

Discretionary retention.

service: *And provided further*, That the President may in his discretion retain any Foreign Service officer on active duty for such period prior to his reaching seventy years of age as he may deem for the interests of the United States."

Effective date.

SEC. 2. This Act shall take effect on the first day of the calendar month following the expiration of sixty days from the date of its approval by the President.

Approved, May 13, 1941.

[CHAPTER 118]

AN ACT

May 15, 1941

[S. 376]

[Public Law 70]

Providing for the advancement on the retired list of certain officers of the line of the United States Navy.

Navy.
Advancement of certain officers on retired list.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That those lieutenants of the line of the United States Navy who served in the Navy or Naval Reserve Force prior to November 12, 1918, and who were, between May 29, 1934, and June 23, 1938, while on a promotion list, placed on the retired list for physical disability, shall be advanced on the retired list to the grade for which they were selected for promotion: *Provided*, That such advancement shall be effective on the date of approval of this Act.

Proviso.

Approved, May 15, 1941.

[CHAPTER 130]

AN ACT

May 23, 1941

[H. R. 4183]

[Public Law 71]

Making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes.

War Department
Civil Appropriation
Act, 1942.

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, 1942, for civil functions administered by the War Department, and for other purposes, namely:

Post, p. 685.

QUARTERMASTER CORPS

CEMETERIAL EXPENSES

Maintenance, etc.

For maintaining and improving national cemeteries, including fuel for and pay of superintendents and the superintendent at Mexico City, and other employees; purchase of grave sites; purchase of tools and materials; repair, maintenance, and operation of passenger-carrying motor vehicles; care and maintenance of the Arlington Memorial Amphitheater, chapel, and grounds in the Arlington National Cemetery, and that portion of Congressional Cemetery to which the United States has title and the graves of those buried therein, including Confederate graves, and including the burial site of Pushmataha, a Choctaw Indian chief; repair to roadways but not to more than a single approach road to any national cemetery constructed under special Act of Congress; for headstones or markers for unmarked graves of soldiers, sailors, and marines under the Acts approved March 3, 1873 (24 U. S. C. 279), February 3, 1879 (24 U. S. C. 280), March 9, 1906 (34 Stat. 56), March 14, 1914 (38 Stat. 768), February 26, 1929 (24 U. S. C. 280a), and April 18, 1940 (54 Stat. 142), and civilians interred in post cemeteries; recovery of bodies and disposition of remains as authorized by Act of May 17, 1938 (10 U. S. C. 916-916d), including

Headstones.
17 Stat. 545; 20 Stat.
281; 45 Stat. 1307.

52 Stat. 398.

remains of personnel of the Army of the United States who die while on active duty; expenses authorized by Act of July 8, 1940 (54 Stat. 743), incident to remains, dependents, and property of employees dying while in a travel status or on duty in a territory or possession of the United States or in a foreign country; travel allowances of attendants accompanying remains of military personnel and civilian employees; for repairs and preservation of monuments, tablets, roads, fences, and so forth, made and constructed by the United States in Cuba and China to mark the places where American soldiers fell; care, protection, and maintenance of the Confederate Mound in Oakwood Cemetery at Chicago, the Confederate Stockade Cemetery at Johnstons Island, the Confederate burial plats owned by the United States in Confederate Cemetery at North Alton, the Confederate Cemetery, Camp Chase, at Columbus, the Confederate Cemetery at Point Lookout, and the Confederate Cemetery at Rock Island; and for care and maintenance of graves used by the Army for burials in commercial cemeteries, \$2,765,626: *Provided*, That no railroad shall be permitted upon any right-of-way which may have been acquired by the United States leading to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this appropriation shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

The Secretary of War is authorized to convey to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road to any national cemetery: *Provided*, That prior to the delivery of any instrument of conveyance hereunder, the State, county, municipality, or agency to which the conveyance herein authorized is to be made, shall notify the Secretary of War in writing of its willingness to accept and maintain the road included in such conveyance: *Provided further*, That upon the execution and delivery of any conveyance herein authorized the jurisdiction of the United States of America over the road conveyed shall cease and determine and shall thereafter vest in the State in which said road is located.

