

[CHAPTER 250]

AN ACT

To continue in effect until June 30, 1942, the Act entitled "An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the Act entitled "An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935, as amended by the Act approved June 14, 1937 (50 Stat. 257), is further amended so as to read:

"SEC. 13. This Act shall cease to be in effect on June 30, 1942."

Approved, June 29, 1939.

June 29, 1939
[S. 1302]
[Public, No. 158]

Interstate, etc.,
shipment of petroleum
and its products.
Existing provisions
continued.

49 Stat. 33; 50 Stat.
257.
15 U. S. C., Supp.
IV, § 715l.
Duration of Act.

[CHAPTER 252]

JOINT RESOLUTION

Making appropriations for work relief and relief, for the fiscal year ending June 30, 1940.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this joint resolution may be cited as the "Emergency Relief Appropriation Act of 1939".

WORK PROJECTS ADMINISTRATION

SECTION 1. (a) In order to continue to provide work for needy persons on useful public projects in the United States and its Territories and possessions, there is hereby appropriated to the Work Projects Administration, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1940, \$1,477,000,000, together with all balances of appropriations under subsection (1) of section 1 of the Emergency Relief Appropriation Act of 1938, as supplemented by Public Resolution Numbered 1 and Public Resolution Numbered 10 of the Seventy-sixth Congress, which remain unobligated on June 30, 1939, including such unobligated balances of funds transferred to other agencies for non-construction projects under the provisions of section 3 of such Act of 1938, as supplemented, or set aside for specific purposes in accordance with other law: *Provided*, That notwithstanding any other provision of law, funds heretofore irrevocably set aside for the completion of Federal construction projects under authority of the Emergency Relief Appropriation Act of 1938, as amended, shall remain available until June 30, 1940, for such completion, and any such funds which remain unobligated by reason of the completion or abandonment of any such Federal construction project shall be returned to this appropriation.

(b) The funds provided in this section shall be available for (1) administration; (2) the prosecution of projects approved by the President under the provisions of the Emergency Relief Appropriation Acts of 1935, 1936, 1937, and 1938; and (3) the prosecution of the following types of public projects, Federal and non-Federal, subject to the approval of the President, namely: Highways, roads, and streets; public buildings; parks, and other recreational facilities, including buildings therein; public utilities; electric transmission and distribution lines or systems to serve persons in rural areas, including projects sponsored by and for the benefit of nonprofit and coopera-

June 30, 1939
[H. J. Res. 326]
[Pub. Res., No. 24]

Emergency Relief
Appropriation Act of
1939.

Continuation of
work relief and re-
lief, appropriation for
designated objects.

Balances reapprop-
riated.
52 Stat. 809.
15 U. S. C., Supp.
IV, ch. 16 (note).
Ante, pp. 507, 578.

Proviso.
Completion of Fed-
eral construction proj-
ects, funds available.

Objects specified.

49 Stat. 115, 1608; 50
Stat. 352; 52 Stat. 809.
15 U. S. C., Supp.
IV, ch. 16 (note).
Types of projects,
subject to Executive
approval.
Highways, public
buildings, parks, etc.
Public utilities.

Sewer systems, water supply, airports, flood control, conservation, etc.

Insect, plant, and fungus pest eradication.
Lime, etc., production.

Educational, etc., projects.

Proviso.
Location of employment.

Limitation on use of funds for other than labor costs.

Increases allowed.

Proviso.
Restriction on purchase of construction equipment, etc.

Non-Federal projects; allocation of expenses.

Work Projects Administration, administrative expenses.

Statements of personnel, etc., to Congress.

tive associations; sewer systems, water supply, and purification systems; airports and other transportation facilities; flood control; drainage; irrigation; conservation, including projects sponsored by conservation districts and other bodies duly organized under State law for soil erosion control and conservation, preference being given to projects which will contribute to the rehabilitation of individuals and an increase in the national income; eradication of insect, plant, and fungus pests; the production of lime and marl for fertilizing soil for distribution to farmers under such conditions as may be determined by the sponsors of such projects under the provisions of State law; educational, professional, clerical, cultural, recreational, production, and service projects, including training for domestic service; aid to self-help and cooperative associations for the benefit of needy persons; and miscellaneous projects: *Provided, however,* That all persons employed on work projects shall, so far as practicable, be employed on projects nearest their respective homes.

(c) The funds appropriated in this section, exclusive of those used for administrative expenses, shall be so administered that expenditure authorizations for other than labor costs for all the work projects financed from such funds in any State, Territory, possession, or the District of Columbia shall not exceed an average for the fiscal year ending June 30, 1940, of \$6 per month per worker, except that the Commissioner of Work Projects (hereinafter referred to as the "Commissioner") may authorize an increase in the average in cases where the increased cost of materials would have the effect of raising such average above \$6 but in no event shall the increase in such average exceed the amount necessary to meet such increase in material costs and in no event shall such average exceed \$7: *Provided,* That the funds appropriated in this section shall not be used for the purchase of any construction equipment or machinery in any case in which such equipment or machinery can be rented at prices determined by the Commissioner to be reasonable, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive.

