

employees at meetings or conventions of members of societies or associations concerned with their work in not to exceed the amounts indicated: Office of the Secretary, \$1,000; Grazing Service, \$1,000; Petroleum Conservation Division, \$1,000; General Land Office, \$1,000; Bureau of Indian Affairs, \$7,000; Bureau of Reclamation, \$6,000; Geological Survey, \$3,000; Bureau of Mines, \$5,000; National Park Service, \$5,000; Fish and Wildlife Service, \$5,750; and Soil and Moisture Conservation Operations (all bureaus), \$4,000.

SEC. 7. 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 contained 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. 8. This Act may be cited as the "Interior Department Appropriation Act, 1942".

Approved, June 28, 1941.

[CHAPTER 260]

AN ACT

To provide for the acquisition and equipment of public works made necessary by the defense program.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes", approved October 14, 1940, as amended, is amended by inserting before section 1 the following title heading:

"TITLE I

"DEFENSE HOUSING"

SEC. 2. Section 1 (b) and section 3 of such Act are amended by striking out "this Act" wherever occurring therein and inserting in lieu thereof "this title".

SEC. 3. Such Act is amended by inserting after section 3 the following:

"TITLE II

"DEFENSE PUBLIC WORKS

"SEC. 201. It is hereby declared to be the policy of this title to provide means by which public works may be acquired, maintained, and operated in the areas described in section 202. As used in this title, the term 'public work' means any facility necessary for carrying on community life substantially expanded by the national-defense program, but the activities authorized under this title shall be devoted primarily to schools, waterworks, sewers, sewage, garbage and refuse disposal facilities, public sanitary facilities, works for the treatment

Persons advocating overthrow of U. S. Government.

Provisos. Affidavit.

Penalty.

Short title.

June 28, 1941

[H. R. 4545]

[Public Law 137]

National defense, public works.

54 Stat. 1125.
42 U. S. C., ch. 9
note.
Ante, p. 147.

54 Stat. 1126.
42 U. S. C. ch. 9
note.

Policy with respect to defense public works.

"Public work" defined.

and purification of water, hospitals and other places for the care of the sick, recreational facilities, and streets and access roads.

Areas where certain acute shortages exist.

"SEC. 202. Whenever the President finds that in any area or locality an acute shortage of public works or equipment for public works necessary to the health, safety, or welfare of persons engaged in national-defense activities exists or impends which would impede national-defense activities, and that such public works or equipment cannot otherwise be provided when needed, or could not be provided without the imposition of an increased excessive tax burden or an unusual or excessive increase in the debt limit of the taxing or borrowing authority in which such shortage exists, the Federal Works Administrator is authorized, with the approval of the President, in order to relieve such shortage—

Authority conferred.

Acquisition of lands, etc.
Waiver of statutory requirements.

10 U. S. C. § 1339;
41 U. S. C. § 5.

40 U. S. C. § 40a.

40 U. S. C. § 34.

40 U. S. C. §§ 257-258 e, 361-386.

Planning and construction.
Waiver of statutory requirements.

10 U. S. C. § 1339;
41 U. S. C. § 5.

40 U. S. C. § 40a.

"(a) To acquire, prior to the approval of title by the Attorney General if necessary (without regard to sections 1136, as amended, and 3709 of the Revised Statutes), improved or unimproved lands or interests in lands by purchase, donation, exchange, lease (without regard to section 322 of the Act of June 30, 1932 (47 Stat. 412), as amended, the Act of March 3, 1877 (19 Stat. 370), or any time limit on the availability of funds for the payment of rent), or condemnation (including proceedings under the Acts of August 1, 1888 (25 Stat. 357), March 1, 1929 (45 Stat. 1415), and February 26, 1931 (46 Stat. 1421)), for such public works.

"(b) By contract or otherwise (without regard to sections 1136, as amended, and 3709 of the Revised Statutes, section 322 of the Act of June 30, 1932 (47 Stat. 412), or any Federal, State, or municipal laws, ordinances, rules, or regulations relating to plans and specifications or forms of contract, the approval thereof or the submission of estimates therefor), prior to the approval of title by the Attorney General if necessary, to plan, design, construct, remodel, extend, repair, or lease public works, and to demolish structures, buildings, and improvements, on lands or interests in lands acquired under the provisions of subsection (a) hereof or on other lands of the United States which may be available (transfers of which for this purpose by the Federal agency having jurisdiction thereof are hereby authorized notwithstanding any other provisions of law), provide proper approaches thereto, utilities, and transportation facilities, and procure necessary materials, supplies, articles, equipment, and machinery, and do all things in connection therewith to carry out the purposes of this title.