SIGNAL CORPUS

ALASKA COMMUNICATION SYSTEM

For operation, maintenance, and improvement of the Alaska Communication System, including travel allowances and travel in kind as authorized by law, and operation and maintenance of passenger-carrying vehicles, \$222,744, to be derived from the receipts of the Alaska Communication System which have been covered into the Treasury of the United States, and to remain available until the close of the fiscal year 1943: *Provided*, That the Secretary of War shall report to Congress the extent and cost of any extensions and betterments which may be effected under this appropriation: *Provided further*, That hereafter charges for interconnection between the radiotelephone facilities of this system and commercial telephone facilities may be paid from the receipts of the Alaska Communication System.

CORPUS OF ENGINEERS

RIVERS AND HARBORS AND FLOOD CONTROL

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, and to remain available until expended:

Transporting remains, etc.

Confederate cemeteries.

Provisos.
Encroachment prohibited.

Roadway repairs.

Conveyance of certain roads to State.

Provisos.
Conditions.

Jurisdiction.

Provisos.
Report to Congress.

Payment of charges.

RIVERS AND HARBORS

Maintenance, etc.
Post, p. 829.

California Débris
Commission.

27 Stat. 507.

Student officers at
civil technical insti-
tutions.

41 Stat. 785.
Ante, p. 189; post, p.
369.

Proriso.

Designated im-
provements.

54 Stat. 1198.
Proviso.
Maintenance of har-
bor channels.

Power-driven boats.

Permanent Interna-
tional Commission of
the Congresses of
Navigation.

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes and other boundary and connecting waters as heretofore authorized, including the preparation, correction, printing, and issuing of charts and bulletins and the investigation of lake levels; for prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City; for expenses of the California Débris Commission in carrying on the work authorized by the Act approved March 1, 1893, as amended (33 U. S. C. 661, 678, and 683); for removing sunken vessels or craft obstructing or endangering navigation as authorized by law; for operating and maintaining, keeping in repair, and continuing in use without interruption any lock, canal (except the Panama Canal), canalized river, or other public works for the use and benefit of navigation belonging to the United States, including maintenance of the Hennepin Canal in Illinois; for payment annually of tuition fees of not to exceed fifty student officers of the Corps of Engineers at civil technical institutions under the provisions of section 127a of the National Defense Act, as amended (10 U. S. C. 535); for examinations, surveys, and contingencies of rivers and harbors; for printing and binding, newspapers, lawbooks, books of reference, periodicals, and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this appropriation, including such printing as may be authorized by the Committee on Printing of the House of Representatives, either during a recess or session of Congress, of surveys authorized by law, and such surveys as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress, and for the purchase (not to exceed \$167,870) of motor-propelled passenger-carrying vehicles and motorboats, for official use: *Provided*, That no part of this appropriation shall be expended for any preliminary examination, survey, project, or estimate not authorized by law, \$68,268,640, of which \$1,500,000 shall be available for improvement of Boston Harbor as recommended in House Document Numbered 362, Seventy-sixth Congress, \$45,000 for improvement of the channel from Manteo to Oregon Inlet, North Carolina, as recommended in House Document Numbered 313, Seventy-sixth Congress, and \$60,000 for improvement of Silver Lake Harbor, North Carolina, as recommended in House Document Numbered 325, Seventy-sixth Congress, all as authorized by the National Defense River and Harbor Act approved October 17, 1940: *Provided*, That from this appropriation the Secretary of War may, in his discretion and on the recommendation of the Chief of Engineers based on the recommendation by the Board of Rivers and Harbors in the review of a report or reports authorized by law, expend 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, such work to be subject to the conditions recommended by the Chief of Engineers in his report or reports thereon: *Provided further*, That no appropriation under the Corps of Engineers for the fiscal year 1942 shall be available for any expenses incident to operating any power-driven boat or vessel on other than Government business: *Provided further*, That not to exceed \$1,000 of the amount herein appropriated shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment of the actual expenses

of the properly accredited delegates of the United States to the meeting of the Congress and of the Commission.