(d) On and after January 1, 1940, in administering the funds appropriated in this section, not to exceed three-fourths of the total cost of all non-Federal projects thereafter approved to be undertaken within any State, Territory, possession, or the District of Columbia, with respect to which any such funds are used, shall be borne by the United States, and not less than one-fourth of such total cost shall be borne by the State and its political subdivisions, or by the Territory, possession, or the District of Columbia, as the case may be. The facts constituting compliance with the requirements of this subsection shall be determined by the Commissioner, and his determinations, made in conformity with rules and regulations prescribed by him, shall be final and conclusive.

(e) The amount which may be obligated for administrative expenses of the Work Projects Administration in the District of Columbia and in the field shall not exceed in the aggregate the sum of \$50,000,000 during the fiscal year 1940, of which sum the amounts so to be obligated for the following respective purposes shall not exceed these sums: Salaries, \$42,500,000; communication service, \$600,000; travel, \$4,200,000; and printing and binding, \$500,000.

The Commissioner shall transmit to Congress, on the first day of each regular session thereof, a statement showing for each State the names, addresses, positions, and compensation of all employees of the Work Projects Administration whose compensation is at the rate of \$1,200 per annum or more. For the purposes of this paragraph, the term "State" shall include the Territories, possessions, and the District of Columbia.

(f) The functions heretofore vested in the Works Progress Administration are authorized to be carried out until June 30, 1940, by the Work Projects Administration subject to the provisions of this joint resolution and such latter Administration is hereby extended until such date to carry out the purposes of this section.

(g) The President may detail a commissioned officer on the active list of the United States Army to perform the functions of the office of Commissioner of Work Projects, without loss of or prejudice to his status as such officer. Any commissioned officer so detailed shall receive, in addition to his pay and allowances as such officer, an amount sufficient to make his total compensation \$10,000 per annum while he is so detailed.

Works Progress Administration, functions transferred.

Detail of Army officer as Commissioner of Work Projects.

Compensation.

NATIONAL YOUTH ADMINISTRATION

SEC. 2. (a) In order to provide assistance to needy young persons, there is hereby appropriated to the National Youth Administration, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1940, \$100,000,000, together with all balances of appropriations for such Administration which remain unobligated on June 30, 1939, and such amounts shall be available for (1) administration; (2) the prosecution of projects approved by the President for the National Youth Administration under the provisions of the Emergency Relief Appropriation Act of 1938; and (3) to provide, subject to the approval of the President, on projects, Federal and non-Federal, of the types specified under section 1 hereof for the Work Projects Administration, part-time work and training to needy young persons who are no longer in regular attendance at school and who have been unable to obtain employment, and to enable needy young persons to continue their education at schools, colleges, and universities.

Appropriation to provide assistance to needy young persons.

Balances reappropriated.

Availability for designated objects.

(b) The Administrator of the National Youth Administration shall fix the monthly earnings and hours of work for youth workers engaged on work projects of such Administration financed in whole or in part from the appropriation in this section, but such determination shall not have the effect of establishing a national average labor cost per youth worker on such projects during the fiscal year 1940 substantially different from the national average labor cost per such worker on such projects prevailing at the close of the fiscal year 1939.

Determination of monthly earnings and hours of work for youth workers; limitation.

(c) Not to exceed 5 per centum of the amount made available in this section may be used for administration.

Amount for administration uses.

(d) The National Youth Administration is hereby extended until June 30, 1940, to carry out the purposes of this section.

Extension to June 30, 1940.

DEPARTMENT OF AGRICULTURE

SEC. 3. (a) In order to continue to provide assistance through rural rehabilitation and relief to needy farmers and relief to other needy persons in the United States, its Territories and possessions, there is hereby appropriated to the Department of Agriculture, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1940, \$143,000,000, together with the balance of the appropriation under subsection (3) of section 1 of the Emergency Relief Appropriation Act of 1938 which remains unobligated on June 30, 1939.

Rural rehabilitation and relief. Appropriation for.

Balance reappropriated. 52 Stat. 810.

(b) The funds provided in this section shall be available for (1) administration (not to exceed the amount obligated for administration in the fiscal year ending June 30, 1939); (2) farm debt adjustment service and making and servicing of loans under this

Objects designated. Administration.

Farm debt adjustment service.

Loans; relief.
Projects approved
for Farm Security Ad-
ministration.
52 Stat. 810.
Types of projects.

Disability or death
compensation and
benefits.

Post, p. 936.

Farm Security Ad-
ministration extended
to June 30, 1940.

Continuation of
rural rehabilitation,
etc.; appropriation for.

Balances reappro-
priated.

52 Stat. 810; *ante*,
p. 634.

Objects specified.
Projects approved
for Reconstruction
Administration.
52 Stat. 810.