Loans or grants for public works, etc.

"(c) To make loans or grants, or both, to public and private agencies for public works and equipment therefor, and to make contributions to public or private agencies for the maintenance and operation of public works, upon such terms and in such amounts as the Administrator may consider to be in the public interest. As used in this paragraph, the term 'private agency' means any private agency no part of the net earnings of which inures to the benefit of any private shareholder or individual.

"Private agency" defined.

Cost-plus, etc., contracts.

Proviso.

Utilization of existing facilities.

Maintenance of public works by Federal personnel, restriction.

"SEC. 203. (a) In carrying out this title—

"(1) no contract on a cost plus a percentage of cost basis shall be made, but contracts may be made on a cost plus a fixed fee basis: *Provided*, That the fixed fee does not exceed 6 per centum of the estimated cost;

"(2) wherever practicable, utilization shall be made of existing private and public facilities or such facilities shall be extended, enlarged, or equipped in lieu of constructing new facilities;

"(3) public works shall be maintained and operated by officers and employees of the United States only if and to the extent that local public and private agencies are, in the opinion of the

Administrator, unable or unwilling to maintain or operate such public works adequately with their own personnel and under loans or grants authorized by this title;

"(4) public works shall be provided on the basis of need and in determining need no discrimination shall be made on account of race, creed, or color.

"(b) No department or agency of the United States shall exercise any supervision or control over any school with respect to which any funds have been or may be expended pursuant to this title, nor shall any term or condition of any agreement under this title relating to, or any lease, grant, loan, or contribution made under this title to or on behalf of, any such school, prescribe or affect its administration, personnel, curriculum, instruction, methods of instruction, or materials for instruction.

"(c) No department or agency of the United States shall exercise any supervision or control over any hospital or other place for the care of the sick (which is not owned and operated by the United States) with respect to which any funds have been or may be expended under this title, nor shall any term or condition of any agreement under this title relating to, or any lease, grant, loan, or contribution made under this title to, or on behalf of, any such hospital or place, prescribe or affect its administration, personnel, or operation.

"SEC. 204. The sum of \$150,000,000, to remain available until expended, is hereby authorized to be appropriated to carry out the purposes of this title and for administrative expenses in connection therewith, including personal services and rent in the District of Columbia and elsewhere, printing and binding, and purchase, repair, operation, and maintenance of motor-propelled passenger-carrying vehicles.

"TITLE III

"GENERAL PROVISIONS"

SEC. 4. (a) Section 4 of such Act is amended to read as follows:

"SEC. 301. When the President shall have declared that the emergency declared by him on September 8, 1939, has ceased to exist (a) the authority contained in sections 1 and 202 hereof shall terminate except with respect to contracts on projects previously entered into or undertaken and court proceedings then pending, and (b) property acquired or constructed under this Act (including schools and hospitals) shall be disposed of as promptly as may be advantageous under the circumstances and in the public interest."

(b) Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of such Act are renumbered, respectively, as follows: "302", "303", "304", "305", "306", "307", "308", "309", "310", and "311", and as used in such sections the term "State" includes any Territory or possession of the United States.

SEC. 5. The departments, agencies, or instrumentalities administering property acquired or constructed under section 201 of the Second Supplemental National Defense Appropriation Act, 1941, shall have the same powers and duties with respect to such property and with respect to the management, maintenance, operation, and administration thereof as are granted to the Federal Works Administrator with respect to property acquired or constructed under title I of such Act of October 14, 1940, and with respect to the management, maintenance, operation, and administration of such property so acquired or constructed under such title.

Approved, June 28, 1941.

Determination of need, etc.

Supervision over schools.

Hospitals.

Appropriation authorized.
Post, p. 546.

54 Stat. 1127.
42 U. S. C., ch. 9 note.

Termination of authority.

Disposition of property.

Renumbering of sections.
54 Stat. 1127, 1128.
42 U. S. C., ch. 9 note.

"State."

Powers, duties, etc., with respect to property.
54 Stat. 872, 883.

54 Stat. 1125.
42 U. S. C., ch. 9 note.