

Juarez Traction Company, its successors or assigns, and any corporation to which such rights, powers, and privileges may be sold, assigned, or transferred, or which shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation.

Amendment.

SEC. 4. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, May 19, 1926.

May 19, 1926.  
[H. J. Res. 134.]  
[Pub. Res., No. 27.]

**CHAP. 341.**—Joint Resolution Authorizing the Cherokee Indians, the Seminole Indians, the Creek Indians, and the Choctaw and Chickasaw Indians to prosecute claims, jointly or severally, in one or more petitions, as each of said Indian nations or tribes may elect.

Five Civilized Tribes.  
Suits of, in Court of  
Claims, may be brought  
singly, or separately,  
on one or more claims.  
Vol. 43, p. 27.

Vol. 43, p. 644.

Vol. 43, p. 139.

Vol. 43, p. 537.

*Proviso.*  
Choctaws and Chick-  
asaws.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Act of Congress approved March 19, 1924, entitled "An Act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Cherokee Indians may have against the United States, and for other purposes"; the Act of Congress approved May 20, 1924, entitled "An Act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Seminole Indians may have against the United States, and for other purposes"; the Act of Congress approved May 24, 1924, entitled "An Act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Creek Indians may have against the United States, and for other purposes"; and the Act of Congress approved June 7, 1924, entitled "An Act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Choctaw and Chickasaw Indians may have against the United States, and for other purposes," shall be construed to permit each Indian nation or tribe mentioned in said Acts of Congress to prosecute its claims in a single suit or to bring a separate suit on one or more claims as its attorney or attorneys may elect: *Provided*, That the Choctaw and Chickasaw Nations or Tribes may jointly or severally prosecute their claims.

Approved, May 19, 1926.

May 20, 1926.  
[S. 41.]  
[Public, No. 254.]

**CHAP. 344.**—An Act To encourage and regulate the use of aircraft in commerce, and for other purposes.

Air Commerce Act  
of 1926.  
Meaning of terms.  
"Air commerce."

"Interstate or for-  
eign air commerce."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That as used in this Act, the term "air commerce" means transportation in whole or in part by aircraft of persons or property for hire, navigation of aircraft in furtherance of a business, or navigation of aircraft from one place to another for operation in the conduct of a business. As used in this Act, the term "interstate or foreign air commerce" means air commerce between any State, Territory, or possession, or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through the airspace over any place outside thereof; or wholly within the airspace over any Territory or possession or the District of Columbia.

SEC. 2. PROMOTION OF AIR COMMERCE.—It shall be the duty of the Secretary of Commerce to foster air commerce in accordance with the provisions of this Act, and for such purpose—

(a) To encourage the establishment of airports, civil airways, and other air navigation facilities.

(b) To make recommendations to the Secretary of Agriculture as to necessary meteorological service.

(c) To study the possibilities for the development of air commerce and the aeronautical industry and trade in the United States and to collect and disseminate information relative thereto and also as regards the existing state of the art.

(d) To advise with the Bureau of Standards and other agencies in the executive branch of the Government in carrying forward such research and development work as tends to create improved air navigation facilities. The Secretary of Commerce is authorized to transfer funds available for carrying out the purposes of this subdivision to any such agency for carrying forward such research and development work in cooperation with the Department of Commerce.

(e) To investigate, record, and make public the causes of accidents in civil air navigation in the United States.

(f) To exchange with foreign governments through existing governmental channels information pertaining to civil air navigation.

SEC. 3. REGULATORY POWERS.—The Secretary of Commerce shall by regulation—

(a) Provide for the granting of registration to aircraft eligible for registration, if the owner requests such registration. No aircraft shall be eligible for registration (1) unless it is a civil aircraft owned by a citizen of the United States and not registered under the laws of any foreign country, or (2) unless it is a public aircraft of the Federal Government, or of a State, Territory, or possession, or of a political subdivision thereof. All aircraft registered under this subdivision shall be known as aircraft of the United States.