Continuation of re-
lief and rural rehabili-
tation; appropriation
for.

Objects specified.

52 Stat. 810.

Administrative ex-
penses of designated
agencies; appropria-
tion for.

section and prior law; (3) loans; (4) relief; (5) the prosecution of projects approved by the President for the Farm Security Administration under the provisions of the Emergency Relief Appropriation Act of 1938; and (6) the following types of useful public projects, Federal and non-Federal, subject to the approval of the President: (a) Projects involving provision of additional water facilities, (b) projects involving construction and operation of migratory labor camps, and (c) projects involving land development to provide work relief for homesteaders on rural rehabilitation projects.

(c) In making any relief payments under this section, the Secretary of Agriculture is authorized to require of employable recipients of such payments the performance of work on useful public projects, Federal and non-Federal, including work on private or public land in furtherance of the conservation of natural resources, and the provisions of section 24 of this joint resolution, relating to disability or death compensation and benefits, shall apply to such recipients while performing such work.

(d) The Farm Security Administration within the Department of Agriculture is hereby extended until June 30, 1940, to carry out the purposes of this section.

PUERTO RICO RECONSTRUCTION ADMINISTRATION

SEC. 4. (a) In order to continue rural rehabilitation for needy persons in Puerto Rico, and for other projects described in this section, there is hereby appropriated to the Puerto Rico Reconstruction Administration, Department of the Interior, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1940, \$7,000,000, together with the balance of the appropriation under subsection (4) of section 1 of the Emergency Relief Appropriation Act of 1938, as supplemented by the Second Deficiency Act, fiscal year 1939, which remains unobligated on June 30, 1939.

(b) The funds provided in this section shall be available for (1) administration; (2) loans; (3) the prosecution of projects approved by the President for the Puerto Rico Reconstruction Administration under the provisions of the Emergency Relief Appropriation Act of 1938; and (4) subject to the approval of the President, for projects involving rural rehabilitation of needy persons.

INDIAN SERVICE

SEC. 5 (a) In order to continue to provide relief and rural rehabilitation for needy Indians in the United States, there is hereby appropriated to the Bureau of Indian Affairs, Department of the Interior, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1940, \$1,350,000.

(b) The funds provided in this section shall be available for (1) administration, not to exceed \$67,500; (2) loans; (3) relief; (4) the prosecution of projects approved by the President for the Farm Security Administration for the benefit of Indians under the provisions of the Emergency Relief Appropriation Act of 1938; and (5) subject to the approval of the President, for projects involving rural rehabilitation of needy Indians.

ADMINISTRATIVE AGENCIES

SEC. 6. In order to provide for administrative expenses incidental to carrying out the purposes of this joint resolution, there is hereby appropriated to the following agencies, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1940: (1) General Accounting Office, \$5,225,000; (2) Treasury Depart-

ment: (a) Procurement Division, Branch of Supply, \$5,200,000; (b) Division of Disbursement, \$2,500,000; (c) Office of the Treasurer, \$675,000; (d) Secret Service Division, \$250,000; (e) Office of Commissioner of Accounts and Deposits and Division of Bookkeeping and Warrants, \$5,973,825, for administrative accounting; total, Treasury Department, \$14,598,825; (3) Bureau of the Budget, \$26,175; (4) Public Health Service, \$300,000; and (5) Civil Aeronautics Authority, \$250,000.

UNITED STATES EMPLOYEES' COMPENSATION COMMISSION

SEC. 7. (a) In order to carry out the provisions of section 24 hereof, there is hereby appropriated to the United States Employees' Compensation Commission, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1940, \$5,250,000: *Provided*, That so much of the appropriation in this section, as the Commission, with the approval of the Director of the Bureau of the Budget, estimates and certifies to the Secretary of the Treasury will be necessary for the payment of such compensation and administrative expenses, shall be set aside in a special fund to be available and to be administered by the Commission during the fiscal year 1940 for such purposes; and after June 30, 1940, such special fund shall be added to and become part of the "Employees' Compensation Fund, Emergency Relief", set up in accordance with the provisions of the Independent Offices Appropriation Act, 1939: *Provided further*, That the special fund herein authorized shall not be limited in its use to the United States, its Territories, and possessions.

(b) The funds appropriated in this section, together with the balance of funds heretofore appropriated or allocated to such Commission under the Emergency Relief Appropriation Act of 1938 or prior emergency relief appropriation acts, shall be available for payments to Federal agencies for medical and hospital services supplied by such departments and establishments in accordance with regulations of the Commission for injured persons entitled to benefits under section 24 hereof.

(c) Not to exceed \$75,000 of the amount appropriated in this section shall be available during the fiscal year 1940 for the purposes specified in the appropriation for salaries and expenses of such Commission in the Independent Offices Appropriation Act, 1940.

