.]

AN ACT

To provide for the sale of the Port Newark Army Base to the city of Newark, New Jersey, and for other purposes.

June 20, 1936.
[S. 4737.]
[Public, No. 730.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to sell to the city of Newark, New Jersey, on terms and conditions deemed advisable by him, the right, title, and interest of the United States in the Port Newark Army Base, New Jersey, including such equipment pertaining thereto as he determines is not required for military purposes, for the sum of \$2,000,000, of which \$100,000 shall be paid in cash and the balance in annual installments, on or before August 1 of each succeeding year, of \$100,000 per year for the first five years and \$200,000 per year thereafter, with permission to the city of Newark to anticipate payment of the deferred installments at any time: *Provided,* That said initial payment of \$100,000 of the purchase price shall be made by the city of Newark to the Secretary of War not later than August 1, 1936, and possession delivered by the United States as of September 1, 1936, or as soon thereafter as practicable: *Provided further,* That title to the property shall pass to the city of Newark and a quitclaim deed delivered by the Secretary of War after receipt by him of the final payment: *And provided further,* That such conveyance shall be made upon the condition that the United States, in the event of war or of any national emergency declared by Congress to exist, shall have the right to take over said

Port Newark Army Base. Sale of, to city of Newark, N. J., authorized.

Equipment.

Payment.

Provisos. Initial installment.

Transfer of possession.

Delivery of title.

Federal use in national emergency; payment.