(b) Provide for the rating of aircraft of the United States as to their airworthiness. As a basis for rating, the Secretary of Commerce (1) may require, before the granting of registration for any aircraft first applying therefor more than eight months after the passage of this Act, full particulars of the design and of the calculations upon which the design is based and of the materials and methods used in the construction; and (2) may in his discretion accept in whole or in part the reports of properly qualified persons employed by the manufacturers or owners of aircraft; and (3) may require the periodic examination of aircraft in service and reports upon such examination by officers or employees of the Department of Commerce or by properly qualified private persons. The Secretary may accept any such examination and report by such qualified persons in lieu of examination by the employees of the Department of Commerce. The qualifications of any person for the purposes of this section shall be demonstrated in a manner specified by and satisfactory to the Secretary. The Secretary may, from time to time, re-rate aircraft as to their airworthiness upon the basis of information obtained under this subdivision.

(c) Provide for the periodic examination and rating of airmen serving in connection with aircraft of the United States as to their qualifications for such service.

(d) Provide for the examination and rating of air navigation facilities available for the use of aircraft of the United States as to their suitability for such use.

Functions of Secretary of Commerce.

Aiding navigation facilities.

Meteorological service.

Study of air commerce development, etc.

Research work to improve facilities, etc.

Transfer of funds to other cooperating agencies.

Accidents, reports, etc.

Exchanging civil air information with foreign governments.

Regulatory powers.

Registration of aircraft.

Citizen civil aircraft.

Public aircraft, Federal, State, etc.

To be United States aircraft.

Rating of airworthiness. Requirements.

Designs, materials, etc.

Acceptance of reports from employees.

Periodic service examinations, etc.

Rating from time to time.

Rating of airmen.

Rating of suitability of facilities.

Traffic rules, etc. (e) Establish air traffic rules for the navigation, protection, and identification of aircraft, including rules as to safe altitudes of flight and rules for the prevention of collisions between vessels and aircraft.

Issuance of certificates. (f) Provide for the issuance and expiration, and for the suspension and revocation, of registration, aircraft, and airman certificates, and such other certificates as the Secretary of Commerce deems necessary in administering the functions vested in him under this Act. Within 20 days after notice that application for any certificate is denied or that a certificate is suspended or revoked, the applicant or holder may file a written request with the Secretary of Commerce for a public hearing thereon. The Secretary upon receipt of the request shall forthwith (1) arrange for a public hearing to be held within 20 days after such receipt in such place as the Secretary deems most practicable and convenient in view of the place of residence of the applicant or holder and the place where evidence bearing on the cause for the denial, suspension, or revocation is most readily obtainable, and (2) give the applicant or holder at least ten days' notice of the hearing, unless an earlier hearing is consented to by him. Notice under this subdivision may be served personally upon the applicant or holder or sent him by registered mail. The Secretary, or any officer or employee of the Department of Commerce designated by him in writing for the purpose, may hold any such hearing and for the purposes thereof administer oaths, examine witnesses, and issue subpoenas for the attendance and testimony of witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths. Witnesses summoned or whose depositions are taken shall receive the same fees and mileage as witnesses in courts of the United States. All evidence taken at the hearing shall be recorded and forwarded to the Secretary for decision in the matter to be rendered not later than ten days after completion of the hearing. The decision of the Secretary, if in accordance with law, shall be final. The denial, suspension, or revocation shall be invalid unless opportunity for hearing is afforded, notice served or sent, and decision rendered within the respective times prescribed by this subdivision.

Request for public hearing if certificate denied, etc. Denial, etc., invalid unless opportunity given for hearing, etc.

Notice to be given for. SEC. 4. AIRSPACE RESERVATIONS.—The President is authorized to provide by Executive order for the setting apart and the protection of airspace reservations in the United States for national defense or other governmental purposes and, in addition, in the District of Columbia for public safety purposes. The several States may set apart and provide for the protection of necessary airspace reservations in addition to and not in conflict either with airspace reservations established by the President under this section or with any civil or military airway designated under the provisions of this Act.