EXECUTIVE OFFICE OF THE PRESIDENT

SEC. 8. There is hereby appropriated to the Executive Office of the President, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1940, \$850,000. Such sum shall be available for administrative expenses in carrying out the functions heretofore vested in the National Emergency Council and transferred to the Executive Office of the President and the functions of the Radio Division of the Federal Security Agency. Such functions are authorized to be carried out until June 30, 1940. Of the sum appropriated in this section not to exceed \$20,000 may be transferred to such Radio Division.

NATIONAL RESOURCES PLANNING BOARD

SEC. 9. There is hereby appropriated to the National Resources Planning Board, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1940, \$750,000. Such sum shall be available for administrative expenses in carrying out the functions heretofore vested in the National Resources Committee, and such functions are authorized to be carried out until June 30,

Appropriation for.
Post, p. 936.

Proviso.
Special fund created.

To become part of
"Employees' Compensation Fund,
Emergency Relief."
52 Stat. 415.
Use; geographical
provision.

Use of funds for
medical and hospital
services.
52 Stat. 810.

Amount available
for purposes specified.

Ante, p. 530.

Functions transferred to Executive
Office; appropriation
for.

Functions heretofore
vested in National Resources
Committee;
appropriation for.

Composition of Board, fiscal year 1940.

1940. On and after July 1, 1939, and until June 30, 1940, said Board shall be composed of three members to be appointed by the President from widely separated sections of the United States, by and with the advice and consent of the Senate.

Total appropriations, \$1,755,600,000.

GENERAL AND SPECIAL PROVISIONS

Apportionment and distribution of funds.

SEC. 10. (a) Funds appropriated in this joint resolution to the various Federal agencies shall be so apportioned and distributed over the period ending June 30, 1940, and shall be so administered during such period as to constitute the total amount that will be furnished to such agencies during such period for the purposes herein set forth.

Restriction on use.

(b) The funds made available by this joint resolution shall be used only for work relief or relief for persons in need except as otherwise specifically provided herein.

Allocation of funds to other Federal agencies for operation of designated projects.

SEC. 11. (a) The Commissioner is authorized to allocate not to exceed \$60,000,000 to other Federal agencies for the operation, under such rules and regulations as the Commissioner may prescribe, of projects of the type specified in subsection (b) of section 1 which are within the scope of the functions usually carried out by such agencies, including administrative expenses of such agencies incident to such operation: *Provided*, That not to exceed 4 per centum of the total amount so allocated to any such agency shall be used for such administrative expenses: *Provided further*, That no project shall be prosecuted under any allocation under this subsection upon which the percentage of nonrelief persons employed exceeds 10 per centum of the total number of persons employed.

Proviso.
Limitation on administrative expenses.

Employment of nonrelief persons restricted.

Work forbidden unless funds for completion allocated; exceptions.

(b) No Federal construction project, except flood control and water conservation projects authorized under other law, shall be undertaken or prosecuted under the appropriations in this joint resolution unless and until there shall have been allocated and irrevocably set aside Federal funds sufficient for its completion.

Non-Federal projects, requirements.

(c) No non-Federal project shall be undertaken or prosecuted under appropriations under this joint resolution (except under section 4) unless and until the sponsor has made a written agreement to finance such part of the entire cost thereof as the head of the agency, if the agency administers sponsored projects, determines under the circumstances is an adequate contribution taking into consideration the financial ability of the sponsor. The head of the agency shall prescribe rules and regulations relating to the valuation of contributions in kind by sponsors of projects through furnishing the use of their own facilities and equipment and the services of their own employees, which shall also allow credit only to the extent that the furnishing of such contributions represents a financial burden which is undertaken by the sponsors on account of Work Projects Administration projects, or other sponsored projects.

Rules and regulations by head of agency.

Limitation on amount for construction of buildings.

SEC. 12. None of the funds made available by this joint resolution shall be expended on the construction of any building (1) the total estimated cost of which, in the case of a Federal building, exceeds \$50,000, or (2) the portion of the total estimated cost of which payable from Federal funds, in the case of a non-Federal building, exceeds \$52,000, unless the building is one (a) for which the project has been approved by the President on or prior to July 1, 1939, or for which an issue of bonds has been approved at an election held, on or prior to such date, or (b) for the completion of which funds have been allocated and irrevocably set aside under prior relief appropriation Acts.

SEC. 13. (a) The various agencies for which appropriations are made in this joint resolution are authorized to receive from sponsors of non-Federal projects contributions in services, materials, or money, such money to be deposited with the Treasurer of the United States. Such contributions shall be expended or utilized as agreed upon between the sponsor and such agencies.

Disposition of sums received from sponsors of non-Federal projects.

(b) All receipts and collections of Federal agencies by reason of operations in consequence of appropriations made in this joint resolution, except cash contributions of sponsors of projects and amounts credited to revolving funds authorized by this joint resolution, shall be covered into the Treasury as miscellaneous receipts.

Treatment of receipts and collections incident to operations.