FLOOD CONTROL

Flood control, general: For the construction and maintenance of certain public works on rivers and harbors for flood control, and for other purposes, in accordance with the provisions of the Flood Control Act, approved June 22, 1936, as amended and supplemented, including printing and binding, newspapers, lawbooks, books of reference, periodicals, and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this appropriation, the purchase (not to exceed \$27,200) of motor-propelled passenger-carrying vehicles and motorboats for official use, and for preliminary examinations and surveys of flood-control projects authorized by law, \$73,030,000, of which not to exceed \$9,134,035 shall be available immediately and exclusively for expenditure upon projects on account of which allotments heretofore have not been made, and, in addition, for the protection from flood waters at approaches to Fort Dix, New Jersey: *Provided*, That \$998,342 of this appropriation shall be transferred and made available to the Secretary of Agriculture for preliminary examinations and surveys, as authorized by law, for run-off and water-flow retardation and soil-erosion prevention on the watersheds of flood-control projects, including the employment of persons in the District of Columbia and elsewhere, purchase of books and periodicals, printing and binding, the purchase (not to exceed \$15,000) of motor-propelled passenger-carrying vehicles and motorboats, and for other necessary expenses: *Provided further*, That funds appropriated herein may be used for flood-control work on the Salmon River, Alaska, as authorized by law: *Provided further*, That funds appropriated herein may be used to execute detailed surveys, prepare plans and specifications, and to procure options on land and property necessary for the construction of authorized flood-control projects or for flood-control projects considered for selection in accordance with the provisions of section 4 of the Flood Control Act approved June 28, 1938: *Provided further*, That the expenditure of funds for completing the necessary surveys and securing options shall not be construed as a commitment of the Government to the construction of any project.

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act approved May 15, 1928, as amended (33 U. S. C. 702a), including printing and binding, newspapers, lawbooks, books of reference, periodicals, and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this appropriation, and for the purchase (not to exceed \$42,750) of motor-propelled passenger-carrying vehicles and motorboats for official use, \$22,000,000.

Emergency fund for flood control on tributaries of Mississippi River: For rescue work and for repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, in accordance with section 9 of the Flood Control Act, approved June 15, 1936 (49 Stat. 1508), \$100.

Flood control, Sacramento River, California: For prosecuting work of flood control, Sacramento River, California, in accordance with the provisions of Acts approved March 1, 1917, May 15, 1928, and August 26, 1937 (33 U. S. C. 703, 704; 50 Stat. 849), \$98,325.

HYDROELECTRIC POWER

Power plant, Fort Peck Dam, Montana: For continuing the construction of the hydroelectric power plant at Fort Peck Dam, Mon-

Construction and maintenance.
Post, p. 829.

49 Stat. 1570.
33 U. S. C. §§ 701a-707.

Provisos.
Soil-erosion prevention, etc.

Salmon River, Alaska.

Plans, etc., for flood-control projects.

52 Stat. 1216.
33 U. S. C. § 701f (note).
Expenditure of funds.

Mississippi River and tributaries.

45 Stat. 534.

49 Stat. 1511.
33 U. S. C. § 702g-1.

Sacramento River, Calif.

39 Stat. 949; 45 Stat. 539.

¹⁶ U. S. C. §§ 833-833k.

tana, as authorized by the Act approved May 18, 1938 (52 Stat. 403), \$1,845,000.

¹⁶ U. S. C. §§ 832-832l.

Power plant, Bonneville Dam, Columbia River, Oregon: For continuing the construction of the hydroelectric power plant at Bonneville Dam, Columbia River, Oregon, as authorized by the Acts approved August 30, 1935 (49 Stat. 1038), and August 20, 1937 (50 Stat. 731), \$7,170,000.

UNITED STATES SOLDIERS' HOME

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home Permanent Fund, \$806,067.