Service. Official authorized to hold hearing, etc. SEC. 5. AIDS TO AIR NAVIGATION.—(a) Whenever at any time the Postmaster General and the Secretary of Commerce by joint order so direct, the airways under the jurisdiction and control of the Postmaster General, together with all emergency landing fields and other air navigation facilities (except airports and terminal landing fields) used in connection therewith, shall be transferred to the jurisdiction and control of the Secretary of Commerce, and the established airports and terminal landing fields may be transferred to the jurisdiction and control of the municipalities concerned under arrangements subject to approval by the President. All unexpended balances of appropriations which are available for and which have been allotted for expenditure upon such airways, emergency landing fields, and other air navigation facilities, except airports and

Witness fees. Record of evidence to be forwarded to Secretary for decision.

Airspace reservations. Setting apart by the President.

By the States.

Postal airways, etc., may be transferred to Secretary of Commerce.

Airports and terminal landing fields to municipalities.

Unexpended balances of appropriations available. Post, p. 853.

terminal landing fields, shall thereupon be available for expenditure under the direction of the Secretary of Commerce, in lieu of the Postmaster General, for the purposes for which such appropriations were made. No part of such unexpended balances of appropriations shall be used for the purchase or establishment of airports or terminal landing fields.

(b) The Secretary of Commerce is authorized to designate and establish civil airways and, within the limits of available appropriations hereafter made by the Congress, (1) to establish, operate, and maintain along such airways all necessary air navigation facilities except airports; and (2) to chart such airways and arrange for publication of maps of such airways, utilizing the facilities and assistance of existing agencies of the Government so far as practicable. The Secretary of Commerce shall grant no exclusive right for the use of any civil airway, airport, emergency landing field, or other air navigation facility under his jurisdiction.

(c) Air navigation facilities owned or operated by the United States may be made available for public use under such conditions and to such extent as the head of the department or other independent establishment having jurisdiction thereof deems advisable and may by regulation prescribe.

(d) The head of any Government department or other independent establishment having jurisdiction over any airport or emergency landing field owned or operated by the United States may provide for the sale to any aircraft of fuel, oil, equipment, and supplies, and the furnishing to it of mechanical service, temporary shelter, and other assistance under such regulations as the head of the department or establishment may prescribe, but only if such action is by reason of an emergency necessary to the continuance of such aircraft on its course to the nearest airport operated by private enterprise. All such articles shall be sold and such assistance furnished at the fair market value prevailing locally as ascertained by the head of such department or establishment. All amounts received under this subdivision shall be covered into the Treasury; but that part of such amounts which, in the judgment of the head of the department or establishment, is equivalent to the cost of the fuel, oil, equipment, supplies, services, shelter, or other assistance so sold or furnished shall be credited to the appropriation from which such cost was paid, and the balance, if any, shall be credited to miscellaneous receipts.

(e) Section 3 of the Act entitled "An Act to increase the efficiency and reduce the expense of the Signal Corps of the Army, and to transfer the Weather Service to the Department of Agriculture," approved October 1, 1890, is amended by adding at the end thereof a new paragraph to read as follows:

"Within the limits of the appropriations which may be made for such purpose, it shall be the duty of the Chief of the Weather Bureau, under the direction of the Secretary of Agriculture, (a) to furnish such weather reports, forecasts, warnings, and advices as may be required to promote the safety and efficiency of air navigation in the United States and above the high seas, particularly upon civil airways designated by the Secretary of Commerce under authority of law as routes suitable for air commerce, and (b) for such purposes to observe, measure, and investigate atmospheric phenomena, and establish meteorological offices and stations."

(f) Nothing in this Act shall be construed to prevent the Secretary of War from designating routes in the navigable airspace as military airways and prescribing rules and regulations for the use thereof on routes which do not conform to civil airways established hereunder, or to prevent the Secretary of Commerce from

Purchases forbidden.

Civil airways.  
Designation, etc., of.

No exclusive right to be granted.

Public use of Federal air navigation facilities.

Sale, etc., of fuel, supplies, etc., to aircraft by Government owned airports or landing fields.