(c) Except as authorized in this joint resolution, no allocation of funds shall be made to any other Federal agency from the appropriation in this joint resolution for any Federal agency.

Federal agency allocating funds to any other Federal agency.

SEC. 14. Agencies receiving appropriations under this joint resolution are authorized to prescribe such rules and regulations as may be necessary to carry out the purposes for which such appropriations are made.

Rules to be prescribed.

SEC. 15. (a) The Commissioner shall fix a monthly earning schedule for persons engaged upon work projects financed in whole or in part from funds appropriated by section 1 which shall not substantially affect the current national average labor cost per person of the Work Projects Administration. After August 31, 1939, such monthly earning schedule shall not be varied for workers of the same type in different geographical areas to any greater extent than may be justified by differences in the cost of living. The Commissioner shall require that the hours of work for all persons engaged upon work projects financed in whole or in part by funds appropriated by section 1 shall (1) be one hundred and thirty hours per month except that the Commissioner, in his discretion, may require a lesser number of hours of work per month in the case of relief workers with no dependents and the earnings of such workers shall be correspondingly reduced, and (2) not exceed eight hours in any day and shall not exceed forty hours in any week.

Monthly earning schedule.

Differentials, restriction.

Hours of work.

(b) The Commissioner may authorize exemptions from the above limitations of monthly earnings and hours of work to protect work already done on a project; to permit making up lost time; in the case of an emergency involving the public welfare and in the case of supervisory personnel employed on work projects.

Exemptions authorized.

SEC. 16. (a) In employing or retaining in employment on Work Projects Administration work projects, preference shall be determined, as far as practicable, on the basis of relative needs and shall, where the relative needs are found to be the same, be given in the following order: (1) Veterans of the World War and the Spanish-American War and veterans of any campaign or expedition in which the United States has been engaged (as determined on the basis of the laws administered by the Veterans' Administration) who are in need and are American citizens; and (2) other American citizens, Indians and other persons owing allegiance to the United States who are in need.

Preferences in employment.

(b) There shall be removed from employment on Work Projects Administration projects all relief workers, excepting veterans, who have been continuously employed on such projects for more than eighteen months, and any relief worker so removed shall be ineligible to be restored to employment on such projects until after (a) the expiration of thirty days after the date of his removal, and (b) recertification of his eligibility for restoration to employment on such projects. In the case of relief workers whose period of eighteen

Removal provisions, relief workers continuously employed for more than 18 months; exception.

Qualifications for employment.

months of continuous employment expires before September 1, 1939, this section shall apply to require their removal not later than August 31, 1939, rather than on such expiration date.

(c) In considering employment of persons upon work projects prosecuted under the appropriations contained in this joint resolution, the agency providing the employment shall determine whether such persons are able to perform the work on work projects to which they can be assigned and no person shall be employed or retained for employment on any such project whose work habits are such or work record shows that he is incapable of performing satisfactorily the work to which he may be assigned on the project.

Uncertified relief workers, employment restriction.

(d) There shall be removed from employment on Work Projects Administration projects all relief workers whose needs for employment have not been certified by, and, except as provided in section 17 (b), no relief worker shall be employed on such projects until after his need for employment has been certified by (a) a local public certifying agency or (b) the Work Projects Administration where no such agency exists or where the Work Projects Administration certifies by reason of its refusal to accept certification by local public agencies.

Aliens, employment restriction.

(e) No alien shall be given employment or continued in employment on any work project prosecuted under the appropriations contained in this joint resolution and no part of the money appropriated in this joint resolution shall be available to pay any person who has not made or who does not make affidavit as to United States citizenship, such affidavit to be considered prima facie evidence of such citizenship.

Periodic investigations of relief rolls; eliminations.

(f) The Commissioner shall cause a periodic investigation to be made of the rolls of relief employees on work projects, and shall eliminate from the rolls those not in actual need, such investigation to be made so that each case is investigated not less frequently than once every six months.

Refusal of private employment offer.

SEC. 17. (a) No person in need who refuses a bona fide offer of private employment under reasonable working conditions which pays the prevailing wage for such work in the community where he resides and who is capable of performing such work shall be employed or retained in employment on work projects under the funds appropriated in this joint resolution for the period such private employment would be available.

Restoration of employment status after private employment.

(b) Any person who takes such private employment shall at the expiration thereof be entitled to immediate resumption of his previous employment status with the Work Projects Administration if he is still in need and if he has lost the private employment through no fault of his own, and if he has first drawn all the benefits of unemployment compensation that shall have accrued to him during his term in private employment and which are available to him.

Provisions for avoiding certain competition.

