

Greenlee County Fair Grounds at Duncan, Arizona, caused by employees of the Soil Conservation Service between July 23, 1934, and March 25, 1939: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Approved, August 27, 1940.

Proviso.
Limitation on attorney's, etc., fees.

Penalty.

[CHAPTER 705]

AN ACT

To provide for the transfer of the duplicates of certain books in the Library of Congress to the Beaufort Library of Beaufort, South Carolina.

August 30, 1940
[H. R. 10004]
[Public, No. 778]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to replace the books taken in 1862 by the order of an officer of the United States from the library of the Beaufort Library Society of Beaufort, South Carolina, which books were subsequently destroyed by a fire in the Smithsonian Institution where they had been stored for safekeeping pending the termination of the War between the States, the Librarian of the Library of Congress is authorized and directed to transfer to the Beaufort Library of Beaufort, South Carolina, books of the same value as those which were so taken and destroyed. The books transferred under the provisions of this Act shall be from duplicates owned by the Library of Congress and shall not exceed in value, in the aggregate, the value of the books so taken and destroyed, such values to be fixed by the Librarian of the Library of Congress.

Beaufort Library, Beaufort, S. C.
Transfer of books to.

Limitation on value.

Approved, August 30, 1940.

[CHAPTER 706]

AN ACT

To increase the number of midshipmen at the United States Naval Academy.

September 4, 1940
[S. 4271]
[Public, No. 779]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That until September 14, 1940, the President is authorized to appoint as additional midshipmen at large at the Naval Academy those competitive and alternate candidates designated for admission in the calendar years 1939 and 1940 who were found mentally qualified therefor prior to the date of this Act but were not accepted for reasons other than physical disqualification: *Provided*, That no such candidate shall be eligible for admission who was more than twenty years of age on April 1, 1940.

U. S. Naval Academy.
Appointment of additional midshipmen.

Proviso.
Age limitations.

Approved, September 4, 1940.

[CHAPTER 715]

AN ACT

To amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

September 5, 1940
[H. R. 9575]
[Public, No. 780]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural

Federal Highway Act of 1940.

23 U. S. C., chs. 1, 2; Supp. V, chs. 1, 2. Federal-aid highway system. Appropriations authorized.

Secondary or feeder roads. Appropriations authorized.

Use of Federal funds without matching State funds in certain cases.

23 U. S. C. § 55.

23 U. S. C. §§ 1-25; Supp. V, §§ 2a-24a.

Proviso. Expenditures from standpoint of national defense.

Hawaii. Use of unexpended road funds.

Federal participation in project work.

post roads, and for other purposes", approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to be expended according to the provisions of such Act as amended and supplemented: The sum of \$100,000,000 for the fiscal year ending June 30, 1942, and the sum of \$100,000,000 for the fiscal year ending June 30, 1943.

SEC. 2. For the purpose of continuing the provisions of section 7 of the Act of June 16, 1936 (49 Stat. 1521), there is hereby authorized to be appropriated the sum of \$17,500,000 for the fiscal year ending June 30, 1942, and the sum of \$17,500,000 for the fiscal year ending June 30, 1943; said sums to be expended on secondary or feeder roads, including farm-to-market roads, rural-free-delivery mail roads, and public-school bus routes.

SEC. 3. If within the fiscal years 1942 and 1943 the Federal Works Administrator shall find with respect to any State (1) that the proceeds of all special taxes on motor-vehicle transportation, as referred to in section 12 of the Act of June 18, 1934 (48 Stat. 995), as amended, are applied to highway purposes as defined in said section; (2) that at least 90 per centum of such proceeds are applied to the administrative and operating expenses of the State highway department, the maintenance of the State and Federal-aid highway systems, and the payment of interest on, and the amortization of, bond obligations of the State for the payment of which such revenues have heretofore been pledged; and (3) that the portion of the proceeds of all such special taxes then available for construction and reconstruction, together with funds available to the State from any other sources for highway purposes, will be insufficient to match all, or any part, of the regular and secondary Federal-aid road funds apportioned to such State for such fiscal years in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, then such portion of such apportionment as the Federal Works Administrator shall find the State is unable to match shall be made available for expenditure in such State in accordance with said Federal Highway Act without being matched by the State: *Provided*, That any such funds made available to any State without being matched by the State shall be expended by the State on the system of Federal-aid highways and on secondary roads in the construction of projects desirable from the standpoint of national defense.