At local prices, etc.

Disposal of receipts.

Weather Bureau.  
Vol. 26, p. 653, amended.

Chief of Bureau to furnish reports, forecasts, etc., for air navigation, etc.  
Post, p. 980.

Atmospheric observations, etc.

Military airways to be designated by Secretary of War.

May be designated as civil airways.

Complete sovereignty of airspace over United States and Canal Zone declared.

Restriction of navigation by foreign armed aircraft.

Navigation by civil foreign aircraft.

Reciprocal privileges to registered civil foreign aircraft

Interstate, etc., commerce by, forbidden.

Navigation and shipping laws not applicable to aircraft.

Ports of entry to be designated for civil aircraft from abroad. — Officials to be detailed, etc.

Regulations for applying customs and public health laws.

Regulations for entry and clearance of aircraft authorized.

Designation of ports of entry for aliens on aircraft.

Officials to be detailed, etc.

designating any military airway as a civil airway, and when so designated it shall thereupon become a civil airway within the meaning of this Act, and the Secretary of War is hereby authorized to continue the operation of air navigation facilities for any military airway so designated as a civil airway until such time as the Secretary of Commerce can provide for the operation of such facilities.

SEC. 6. FOREIGN AIRCRAFT.—(a) The Congress hereby declares that the Government of the United States has, to the exclusion of all foreign nations, complete sovereignty of the airspace over the lands and waters of the United States, including the Canal Zone. Aircraft a part of the armed forces of any foreign nation shall not be navigated in the United States, including the Canal Zone, except in accordance with an authorization granted by the Secretary of State.

(b) Foreign aircraft not a part of the armed forces of the foreign nation shall be navigated in the United States only if authorized as hereinafter in this section provided; and if so authorized, such aircraft and airmen serving in connection therewith, shall be subject to the requirements of section 3, unless exempt under subdivision (c) of this section.

(c) If a foreign nation grants a similar privilege in respect of aircraft of the United States, and/or airmen serving in connection therewith, the Secretary of Commerce may authorize aircraft registered under the law of the foreign nation and not a part of the armed forces thereof to be navigated in the United States, and may by regulation exempt such aircraft, and/or airmen serving in connection therewith, from the requirements of section 3, other than the air traffic rules; but no foreign aircraft shall engage in interstate or intrastate air commerce.

SEC. 7. APPLICATION OF EXISTING LAWS RELATING TO FOREIGN COMMERCE.—(a) The navigation and shipping laws of the United States, including any definition of "vessel" or "vehicle" found therein and including the rules for the prevention of collisions, shall not be construed to apply to seaplanes or other aircraft or to the navigation of vessels in relation to seaplanes or other aircraft.

(b) The Secretary of the Treasury is authorized to (1) designate places in the United States as ports of entry for civil aircraft arriving in the United States from any place outside thereof and for merchandise carried on such aircraft, (2) detail to ports of entry for civil aircraft such officers and employees of the customs service as he may deem necessary, and to confer or impose upon any officer or employee of the United States stationed at any such port of entry (with the consent of the head of the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the customs service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the customs and public health laws to such extent and upon such conditions as he deems necessary.

(c) The Secretary of Commerce is authorized by regulation to provide for the application to civil aircraft of the laws and regulations relating to the entry and clearance of vessels to such extent and upon such conditions as he deems necessary.

(d) The Secretary of Labor is authorized to (1) designate any of the ports of entry for civil aircraft as ports of entry for aliens arriving by aircraft, (2) detail to such ports of entry such officers and employees of the immigration service as he may deem necessary, and to confer or impose upon any employee of the United States stationed at such port of entry (with the consent of the head of

the Government department or other independent establishment under whose jurisdiction the officer or employee is serving) any of the powers, privileges, or duties conferred or imposed upon officers or employees of the immigration service, and (3) by regulation to provide for the application to civil air navigation of the laws and regulations relating to the administration of the immigration laws to such extent and upon such conditions as he deems necessary.

