

Division of fee with
a nonresident cooper-
ating broker.

Bonds with cor-
porate sureties.
50 Stat. 787.
20 D. C. Code,
Supp. IV, §§ 1970-
1988.

August 10, 1939
[H. R. 6614]
[Public, No. 378]

Government Losses
in Shipment Act,
amendments.
50 Stat. 480.
5 U. S. C., Supp. IV,
§ 134b.
Public Debt Ser-
vice, shipments of
valuables.

40 Stat. 292.
31 U. S. C. §§ 760,
761.
Transfer of fund.

50 Stat. 479.

Losses of Post Office
Department while act-
ing as Treasury agent.

Proviso.
Liability of employ-
ees.

22 Stat. 29.
39 U. S. C. § 49.

pensation to anyone for the performance within the District of Columbia of any service or act defined in this Act as the act of a real-estate broker, real-estate salesman, business-chance broker, or business-chance salesman, who was not duly licensed as such at the time such service or act was performed, provided that this paragraph shall not apply to the division of commission by a broker licensed hereunder with a nonresident cooperating broker."

SEC. 12. No license heretofore issued under the authority of said Act of Congress approved March 25, 1937, where the application therefor was accompanied by a bond which does not conform with the requirements of said Act as amended hereby, shall be reissued or renewed unless the application for such reissuance or renewal shall be accompanied by a bond in accordance with said Act as amended by this Act.

Approved, August 10, 1939.

[CHAPTER 665]

AN ACT

To amend the Government Losses in Shipment Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso of section 3 of the Government Losses in Shipment Act, approved July 8, 1937 (50 Stat. 480; U. S. C., 1934 edition, Supp. IV, title 5, sec. 134b), is hereby amended to read as follows: "*Provided further*, That the fund shall be available for the replacement of any loss or destruction of, or damage to, valuables shipped by or on behalf of the Public Debt Service of the Treasury Department prior to the effective date of this amendment, the replacement of which was chargeable against the securities trust fund established under authority of the indefinite appropriation 'Expenses of loans, Act of September 24, 1917, as amended and extended' (U. S. C., 1934 edition, title 31, secs. 760, 761); and the Secretary of the Treasury is hereby authorized and directed to transfer on the books of the Treasury Department the amount standing to the credit of the securities trust fund and credit the same to the fund."

"SEC. 2. The Government Losses in Shipment Act (50 Stat. 479; U. S. C., 1934 edition, Supp. IV, title 5, secs. 134-134h; title 31, secs. 528, 738a), is hereby amended by adding the following sections to the end of section 3 thereof:

"SEC. 3a. All losses or destruction of, or damage to, internal revenue or other stamps, United States securities, or other obligations of the United States, and funds, occurring heretofore or hereafter, but not prior to February 4, 1935, while such stamps, securities, obligations, or funds were in the custody or possession of, or charged to, the Post Office Department or Postal Service while it was acting as agent for, or on behalf of, the Treasury Department for the sale of such stamps, securities, or obligations and for the collection of such funds, irrespective of the manner in which such loss, destruction, or damage occurred, shall be replaced out of the fund under such regulations as the Secretary of the Treasury may prescribe: *Provided, however*, That no postmaster, Navy mail clerk, or assistant Navy mail clerk having the custody or possession of such stamps, securities, obligations, or funds at the time of the loss, destruction, or damage shall be relieved of any liability to the United States or receive credit in his accounts for such loss, destruction, or damage under the provisions of the Act of March 17, 1882, as amended (U. S. C., 1934 edition, title 39, sec. 49), until the Postmaster General and the Secretary of the Treasury have jointly determined that such loss, destruction, or damage resulted

from no fault or negligence on the part of such postmaster, Navy mail clerk, or assistant Navy mail clerk.

"SEC. 3b. The Secretary of the Treasury is hereby authorized to execute and deliver, on behalf of the United States, such binding agreements of indemnity as he may deem necessary and proper to enable the United States to obtain the replacement of any instrument or document received by the United States or any agent of the United States in his official capacity which, after having been so received, became lost, destroyed, or so mutilated as to impair its value: *Provided, however*, That no such agreement of indemnity shall operate to obligate the United States in any case in which the obligee named therein makes any payment or delivery not required by law on the original of the instrument or document covered thereby. The fund shall be available for the payment of any obligation arising out of any agreement executed by the Secretary of the Treasury under this section."

SEC. 3. Section 7 (a) of the Government Losses in Shipment Act (50 Stat. 480; U. S. C., 1934 edition, Supp. IV, title 5, sec. 134f (a)), is hereby amended to read as follows:

"(a) The term 'valuables' means any articles or things or representatives of value in which the United States has any interest, or in connection with which it has any obligation or responsibility, direct or indirect, and which are declared to be valuables within the meaning of this Act by the Secretary of the Treasury. No articles or things shall be declared to be valuables by the Secretary of the Treasury unless he determines that replacement thereof in accordance with the procedure established herein, in the event of loss, destruction, or damage in the course of shipment, would be in the public interest. The term 'United States' as used in this subsection and in section 3b means the United States, its executive departments, independent establishments, and agencies, including wholly owned corporations, and officers and employees of any of the foregoing while acting in their official capacity."