THE PANAMA CANAL

Maintenance, etc.

Damage claims.

Emergencies.

Purchase, etc., of buildings.

Maintenance and operation.
Post, p. 829.

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, and construction of additional facilities, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; lawbooks; textbooks and books of reference; printing and binding, including printing of annual report; personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal, and construction of additional facilities; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sale; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; travel expenses when prescribed by the Governor of the Panama Canal to persons engaged in field work or traveling on official business; not to exceed \$2,000 for travel and subsistence expenses of members of the police and fire forces of the Panama Canal incident to their special training in the United States; transportation, including insurance, of public funds and securities between the United States and the Canal Zone; purchase, construction, repair, replacement, alteration, or enlargement of buildings, structures, equipment, and other improvements; and for such other expenses not in the United States as the Governor of the Panama Canal may deem necessary best to promote the maintenance and operation, sanitation, and civil government of the Panama Canal, and construction of additional facilities, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

For maintenance and operation of the Panama Canal: Salary of the Governor, \$10,000; contingencies of the Governor, to be expended in his discretion, not exceeding \$3,000; purchase, inspection, delivery, handling, and storing of materials, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales;

payment in lump sums of not exceeding the amounts authorized by the Injury Compensation Act approved September 7, 1916 (5 U. S. C. 793), to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal; and relief payments authorized by the Act approved July 8, 1937 (50 Stat. 478), \$10,474,086; for continuing the construction of special protective works, \$4,670,000; in all, \$15,144,086, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act.

Construction of additional facilities—Panama Canal: For construction of additional facilities for the improvement and enlargement of the capacity of the Panama Canal, in accordance with the Act approved August 11, 1939 (53 Stat. 1409), including reimbursement to the appropriations "Maintenance and Operation, Panama Canal", "Sanitation, Panama Canal", and "Civil Government, Panama Canal", in such amounts as the Governor of the Panama Canal shall from time to time determine to be additional costs incurred for the objects specified in said appropriations on account of the prosecution of the work; in all, \$34,932,000, and, in addition, the Governor of the Panama Canal may, when authorized by the Secretary of War, make or authorize the making of contracts prior to July 1, 1942, for or on account of the construction of such additional facilities, to an amount not in excess of \$79,000,000.

For sanitation, quarantine, hospitals, and 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, the purchase of artificial limbs or other appliances for persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916, additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, and payments of not to exceed \$50 in any one case to persons within the Government service who shall furnish blood from their veins for transfusion to the veins of patients in Panama Canal hospitals: *Provided*, That expenditures heretofore made to any person within the Government service for blood furnished to patients in Panama Canal hospitals are hereby validated, \$1,024,223.

For civil government of the Panama Canal and Canal Zone, including gratuities and necessary clothing for indigent discharged prisoners, \$1,295,017.

Total, Panama Canal, \$52,395,326, to be available until expended.

In addition to the foregoing sums there is appropriated for the fiscal year 1942 for expenditures and reinvestment under the several heads of appropriation aforesaid, without being covered into the Treasury of the United States, and to remain available until expended, all moneys received by the Panama Canal during the fiscal year 1942 and prior fiscal years (exclusive of net profits for such prior fiscal years) from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the Canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other byproducts of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the

39 Stat. 750.

48 U. S. C. § 1372.
Special protective works.Additional facilities.
Post, p. 829.

48 U. S. C. § 1307.

Contracts.

Sanitation.

Proviso.
Blood transfusions.

Civil government.

Additional sums appropriated.

Disposition of net profits.

Waterworks, etc., Panama and Colon.

Canal Zone. Citizenship requirement.

Provisos.
Employment of Panamanian citizens.
48 U. S. C. § 1307.

Employees with 15 or more years of service.

Selection of personnel.

Hours of employment; pay rates.

Applicability of section.

Suspension of compliance in emergency.

Citizenship requirement.

Persons advocating overthrow of U. S. Government.

Canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

There is also appropriated for the fiscal year 1942 for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, to remain available until expended, the necessary portions of such sums as shall be paid during that fiscal year as water rentals or directly by the Government of Panama for such expenses.

SEC. 2. No part of any appropriation contained in this Act shall be used directly or indirectly after May 1, 1941, except for temporary employment in case of emergency, for the payment of any civilian for services rendered by him on the Canal Zone while occupying a skilled, technical, clerical, administrative, executive, or supervisory position unless such person is a citizen of the United States of America or of the Republic of Panama: *Provided, however,* (1) That, notwithstanding the provision in the Act approved August 11, 1939 (53 Stat. 1409), limiting employment in the above-mentioned positions to citizens of the United States from and after the date of the approval of said Act, citizens of Panama may be employed in such positions; (2) that at no time shall the number of Panamanian citizens employed in the above-mentioned positions exceed the number of citizens of the United States so employed, if United States citizens are available in continental United States or on the Canal Zone; (3) that nothing in this Act shall prohibit the continued employment of any person who shall have rendered fifteen or more years of faithful and honorable service on the Canal Zone; (4) that in the selection of personnel for skilled, technical, administrative, clerical, supervisory, or executive positions, the controlling factors in filling these positions shall be efficiency, experience, training, and education; (5) that all citizens of Panama and the United States rendering skilled, technical, clerical, administrative, executive, or supervisory service on the Canal Zone under the terms of this Act (a) shall normally be employed not more than forty hours per week, (b) may receive as compensation equal rates of pay based upon rates paid for similar employment in continental United States plus 25 per centum; (6) this entire section shall apply only to persons employed in skilled, technical, clerical, administrative, executive, or supervisory positions on the Canal Zone directly or indirectly by any branch of the United States Government or by any corporation or company whose stock is owned wholly or in part by the United States Government: *Provided further,* That the President may suspend compliance with this section in time of war or national emergency if he should deem such course to be in the public interest.

SEC. 3. No part of any appropriation contained in this Act or authorized hereby to be expended shall be used to pay the compensation of any officer or employee of the Government of the United States, or of 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 is a citizen of the United States, or a person in the service of the United States on the date of the approval of this Act who being eligible for citizenship had theretofore filed a declaration of intention to become a citizen or who owes allegiance to the United States.

SEC. 4. No part of any appropriation contained in this Act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence:

Provided, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation in this Act 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 penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

SEC. 5. This Act may be cited as the "War Department Civil Appropriation Act, 1942".

Approved, May 23, 1941.

Provisos.
Affidavit.

Penalty.

Short title.

[CHAPTER 131]

AN ACT

Authorizing the acquisition or construction of certain auxiliary vessels for the United States Navy, and for other purposes.

May 24, 1941
[H. R. 3783]
[Public Law 72]

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 to acquire or convert or to undertake the construction of five hundred and fifty thousand tons of auxiliary vessels of such size, type, and design as he may consider best suited for the purposes of national defense, such vessels to be in addition to those heretofore authorized.

Navy.
Acquisition of auxiliary vessels.
Post, p. 816.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act.

Appropriation authorized.
Post, p. 558.

Approved, May 24, 1941.

[CHAPTER 132]

AN ACT

Making appropriations to supply additional urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1941, and for other purposes.

May 24, 1941
[H. R. 4669]
[Public Law 73]

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 additional urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1941, and for other purposes, namely:

Additional Urgent Deficiency Appropriation Act, 1941.

LEGISLATIVE

SENATE

For payment to Lucile S. Sheppard, widow of Morris Sheppard, late a Senator from the State of Texas, \$10,000.

The unobligated balance of the appropriation for folding speeches and pamphlets at a rate not exceeding \$1 per thousand, contingent fund of the Senate, for the fiscal year 1940, is reappropriated and made available for the fiscal year 1941.

Folding speeches, etc.
Post, p. 541.

HOUSE OF REPRESENTATIVES

For payment to the widow of Alonzo D. Folger, late a Representative from the State of North Carolina, \$10,000.