SEC. 8. ADDITIONAL ASSISTANT SECRETARY OF COMMERCE.—To aid the Secretary of Commerce in fostering air commerce and to perform such functions vested in the Secretary under this Act as the Secretary may designate there shall be an additional Assistant Secretary of Commerce, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose compensation shall be fixed in accordance with the Classification Act of 1923. Except as otherwise specifically provided, the Secretary of Commerce shall administer the provisions of this Act and for such purpose is authorized (1) to make such regulations as are necessary to execute the functions vested in him by this Act; (2) to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for law books, books of reference, and periodicals) as may be necessary for such administration and as may be provided for by the Congress from time to time; (3) to publish from time to time a bulletin setting forth such matters relating to the functions vested in him by this Act as he deems advisable, including air navigation treaties, laws, and regulations and decisions thereunder; and (4) to operate, and for this purpose to acquire within the limits of the available appropriations hereafter made by the Congress, such aircraft and air navigation facilities, except airports, as are necessary for executing the functions vested in the Secretary of Commerce by this Act.

SEC. 9. DEFINITIONS.—As used in this Act—

(a) The term "citizen of the United States" means (1) an individual who is a citizen of the United States or its possessions, or (2) a partnership of which each member is an individual who is a citizen of the United States or its possessions, or (3) a corporation or association created or organized in the United States or under the law of the United States or of any State, Territory, or possession thereof, of which the president and two-thirds or more of the board of directors or other managing officers thereof, as the case may be, are individuals who are citizens of the United States or its possessions and in which at least 51 per centum of the voting interest is controlled by persons who are citizens of the United States or its possessions.

(b) The term "United States," when used in a geographical sense, means the territory comprising the several States, Territories, possessions, and the District of Columbia (including the territorial waters thereof), and the overlying airspace; but shall not include the Canal Zone.

(c) The term "aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment.

(d) The term "public aircraft" means an aircraft used exclusively in the governmental service.

(e) The term "civil aircraft" means any aircraft other than a public aircraft.

(f) The term "aircraft of the United States" means any aircraft registered under this Act.

(g) The term "airport" means any locality, either of water or land, which is adapted for the landing and taking off of aircraft

Regulations for applying immigration laws.

Additional Assistant Secretary of Commerce.

Appointment of, to aid in fostering air commerce.

Administrative authority of the Secretary.

To make regulations.

To make necessary expenditures.

To publish bulletins of information, etc.

To operate necessary aircraft and facilities.

Definitions.

"Citizen of the United States."

Individuals.

Partnership.

Corporation, etc.

"United States."

"Aircraft."

"Public aircraft."

"Civil aircraft."

"Aircraft of the United States."

"Airport."