(c) In order to insure the fulfillment of the purposes for which such appropriations are made and to avoid competition between the Work Projects Administration and other Federal or non-Federal agencies in the employment of labor on projects of any nature whatsoever, financed in whole or in part by the Federal Government, no person in need shall be eligible for employment on any work project of the Work Projects Administration who has refused to accept employment on any other Federal or non-Federal project at earnings comparable with or higher than the earnings established for similar work on work projects of the Work Projects Administration: *Provided further*, That any person in need who has been engaged on any Federal or non-Federal project and whose service has been

Proviso.
Exception.

regularly terminated through no fault of his own shall not lose his eligibility for reemployment on any other Federal or non-Federal work project on account of such previous employment.

SEC. 18. (a) No person shall be employed or retained in employment in any administrative position, or in any supervisory position on any project, under the appropriations in this joint resolution unless such person before engaging in such employment (or prior to August 1, 1939, in the case of any person employed before such date who has not taken an oath of office) subscribes to the following oath:

"I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office (or employment) on which I am about to enter (or which I now occupy). So help me God."

The head of the agency shall designate administrative and supervisory employees to administer such oath, but no fee shall be charged therefor.

(b) No portion of the appropriation made under this joint resolution shall be used to pay any compensation after September 30, 1939, to any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States through force or violence.

SEC. 19. In carrying out the purpose of the appropriations in this joint resolution, the Secretary of the Treasury with the approval of the Director of the Bureau of the Budget, is authorized to prescribe rules and regulations for the establishment of special funds for any agency receiving an appropriation under this joint resolution, in the nature of revolving funds for use, until June 30, 1940, in the purchase, repair, distribution, or rental of materials, supplies, equipment, and tools.

SEC. 20. The provision of section 3709 of the Revised Statutes (41 U. S. C. 5) shall not apply to any purchase made or service procured in connection with the appropriations in this joint resolution when the aggregate amount involved is less than \$300.

SEC. 21. The appropriations in this joint resolution for administrative expenses and such portions of other appropriations in this joint resolution as are available for administrative expenses may be obligated in the amounts which the agency, with the approval of the Director of the Bureau of the Budget, shall have certified to the Secretary of the Treasury as necessary for personal services, in the District of Columbia and elsewhere, and for contract stenographic reporting services, supplies and equipment; purchase and exchange of lawbooks, books of reference, directories, and periodicals, newspapers and press clippings; travel expenses, including expenses of attendance at meetings of officials and employees of the agency on official business; rental at the seat of government and elsewhere; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; printing and binding and such other expenses as may be necessary for the accomplishment of the objectives of this joint resolution.

SEC. 22. (a) The provisions of Executive Order Numbered 7916, dated June 24, 1938, shall not apply to positions the compensation of which is payable from appropriations contained in this joint resolution, and such appropriations shall not be available for the compensation of the incumbent of any position placed in the competitive classified civil service of the United States after January 10, 1939.

(b) In carrying out the purposes of this joint resolution the agencies receiving appropriations herein or allocations under such appropria-

Oath of office.

Designation of employee to administer.

Denial of compensation to any person advocating, etc., overthrow of U. S. Government.

Establishment of revolving funds for materials, supplies, etc.

Minor purchases.
R. S. § 3709.
41 U. S. C. § 5.

Administrative expenses, etc.

Executive Order No. 7916, provisions inapplicable to positions hereunder.

Acceptance of uncompensated services.

Personal services; appointments without regard to civil-service or classification laws.

5 U. S. C. §§ 661-674; Supp. IV, §§ 673, 673c.

Federal administrative, etc., positions in States; appointments.

Separations; retention of appointees according to State population.

Proviso.
Soldiers, sailors, etc., preferential status.

Disability or death compensation and benefits.

48 Stat. 351.
5 U. S. C. § 796.
Employees excepted.

Ante, p. 931.
Proviso.
Cases within purview of State, etc., workmen's compensation laws.

Projects excluded.

Theater project operation after June 30, 1939; exception.

Projects sponsored solely by Work Projects Administration, after August 31, 1939. Payment of accrued wages, etc., during periods designated.

Settlement of private damage claims.

Ante, pp. 927, 929.

tions are authorized to accept and utilize such voluntary and uncompensated services, appoint, without regard to civil-service laws, such officers and employees, and utilize, with the consent of the head of the Federal agency by which they are employed, such Federal officers and employees, and with the consent of the State such State and local officers and employees at such compensation as shall be determined by the head of the agency involved, as may be necessary, and prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed.

(c) Appointments to Federal positions of an administrative or advisory capacity under the appropriations in this joint resolution in any State shall be made from among the bona fide citizens of that State so far as not inconsistent with efficient administration.

SEC. 23. In making separations from the Federal service, or furloughs without pay to last as long as three months, of persons employed within the District of Columbia, under the provisions of this joint resolution, the appointing power shall give preference, as nearly as good administration will warrant, in retention to appointees from States that have not received their share of appointments according to population: *Provided, however,* That soldiers, sailors, and marines, the widows of such, or the wives of injured soldiers, sailors, and marines, who themselves are not qualified, but whose wives are qualified to hold a position in the Government service, shall be given preference in retention, in their several grades and classes, where their ratings are good or better.