SEC. 4. So much of section 8 (b) (4) of the Government Losses in Shipment Act (50 Stat. 482; U. S. C., 1934 edition, Supp. IV, title 31, sec. 738a (b) (4)), as precedes the proviso is hereby amended to read as follows:

"(4) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank:"

SEC. 5. Section 9 (b) (1) of the Government Losses in Shipment Act (50 Stat. 483; U. S. C., 1934 edition, Supp. IV, title 31, sec. 528 (b) (1)), is hereby amended by changing the phrase included within the parentheses to read as follows: "including the Postal Service when carrying mail for any officer, employee, agent, or agency of the United States when performing services in connection with an official function of the United States, but not including the Postal Service when otherwise acting solely in its capacity as a public carrier of the mail."

SEC. 6. So much of section 9 (b) (5) of the Government Losses in Shipment Act (50 Stat. 483; U. S. C., 1934 edition, Supp. IV, title 31, sec. 528 (b) (5)), as precedes the proviso is hereby amended to read as follows:

"(5) if the owner or holder is the United States or an officer or employee thereof in his official capacity, a State, the District of

Indemnity agreements.

Proviso.
No Federal obligation where obligee makes payment not required by law, etc.

Use of fund for payment.

50 Stat. 480.
5 U. S. C., Supp. IV, § 134f (a).

"Valuables" defined.

Determination of articles covered.

"United States."

50 Stat. 482.
31 U. S. C., Supp. IV, § 738a (b) (4).

Indemnity bonds.
If owner or holder is United States, etc.

50 Stat. 483.
31 U. S. C., Supp. IV, § 528 (b) (1).

Indemnity bond not required in certain cases.
Loss of check while in U. S. custody, etc.

50 Stat. 483.
31 U. S. C., Supp. IV, § 528 (b) (5).

If owner or holder is United States, etc.

Columbia, a Territory or possession of the United States, including the Commonwealth of the Philippine Islands, a municipal corporation or political subdivision of any of the foregoing, a corporation the whole of whose capital is owned by the United States, a foreign government, or a Federal Reserve bank:”

50 Stat. 484.
31 U. S. C., Supp.
IV, § 528 (f).

Term “original
check” defined.

SEC. 7. Section 9 (f) of the Government Losses in Shipment Act (50 Stat. 484; U. S. C., 1934 edition, Supp. IV, title 31, sec. 528 (f)), is hereby amended to read as follows:

“(f) The term ‘original check’ wherever used in this section means any check, warrant, or other order for the payment of money, payable upon demand and not bearing interest, drawn by a duly authorized officer or agent of the United States, the District of Columbia, or the District Unemployment Compensation Board, on their behalf against an account or funds of the United States, the District of Columbia, or the District Unemployment Compensation Board, including instruments issued by any corporation or other entity owned or controlled by the United States, the funds of which are deposited and covered into the Treasury of the United States or deposited with the Treasurer of the United States, but does not include money, coins, or currency of the United States; as used in subsection (d) of this section it means such an instrument drawn by a duly authorized officer or employee of the Post Office Department.”

Exceptions.

Approved, August 10, 1939.

[CHAPTER 666]

AN ACT

To amend the Social Security Act, and for other purposes.

August 10, 1939
[H. R. 6635]
[Public, No. 379]

Social Security Act
Amendments of 1939.

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 “Social Security Act Amendments of 1939”.

TITLE I—AMENDMENTS TO TITLE I OF THE SOCIAL SECURITY ACT

State old-age assist-
ance plans, require-
ments.
49 Stat. 620.
42 U. S. C., Supp.
IV, § 302.

SEC. 101. Section 2 (a) of the Social Security Act is amended to read as follows:

“(a) A State plan for old-age assistance must (1) provide that it shall be in effect in all political subdivisions of the State, and, if administered by them, be mandatory upon them; (2) provide for financial participation by the State; (3) either provide for the establishment or designation of a single State agency to administer the plan, or provide for the establishment or designation of a single State agency to supervise the administration of the plan; (4) provide for granting to any individual, whose claim for old-age assistance is denied, an opportunity for a fair hearing before such State agency; (5) provide such methods of administration (including after January 1, 1940, methods relating to the establishment and maintenance of personnel standards on a merit basis, except that the Board shall exercise no authority with respect to the selection, tenure of office, and compensation of any individual employed in accordance with such methods) as are found by the Board to be necessary for the proper and efficient operation of the plan; (6) provide that the State agency will make such reports, in such form and containing such information, as the Board may from time to time require, and comply with such provisions as the Board may from time to time find necessary to assure the correctness and verification of such reports; (7) effective July 1, 1941, provide that the State