

## APPROPRIATIONS

SEC. 19. There are hereby authorized to be appropriated such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act. The Acts appropriating such sums may appropriate specified portions thereof to be accounted for upon the certification of the Commission only. Funds appropriated to the Commission shall, if obligated by contract during the fiscal year for which appropriated, remain available for expenditure for four years following the expiration of the fiscal year for which appropriated. After such four-year period, the unexpended balances of appropriations shall be carried to the surplus fund and covered into the Treasury.

Appropriation authorized.  
*Post*, p. 913.

## SEPARABILITY OF PROVISIONS

SEC. 20. If any provision of this Act, or the application of such provision to any person or circumstances, is held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

## SHORT TITLE

SEC. 21. This Act may be cited as the "Atomic Energy Act of 1946". Approved August 1, 1946.

[CHAPTER 725]

## AN ACT

To amend the Act of June 8, 1936, relating to vocational education, so as to provide for the further development of vocational education in the several States and Territories.

August 1, 1946  
[S. 619]  
[Public Law 586]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Act approved June 8, 1936, entitled "An Act to provide for the further development of vocational education in the several States and Territories" (49 Stat. 1488, ch. 541), is amended to read as follows:

20 U. S. C. §§ 15h-15p.

## "SHORT TITLE

"SECTION 1. This Act may be cited as the 'Vocational Education Act of 1946.'

Vocational Education Act of 1946.

## "DEFINITIONS

"SEC. 2. As used in this Act—

"(1) the term 'States and Territories' means the several States, the Territories of Alaska and Hawaii, the island of Puerto Rico, and the District of Columbia;

"(2) the terms 'State plan' and 'State board' shall have the meaning which said terms have in the Smith-Hughes Vocational Education Act; and

*Infra*.

"(3) the term 'Smith-Hughes Vocational Education Act' means the Act approved February 23, 1917 (39 Stat. 929, ch. 114).

20 U. S. C. §§ 11-15, 16-28.

## "AUTHORIZATION FOR APPROPRIATIONS FOR VOCATIONAL EDUCATION

"SEC. 3. (a) For the purpose of assisting the several States and Territories in the further development of vocational education, there is authorized to be appropriated for the fiscal year beginning July 1, 1946, and annually thereafter—

Assistance to States and Territories.

"(1) \$10,000,000 for vocational education in agriculture, including supervision by the vocational agriculture teachers of

Agriculture.

- the activities, related to vocational education in agriculture, of the Future Farmers of America and the New Farmers of America, to be apportioned for expenditure in the several States and Territories in the proportion that their farm population bears to the total farm population of the States and Territories, according to the last preceding United States census;
- Home economics. “(2) \$8,000,000 for vocational education in home economics, to be apportioned for expenditure in the several States and Territories in the proportion that their rural population bears to the total rural population of the States and Territories, according to the last preceding United States census;
- Trades and industry. “(3) \$8,000,000 for vocational education in trades and industry, to be apportioned for expenditure in the several States and Territories in the proportion that their nonfarm population bears to the total nonfarm population of the States and Territories, according to the last preceding United States census;
- Distributive occupations. “(4) \$2,500,000 for vocational education in distributive occupations, to be apportioned for expenditure in the several States and Territories in the proportion that their total population bears to the total population of the States and Territories, according to the last preceding United States census;
- Use of funds. “(b) The funds appropriated under authority of paragraphs (1) to (4), inclusive, of subsection (a) of this section may be used for assisting the several States and Territories, for the purposes therein specified, in the maintenance of adequate programs of administration, supervision, and teacher-training; for salaries and necessary travel expenses of teachers, teacher-trainers, vocational counselors, supervisors and directors of vocational education and vocational guidance; for securing necessary educational information and data as a basis for the proper development of programs of vocational education and vocational guidance; for training and work-experience training programs for out-of-school youths; for training programs for apprentices; for purchase or rent of equipment and supplies for vocational instruction: *Provided*, That all expenditures for the purposes as set forth in this section shall be made in accordance with the State plan for vocational education.
- State plan. “(c) Notwithstanding the provisions of subsection (a), the amount to be available for expenditure in any State or Territory shall be not less, for any fiscal year, than \$40,000 each for vocational education in agriculture, in home economics, and in trades and industry; \$15,000 for vocational education in distributive occupations and there is hereby authorized to be appropriated for the fiscal year beginning July 1, 1946, and annually thereafter, such additional sums as may be needed for the purpose of providing such minimum amounts.
- Funds available.
- Annual appropriations.

#### “REQUIREMENTS AS TO MATCHING OF FUNDS

“SEC. 4. The several States and Territories, in order to receive the benefits of this Act, shall be required to match by State and local funds or both 100 per centum of the appropriations made under authority of section 3.

#### “MAKING OF PAYMENTS

“SEC. 5. The Secretary of the Treasury, through the Fiscal Service of the Treasury Department, shall, upon the certification of the United States Commissioner of Education, pay, in equal semiannual payments, on the first day of July and January of each year, to the custodian for vocational education of each State and Territory designated in the Smith-Hughes Vocational Education Act, the moneys to which the State or Territory is entitled under the provisions of this Act.

“AVAILABILITY OF FUNDS FOR SALARY AND EXPENSES OF STATE DIRECTORS

“SEC. 6. Funds appropriated under authority of section 3 shall be available, on a prorated basis determined by the State board, for the salary and necessary travel expenses of a State director of vocational education selected by the State board, in accordance with the requirements of the State plan, on the basis of his technical and professional qualifications including experience in vocational education.

