

[CHAPTER 685]

AN ACT

To amend the Employers' Liability Act.

August 11, 1939
[S. 1708]

[Public, No. 382]

Employers' Liability Act, amendments.

35 Stat. 65.
45 U. S. C. §§ 51, 54.

Liability of railroad for injuries or death of employees from negligence.

Employees entitled to benefits.

Assumption of risks of employment.

35 Stat. 66.
45 U. S. C. § 56.

Time limit for commencing action.

Contracts, etc., preventing employees from giving information concerning accidents, void.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1 and 4 of the Act entitled "An Act relating to the liability of common carriers by railroad to their employees in certain cases", approved April 22, 1908 (35 Stat. 65; U. S. C., title 45, secs. 51 and 54), be, and they are hereby, amended to read as follows:

"SEC. 1. That every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

"Any employee of a carrier, any part of whose duties as such employee shall be the furtherance of interstate or foreign commerce; or shall, in any way directly or closely and substantially, affect such commerce as above set forth shall, for the purposes of this Act, be considered as being employed by such carrier in such commerce and shall be considered as entitled to the benefits of this Act and of an Act entitled 'An Act relating to the liability of common carriers by railroad to their employees in certain cases' (approved April 22, 1908), as the same has been or may hereafter be amended."

"SEC. 4. That in any action brought against any common carrier under or by virtue of any of the provisions of this Act to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where such injury or death resulted in whole or in part from the negligence of any of the officers, agents, or employees of such carrier; and no employee shall be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee."

SEC. 2. That the first sentence of section 6, of the Act entitled "An Act relating to the liability of common carriers by railroad to their employees in certain cases", approved April 22, 1908 (35 Stat. 65; U. S. C., title 45, sec. 56), be, and it is hereby, amended to read as follows:

"SEC. 6. That no action shall be maintained under this Act unless commenced within three years from the day the cause of action accrued."

SEC. 3. That the Act entitled "An Act relating to the liability of common carriers by railroad to their employees in certain cases", approved April 22, 1908, as amended (U. S. C., title 45, ch. 2), be, and it is hereby, amended by adding an additional section thereto as follows:

"SEC. 10. Any contract, rule, regulation, or device whatsoever, the purpose, intent, or effect of which shall be to prevent employees of any common carrier from furnishing voluntarily information to a

person in interest as to the facts incident to the injury or death of any employee, shall be void, and whoever, by threat, intimidation, order, rule, contract, regulation, or device whatsoever, shall attempt to prevent any person from furnishing voluntarily such information to a person in interest, or whoever discharges or otherwise disciplines or attempts to discipline any employee for furnishing voluntarily such information to a person in interest, shall, upon conviction thereof, be punished by a fine of not more than \$1,000 or imprisoned for not more than one year, or by both such fine and imprisonment, for each offense: *Provided*, That nothing herein contained shall be construed to void any contract, rule, or regulation with respect to any information contained in the files of the carrier, or other privileged or confidential reports.

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

Approved, August 11, 1939.

Threats, intimidation, etc.

Penalty.

Proviso.
Information in files of carrier, etc.

Saving clause.

[CHAPTER 686]

AN ACT

To change the designations of the Abraham Lincoln National Park, in the State of Kentucky, and the Fort McHenry National Park, in the State of Maryland.

August 11, 1939

[S. 2046]

[Public, No. 383]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Abraham Lincoln National Park, in the State of Kentucky, authorized by the Act of July 17, 1916 (39 Stat. 385), and the Fort McHenry National Park, in the State of Maryland, authorized by the Act of March 3, 1925 (43 Stat. 1109), shall hereafter be called and known as the "Abraham Lincoln National Historical Park", and the "Fort McHenry National Monument and Historic Shrine", respectively, and all moneys heretofore or hereafter appropriated for these areas under previous designations may be used in these areas as redesignated.

Approved, August 11, 1939.

Abraham Lincoln National Park, Ky., and Fort McHenry National Park, Md.
39 Stat. 385; 43 Stat. 1109.
16 U. S. C. §§ 211-214, 437-440.
Designations changed.

[CHAPTER 687]

AN ACT

To authorize acquisition of complete title to the Puyallup Indian Tribal School property at Tacoma, Washington, for Indian sanatorium purposes.

August 11, 1939

[S. 2141]

[Public, No. 384]

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 be, and he is hereby, authorized to acquire, from the Puyallup Tribe of Indians of Washington, for Indian sanatorium purposes, tracts numbered 6 and 7, containing thirty-eight and fifty one-hundredths acres, including all tribal-owned improvements thereon, of the Indian addition to the city of Tacoma, Washington, established under the Act of March 3, 1893 (27 Stat. 633); title to be conveyed to the United States by such tribal officials as the Puyallup Tribal Council shall authorize by resolution and by such form of relinquishment or deed as the Secretary of the Interior may designate.

SEC. 2. In order to carry out the provisions of section 1 hereof there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the

Puyallup Indians, Wash.
Acquisition of land from, for Indian sanatorium purposes.

27 Stat. 633.
Conveyance of title.

Appropriation authorized.