SEC. 24. The provisions of the Act of February 15, 1934 (48 Stat. 351), as amended, relating to disability or death compensation and benefits shall apply to persons (except administrative employees qualifying as civil employees of the United States) receiving compensation from the appropriations in this joint resolution for services rendered as employees of the United States: *Provided,* That this section shall not apply in any case coming within the purview of the workmen's compensation law of any State, Territory, or possession, or in which the claimant has received or is entitled to receive similar benefits for injury or death.

SEC. 25. None of the funds made available by this joint resolution shall be available—

(a) After June 30, 1939, for the operation of any theater project, except that any person employed on any such project on June 30, 1939, may continue to be carried on the pay roll, with or without assignment of duty incidental to the closing down of such project, and paid his salary or wage (1) for the month of July 1939, if such person is an administrative, supervisory, or other noncertified worker, or (2) for a period ending not later than September 30, 1939, if such person is a certified relief worker; or

(b) After August 31, 1939, for the operation of any project sponsored solely by the Work Projects Administration.

This section shall not prohibit the payment of wages or salaries accrued, or of nonlabor obligations incurred, in connection with any such project if the wages or salaries accrued or the obligation was incurred prior to August 1, 1939, October 1, 1939, or September 1, 1939, as the case may be.

SEC. 26. The Commissioner and the National Youth Administrator are authorized to consider, ascertain, adjust, determine, and pay from the appropriation in section 1 or section 2 hereof any claim arising out of operations thereunder accruing after the effective date of this joint resolution on account of damage to or loss of privately owned property caused by the negligence of any employee of the Work Projects Administration or the National Youth Administration, as the case

may be, while acting within the scope of his employment. No claim shall be considered hereunder which is in excess of \$500, or which is not presented in writing within one year from the date of accrual thereof. Acceptance by a claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action upon such claim so accepted by the claimant shall be conclusive.

SEC. 27. The Commissioner is authorized to call to the attention of the city, county, and State governments the unemployment situation of that city, county, or State, and to seek the cooperation of the State or any subdivision thereof in meeting the unemployment problem.

SEC. 28. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any work project, employment, or relief aid under the appropriations in this joint resolution, or diverts, or attempts to divert or assists in diverting, for the benefit of any person or persons not entitled thereto, any portion of such appropriations, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, or discrimination on account of race, religion, political affiliations, or membership in a labor organization, deprives any person of any of the benefits to which he may be entitled under any such appropriations, or attempts so to do, or assists in so doing, or who disposes of, or assists in disposing of, except for the account of the United States, any property upon which there exists a lien securing a loan made under the provisions of this joint resolution or the Emergency Relief Appropriation Acts of 1935, 1936, 1937, and 1938, shall be deemed guilty of a felony and fined not more than \$2,000 or imprisoned not more than two years, or both. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

SEC. 29. (a) It shall be unlawful for any person knowingly to solicit, or knowingly be in any manner concerned in soliciting, any assessment, subscription, or contribution for the campaign expenses of any individual or political party from any person receiving compensation or employment provided for by this joint resolution.

(b) Any person who knowingly violates any provision of this section 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. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

SEC. 30. (a) It shall be unlawful for any person, directly or indirectly, to promise any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, or any other Act of the Congress, to any person as consideration, favor, or reward for any political activity or for the support of or opposition to any candidate in any election or any political party.

(b) Except as may be required by the provisions of subsection (b) of section 31 hereof, it shall be unlawful for any person to deprive, attempt to deprive, or threaten to deprive, by any means, any person of any employment, position, work, compensation, or other benefit, provided for or made possible by this joint resolution, on account of race, creed, color, or any political activity, support of, or opposition to any candidate or any political party in any election.

(c) Any person who knowingly violates any provision of this section 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. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

Limitation on amount; conditions.

State, etc., cooperation in meeting unemployment problem.

False statements with intent to defraud, etc.

Race, etc., discrimination.

49 Stat. 115, 1608; 50 Stat. 352; 52 Stat. 809.

15 U. S. C., Supp. IV, ch. 16 (note).
Penalty.

Provisions deemed additional to existing law, etc.

Solicitation of contributions for campaign expenses.

Penalty.

Provisions deemed additional to existing law, etc.

Promise of benefit as reward.

Deprivation of work for causes designated.

Penalty.

Provisions deemed additional to existing law, etc.

Use of administrative authority to interfere with an election, etc.

Active participation in political campaigns, etc.

Penalty.

Provisions deemed additional to existing law, etc.

Candidate for State, etc., office or campaign manager, pay restriction.

Report of operations to Congress.
52 Stat. 809; *ante*, pp. 507, 578.

Proviso.
Existing requirement superseded.
52 Stat. 815; *ante*, p. 509.

Use of funds for designated purposes prohibited.

Exceptions.

Funds not to be used for designated naval or military purposes.