“APPLICABILITY OF SMITH-HUGHES VOCATIONAL EDUCATION ACT

“SEC. 7. The appropriations made under authority of this Act shall be in addition to, and shall be subject to the same conditions and limitations as, the appropriations made to carry out the Smith-Hughes Vocational Education Act; except that (1) the appropriations made under authority of this Act for home economics shall be subject to the conditions and limitations applicable to the appropriation for agricultural purposes under the Smith-Hughes Vocational Education Act, with the exception of that part of section 10 thereof which requires directed or supervised practice for at least six months per year; (2) such moneys as are provided under authority of this Act for trade and industrial subjects, and public and other service occupations, may be expended for part-time classes operated for less than one hundred and forty-four hours per year; (3) the provisions of section 11 of the Smith-Hughes Vocational Education Act, requiring at least one-third of the sum appropriated to any State to be expended for part-time schools or classes shall be held to include any part-time day-school classes for workers sixteen years of age and over, and evening-school classes for workers sixteen years of age and over; (4) the appropriations made by this Act for distributive occupational subjects shall be limited to part-time and evening schools as provided in the Smith-Hughes Vocational Education Act, for trade, home economics, and industrial subjects and is qualified by the provisions of this section; (5) preemployment schools and classes organized for persons over eighteen years of age or who have left the full-time school may be operated for less than nine months per year and less than thirty hours per week and without the requirement that a minimum of 50 per centum of the time must be given to shop work on a useful or productive basis; and (6) the appropriations available under section 9 of this Act shall be available for expenses of attendance at meetings of educational associations and other organizations and for expenses of conferees called to meet in the District of Columbia or elsewhere, which, in the opinion of the Commissioner, are necessary for the efficient discharge of the provisions of this Act.

39 Stat. 929.  
20 U. S. C. §§ 11-15,  
16-28.  
Home economics.

39 Stat. 934.  
20 U. S. C. § 20.  
Trade and industrial subjects.

Part-time schools.  
39 Stat. 934.  
20 U. S. C. § 21.

Distributive occupational subjects.

Preemployment schools.

Attendance at meetings.  
39 Stat. 933.  
20 U. S. C. § 19.

“RESTRICTIONS AND CONDITIONS

“SEC. 8. (a) No part of the appropriations made under authority of this Act shall be expended in industrial-plant training programs, except such industrial-plant training be bona fide vocational training, and not a device to utilize the services of vocational trainees for private profit.

“(b) After June 30, 1951; not more than 10 per centum of the amount appropriated for each of the purposes specified in section 3 (a) shall be used for the purchase or acquisition of equipment.

Industrial-plant training.

Acquisition of equipment.

“APPROPRIATIONS FOR OFFICE OF EDUCATION

“SEC. 9. For the purpose of carrying out the provisions of this Act there is hereby authorized to be appropriated to the Office of Education, Federal Security Agency, for vocational education, for the fiscal year beginning July 1, 1937, and annually thereafter the sum of

Appropriation authorized.

39 Stat. 933.  
20 U. S. C. § 15.

\$350,000, to be expended for the same purposes and in the same manner as provided in section 7 of the Smith-Hughes Vocational Education Act, as amended October 6, 1917."

Approved August 1, 1946.

[CHAPTER 726]

AN ACT

August 1, 1946  
[H. R. 5311]  
[Public Law 537]

To amend Revised Statutes, 4921 (U. S. C. A., title 35, Patents, sec. 70), providing that damages be ascertained on the basis of compensation for infringement.

Patents.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4921 of the Revised Statutes of the United States (35 U. S. C. A. 70) is hereby amended to read as follows:

Power of courts to grant injunctions, etc.

"The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a judgment being rendered in any case for an infringement the complainant shall be entitled to recover general damages which shall be due compensation for making, using, or selling the invention, not less than a reasonable royalty therefor, together with such costs, and interest, as may be fixed by the court. The court may in its discretion award reasonable attorney's fees to the prevailing party upon the entry of judgment on any patent case.

Recovery in infringement cases.

Attorney's fees.

Expert or opinion evidence in determining compensation.

"The court is hereby authorized to receive expert or opinion evidence upon which to determine in conjunction with any other evidence in the record, due compensation for making, using, or selling the invention, and such expert or opinion evidence is hereby declared to be competent and admissible subject to the general rules of evidence applicable thereto.

Assessment of damages.

Recovery for infringement.

Notice to Commissioner of Patents.

"The court shall assess said damages, or cause the same to be assessed, under its direction and shall have the same power to increase the assessed damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case; but recovery shall not be had for any infringement committed more than six years prior to the filing of the complaint in the action. And it shall be the duty of the clerks of such courts within one month after the filing of any action, suit, or proceeding arising under the patent laws to give notice thereof in writing to the Commissioner of Patents, setting forth in order so far as known the names and addresses of the litigants, names of the inventors, and the designating number or numbers of the patent or patents upon which the action, suit, or proceeding has been brought, and in the event any other patent or patents be subsequently included in the action, suit, or proceeding by amendment, answer, cross bill, or other pleading, the clerk shall give like notice thereof to the Commissioner of Patents, and within one month after the decision is rendered or a judgment issued the clerk of the court shall give notice thereof to the Commissioner of Patents, and it shall be the duty of the Commissioner of Patents on receipt of such notice forthwith to endorse the same upon the file wrapper of the said patent or patents, and to incorporate the same as a part of the contents of said file or file wrapper."

Endorsement.

Effective date; pending causes of action.

This Act shall take effect upon approval and shall apply to pending causes of action in which the taking of the testimony has not been concluded: *Provided, however,* That pending causes of action in which the taking of the testimony has been concluded are to be governed by the statute in force at the time of approval of this Act as if such statute had not been amended.

Approved August 1, 1946.