SEC. 4. Any balances of the regular and secondary Federal-aid road funds apportioned for the fiscal years 1939 and 1940 to the Territory of Hawaii which may remain unexpended at the close of the period of their availability shall be available thereafter for expenditure in such Territory by the Public Roads Administrator in the construction of projects desirable from the standpoint of the national defense, and the Commissioner of Public Roads is hereby empowered to enter into any agreements which he may deem necessary with the Territory of Hawaii setting forth the method by which such construction work shall be performed and the conditions which shall apply thereto, and he is further authorized, at his discretion, to pay all or any part of the costs incurred after approval of any such project, including the cost of surveys, the preparation of plans, specifications and estimates, and of necessary new or additional rights-of-way, and to make advances to such Territory under appropriate safeguards to enable it to make prompt payments to contractors on projects that may be agreed shall be constructed under contracts to be let and supervised by the Territory.

SEC. 5. For the elimination of hazards to life at railroad grade crossings including the separation or protection of grades at crossings, the reconstruction of existing railroad-grade-crossing structures, and the relocation of highways to eliminate grade crossings, there is hereby authorized to be appropriated, to be apportioned on or before the 1st day of January of each year preceding the fiscal year for which it is authorized among the several States in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, except that such apportionment shall be one-half on population as shown by the latest decennial census, one-fourth on the mileage of the Federal-aid highway system as determined by the Federal Works Administrator, and one-fourth on the railroad mileage as determined by the Interstate Commerce Commission, and to be expended in accordance with said Federal Highway Act, as amended and supplemented, except that no part of such funds apportioned to any State need be matched by the State: The sum of \$20,000,000 for the fiscal year ending June 30, 1942, and the sum of \$20,000,000 for the fiscal year ending June 30, 1943.

SEC. 6. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), as amended and supplemented, there is hereby authorized to be appropriated (1) for forest highways the sum of \$7,000,000 for the fiscal year ending June 30, 1942, and the sum of \$7,000,000 for the fiscal year ending June 30, 1943: *Provided*, That hereafter appropriations for forest highways shall be administered in conformity with regulations jointly approved by the Secretary of Agriculture and the Federal Works Administrator; and (2) for forest development roads and trails the sum of \$3,000,000 for the fiscal year ending June 30, 1942, and the sum of \$3,000,000 for the fiscal year ending June 30, 1943: *And provided further*, That the apportionment for forest highways in Alaska shall be for each of the fiscal years \$500,000 and that such additional amount as otherwise would have been apportioned to Alaska for each of said fiscal years shall be apportioned among those States, including Puerto Rico, whose forest highway apportionment for such fiscal year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that fiscal year: *And provided further*, That apportionments among those States, including Puerto Rico, whose forest highway apportionments for such fiscal year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that fiscal year may be made without regard to the provisions of said section 23 relating to apportionments, but in no case shall the apportionment to any State under this provision be in excess of 20 per centum of the total of funds affected thereby, and the total of the apportionments to each State during the six-year period beginning with the fiscal year 1942 shall equal the total of the apportionments that would have been made to each State during such period if the discretionary power conferred by this proviso had not been exercised.

SEC. 7. For the purpose of carrying out the provisions of section 3 of the Federal Highway Act (42 Stat. 212), as amended by the Act of June 24, 1930 (46 Stat. 805), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations the sum of \$1,500,000 for the fiscal year ending June 30, 1942, and the sum of \$1,500,000 for the fiscal year ending June 30, 1943, to remain available until expended:

Elimination of railroad-grade-crossing hazards.
Appropriations authorized.

Apportionment.

23 U. S. C. §§ 1-25;
Supp. V, §§ 2a-24a.

Matching by State not necessary.