- and which provides facilities for shelter, supply, and repair of aircraft; or a place used regularly for receiving or discharging passengers or cargo by air.
- "Emergency landing field." (h) The term "emergency landing field" means any locality, either of water or land, which is adapted for the landing and taking off of aircraft, is located along an airway, and is intermediate to airports connected by the airway, but which is not equipped with facilities for shelter, supply, and repair of aircraft and is not used regularly for the receipt or discharge of passengers or cargo by air.
- "Air navigation facility." (i) The term "air navigation facility" includes any airport, emergency landing field, light or other signal structure, radio directional finding facility, radio or other electrical communication facility, and any other structure or facility, used as an aid to air navigation.
- "Civil airway." (j) The term "civil airway" means a route in the navigable airspace designated by the Secretary of Commerce as a route suitable for interstate or foreign air commerce.
- "Airman." (k) The term "airman" means any individual (including the person in command and any pilot, mechanic, or member of the crew) who engages in the navigation of aircraft while under way, and any individual who is in charge of the inspection, overhauling, or repairing of aircraft.
- "Navigable airspace." SEC. 10. NAVIGABLE AIRSPACE.—As used in this Act, the term "navigable airspace" means airspace above the minimum safe altitudes of flight prescribed by the Secretary of Commerce under section 3, and such navigable airspace shall be subject to a public right of freedom of interstate and foreign air navigation in conformity with the requirements of this Act.
- Ante*, p. 569
- Unlawful acts. SEC. 11. PENALTIES.—(a) It shall be unlawful, except to the extent authorized or exempt under section 6—
- Unauthorized navigation within airspace. (1) To navigate any aircraft within any airspace reservation otherwise than in conformity with the Executive orders regulating such reservation.
- To navigate without registration. (2) To navigate any aircraft (other than a foreign aircraft) in interstate or foreign air commerce unless such aircraft is registered as an aircraft of the United States; or to navigate any foreign aircraft in the United States.
- To navigate foreign aircraft in the United States. (3) To navigate any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an aircraft certificate or in violation of the terms of any such certificate.
- To navigate without a certificate, etc. (4) To serve as an airman in connection with any aircraft registered as an aircraft of the United States, or any foreign aircraft, without an airman certificate or in violation of the terms of any such certificate.
- Serving as airman without certificate, etc. (5) To navigate any aircraft otherwise than in conformity with the air traffic rules.
- To navigate not in conformity with air traffic rules. (b) Any person who (1) violates any provision of subdivision (a) of this section or any entry or clearance regulation made under section 7, or (2) any customs or public health regulation made under such section, or (3) any immigration regulation made under such section, shall be subject to a civil penalty of \$500 which may be remitted or mitigated by the Secretary of Commerce, the Secretary of the Treasury, or the Secretary of Labor, respectively, in accordance with such proceedings as the Secretary shall by regulation prescribe.
- Penalty for violating designated regulations. In case the violation is by the owner or person in command of the aircraft, the penalty shall be a lien against the aircraft. Any civil penalty imposed under this section may be collected by proceedings in personam against the person subject to the penalty and/or in case the penalty is a lien, by proceedings in rem against the aircraft. Such proceedings shall conform as nearly as may be to civil
- Ante*, p. 572.
- Remission, etc., allowed.
- Lien against the aircraft.
- Proceedings to collect penalty.

suits in admiralty; except that either party may demand trial by jury of any issue of fact, if the value in controversy exceeds \$20, and facts so tried shall not be reexamined other than in accordance with the rules of the common law. The fact that in a libel in rem the seizure is made at a place not upon the high seas or navigable waters of the United States, shall not be held in any way to limit the requirement of the conformity of the proceedings to civil suits in rem in admiralty. The Supreme Court of the United States, and under its direction other courts of the United States, are authorized to prescribe rules regulating such proceedings in any particular not provided by law. The determination under this section as to the remission or mitigation of a civil penalty imposed under this section shall be final. In case libel proceedings are pending at any time during the pendency of remission or mitigation proceedings, the Secretary shall give notice thereof to the United States attorney prosecuting the libel proceedings.

(c) Any aircraft subject to a lien for any civil penalty imposed under this section may be summarily seized by and placed in the custody of such persons as the appropriate Secretary may by regulation prescribe and a report of the case thereupon transmitted to the United States attorney for the judicial district in which the seizure is made. The United States attorney shall promptly institute proceedings for the enforcement of the lien or notify the Secretary of his failure so to act. The aircraft shall be released from such custody upon (1) payment of the penalty or so much thereof as is not remitted or mitigated, (2) seizure in pursuance of process of any court in proceedings in rem for enforcement of the lien, or notification by the United States attorney of failure to institute such proceedings, or (3) deposit of a bond in such amount and with such sureties as the Secretary may prescribe, conditioned upon the payment of the penalty or so much thereof as is not remitted or mitigated.

(d) Any person who fraudulently forges, counterfeits, alters, or falsely makes any certificate authorized to be issued under this Act, or knowingly uses or attempts to use any such fraudulent certificate shall be guilty of an offense punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding three years, or by both such fine and imprisonment.

(e) Any person (1) who, with intent to interfere with air navigation in the navigable airspace or waters of the United States, exhibits within the United States any false light or signal at such place or in such manner that it is likely to be mistaken for a true light or signal required by regulation under this Act, or for a true light or signal in connection with an airport or other air navigation facility, or (2) who, after due warning from the Secretary of Commerce continues to maintain any false light or signal, or (3) who knowingly removes, extinguishes, or interferes with the operation of any such true light or signal, or (4) who without lawful authority knowingly exhibits any such true light or signal, shall be guilty of an offense punishable by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both such fine and imprisonment.