Restriction on construction, etc., of penal institutions.

Exception.

SEC. 31. (a) It shall be unlawful for any person employed in any administrative or supervisory capacity by any agency of the Federal Government, whose compensation or any part thereof is paid from funds authorized or appropriated by this joint resolution, to use his official authority or influence for the purpose of interfering with an election or affecting the results thereof. While such persons shall retain the right to vote as they please and to express privately their opinions on all political subjects, they shall take no active part, directly or indirectly, in political management or in political campaigns or in political conventions.

(b) Any person violating the provisions of this section shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by this joint resolution shall be used to pay the compensation of such person. The provisions of this section shall be in addition to, and not in substitution for, any other provisions of existing law, or of this joint resolution.

SEC. 32. No part of any appropriation in this joint resolution shall be used to pay the salary or expenses of any person in a supervisory or administrative position who is a candidate for any State, district, county, or municipal office (such office requiring full time of such person and to which office a salary or per diem attaches), in any primary, general or special election, or who is serving as a campaign manager or assistant thereto for any such candidate.

SEC. 33. Reports of the operations under the appropriations in this joint resolution and the appropriations contained in the Emergency Relief Appropriation Act of 1938, as supplemented by Public Resolution Numbered 1 and Public Resolution Numbered 10 of the Seventy-sixth Congress, including a statement of the expenditures made and obligations incurred by classes of projects and amounts, shall be submitted to Congress by the President on or before the 15th of January in each of the next two regular sessions of Congress: *Provided*, That such reports shall be in lieu of the report required by section 21 of said Act of 1938 as amended by said Public Resolution Numbered 1.

SEC. 34. No funds appropriated in this joint resolution, whether administered by the Federal Government or by the States or local governmental agencies from funds contributed in whole or in part by the Federal Government, shall be used by any Federal, State, or other agency to purchase, establish, relocate, or expand mills, factories, or plants which would manufacture or produce for sale articles, commodities, or products (other than those derived from the first processing of sweetpotatoes) in competition with existing industries. This section shall not apply to municipal electric plants in communities not now adequately served at reasonable rates.

SEC. 35. None of the funds appropriated by this joint resolution shall be used for the manufacture, purchase, or construction of any naval vessel, any armament, munitions, or implement of war, for military or naval forces, and no funds herein appropriated or authorized shall be diverted or allocated to any other department or bureau for such purpose.

SEC. 36. No part of the funds made available in this joint resolution shall be loaned or granted, except pursuant to an obligation incurred prior to the date of the enactment of this joint resolution, to any State, or any of its political subdivisions or agencies, for the purpose of carrying out or assisting in carrying out any program or project of constructing, rebuilding, repairing, or replanning its penal or reformatory institutions, unless the President shall find that the projects to be financed with such loan or grant will not cause or promote competition of the products of convict labor with the products of free labor.

SEC. 37. In expending appropriations or portions of appropriations, contained in this joint resolution, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, the average of the salaries of the total number of persons under any grade in any appropriation unit herein shall not at any time exceed the average of the compensation rates specified for the grade by such Act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed as of July 1, 1924, in accordance with the rules of section 6 of such Act, or (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, or (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated.

SEC. 38. Any Administrator or other officer named to have general supervision at the seat of government over the program and work contemplated under the appropriations contained in this joint resolution and receiving a salary of \$5,000 or more per annum from such appropriations, and any State or regional administrator receiving a salary of \$5,000 or more per annum from such appropriations (except persons now serving as such under other law) shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the provisions of section 1761 of the Revised Statutes shall not apply to any such appointee and the salary of any person so appointed shall not be increased for a period of six months after confirmation.

Approved, June 30, 1939.

[CHAPTER 253]

AN ACT

Making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes.

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 Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, namely:

TITLE I—DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

SALARIES

For the Secretary of Agriculture, Under Secretary of Agriculture, Assistant Secretary, and for other personal services in the District of Columbia, and elsewhere, \$581,920: *Provided*, That in expending appropriations or portions of appropriations contained in this Act for the payment of personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the Assistant Secretary, the average of the salaries of

Personal services.

Salaries limited to average rates under Classification Act.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. IV, §§ 673, 673c.

If only one position in grade.

Proviso.
Restriction not applicable to clerical-mechanical service.

No reduction in fixed salaries.

42 Stat. 1490.
5 U. S. C. § 666.
Transfer without reduction.

Higher rates permitted.

If only one position in a grade.

Federal, State, or regional administrators; appointment provisions.

Proviso.
Recess appointees; salary status.
R. S. § 1761.
5 U. S. C. § 56.

June 30, 1939
[H. R. 5269]

[Public, No. 159]

Department of Agriculture Appropriation Act, 1940.

Salaries.

Provisos.
Salaries limited to average rates under Classification Act; exception.

42 Stat. 1488.
5 U. S. C. §§ 661-674; Supp. IV, §§ 673, 673c.