(f) All penalties paid under this Act, shall be covered into the Treasury as miscellaneous receipts.

SEC. 12. SEPARABILITY.—If any provision of this Act is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the application of such provision to other persons and circumstances shall not be affected thereby.

Libel in rem not limited by seizure not on high seas, etc.

Rules to be prescribed.

Remission, etc., final.

Notice to United States attorney thereof.

Summary seizure, etc., of aircraft subject to lien.

Action of district attorney.

Released upon paying penalty, failure to institute proceedings, or deposit of bond.

Punishment for forging, etc., any certificate.

Interference with air navigation.

Exhibiting false lights, etc.

Continuing use, after warning.

Removing, etc., true light or signal. Unlawfully exhibiting the same.

Punishment for.

Penalties to be covered into the Treasury.

Invalidity of any provision, etc., not to affect remainder of Act.

Effective at once.  
Penalties enforced in  
90 days.

SEC. 13. TIME OF TAKING EFFECT.—This Act shall take effect upon its passage; except that no penalty shall be enforced for any violation thereof occurring within 90 days thereafter.

Title of Act.

SEC. 14. SHORT TITLE.—This Act may be cited as the "Air Commerce Act of 1926."

Approved, May 20, 1926.

May 20, 1926.  
[S. 3080.]  
[Public, No. 255.]

CHAP. 345.—An Act To authorize payment of expenses of the Washington-Alaska Military Cable and Telegraph System out of receipts of such system as an operating expense.

Washington-Alaska  
Military Cable, etc.  
Receipts may be  
used to pay expenses.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That hereafter such amount of money as may be authorized by the Secretary of War may be withheld temporarily from the receipts of the Washington-Alaska Military Cable and Telegraph System by the auditor of said system as a working balance from which to make payments of money transfers from and to Alaska and between points within Alaska, to be accounted for accordingly; and the expenses of procuring necessary official bonds, as determined by the Secretary of War, of enlisted men employed in connection with such money transfers, shall be paid out of the receipts of such system as an operating expense.

Surety bonds.

Approved, May 20, 1926.

May 20, 1926.  
[S. 3440.]  
[Public, No. 256.]

CHAP. 346.—An Act To regulate the interstate transportation of black bass, and for other purposes.

Black bass.  
Meaning of "per-  
son."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That when used in this Act the word "person" includes company, partnership, corporation, association, and common carrier.

Interstate, etc., trans-  
portation of, caught,  
etc., in violation of  
State, etc., law, un-  
lawful.

SEC. 2. It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier or for any person knowingly to transport or carry, by any means whatsoever, from any State, Territory, or the District of Columbia, to or through any other State, Territory, or the District of Columbia, or to or through any foreign country, any large-mouth black bass (*Micropterus salmoides*) or any small-mouth black bass (*Micropterus dolomieu*) which has either been caught, sold, purchased, or possessed in violation of the law of the State, Territory, or the District of Columbia wherein the delivery of such black bass for transportation is made or the transaction or the carrying thereof begins.

Punishment for vio-  
lations.

SEC. 3. Any person violating the provisions of this Act shall, upon conviction thereof, be punished by fine not exceeding \$200, or imprisonment for a term of not more than three months, or by both such fine and imprisonment, in the discretion of the court.

Further protective  
State legislation not  
prevented.

SEC. 4. Nothing in this Act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of this Act, or from making or enforcing laws or regulations which shall give further protection to large and small mouth black bass.

Shipping for breed-  
ing allowed.

SEC. 5. Nothing in this Act shall be construed to prevent the shipment in interstate commerce of live fish and eggs for breeding or stocking purposes.

In effect immedi-  
ately

SEC. 6. This Act shall become effective immediately upon its passage and approval.

Approved, May 20, 1926.