Appropriations authorized.
23 U. S. C. § 23.
Forest highways.

Provisos.
Administration.

Forest roads and trails.

Apportionments.

Restriction on apportionments.

Roads through unreserved public lands, etc.
Appropriations authorized.
23 U. S. C. § 3.

Proviso.
Basis for apportionments.

Provided, That apportionments of funds made under the second paragraph of section 3 of the Federal Highway Act, as amended by the Act of June 24, 1930 (46 Stat. 805), shall be made on the basis of the area of such lands in each State as shown by certificate of the Secretary of the Interior which he is directed to make as of June 30 each year.

Roads and trails in national parks, etc.
Appropriations authorized.

SEC. 8. For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$4,000,000 for the fiscal year ending June 30, 1942, and the sum of \$4,000,000 for the fiscal year ending June 30, 1943: *Provided*, That hereafter appropriations for the construction, reconstruction, and improvement of such park and monument roads shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Federal Works Administrator.

16 U. S. C. §§ 8a-8c.

Proviso.
Administration.

Parkways.
Appropriations authorized.

SEC. 9. For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$7,500,000 for the fiscal year ending June 30, 1942, and the sum of \$7,500,000 for the fiscal year ending June 30, 1943: *Provided*, That hereafter the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service: *Provided further*, That hereafter appropriations for the construction and maintenance of parkways shall be administered in conformity with regulations jointly approved by the Secretary of the Interior and the Federal Works Administrator.

Provisos.
Location of parkways.

Administration.

Indian reservation roads.
Appropriations authorized.
25 U. S. C. § 318a.

Proviso.
Location, etc., of roads.

SEC. 10. For construction and improvement of Indian reservation roads under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$3,000,000 for the fiscal year ending June 30, 1942, and the sum of \$3,000,000 for the fiscal year ending June 30, 1943: *Provided*, That hereafter the location, type, and design of all roads constructed under the provisions of said Act of May 26, 1928, shall be approved by the Public Roads Administration before any expenditures are made thereon, and all such construction done by contract shall be under the general supervision of the Public Roads Administration.

23 U. S. C., Supp. V, § 10b.

Roadside and landscape development.

SEC. 11. Subsection (c) of section 1 of the Federal Aid Highway Act of 1938 (52 Stat. 633) is hereby amended to read as follows:

"Hereafter the construction of highways by the States with the aid of Federal funds may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Public Roads Administration. Such construction likewise may include the purchase of such adjacent strips of land of limited width and primary importance for the preservation of the natural beauty through which highways are constructed, as may be approved by the Public Roads Administration: *Provided*, That not to exceed 3 per centum of the Federal-aid funds apportioned to and matched by any State under this Act

Purchase of adjacent strips of land.

Proviso.
Limitation on funds available.

may be used for the purchase of such adjacent strips of land without being matched by the States."

SEC. 12. (a) The Reconstruction Finance Corporation, pursuant to its authority under existing law and subject to all the terms and conditions thereof, is authorized to cooperate with States to finance, or to aid in financing, the acquisition of real property or interests in property (any such acquisition being herein called a "right-of-way") necessary or desirable for road projects eligible for Federal aid under the Federal Highway Act (42 Stat. 212), as amended and supplemented.

(b) Every loan or purchase of securities by Reconstruction Finance Corporation to finance or to aid in financing the acquisition of a right-of-way, as defined in this section, shall hereafter be made only after approval of the project (including the plans, administration, and financing thereof) by the highway department of the State and by the Public Roads Administration of the Federal Works Agency.

SEC. 13. The Commissioner of Public Roads, in cooperation with the State Highway Departments of the respective States, is hereby authorized, upon the request of any State, to investigate the location and development of flight strips adjacent to public highways or roadside development areas, for the landing and take-off of aircraft.

SEC. 14. The Commissioner of Public Roads, in cooperation with the State highway departments of the respective States, is hereby directed to investigate the service afforded to traffic, population, and lands by all highways of each State, as determined by State-wide surveys adequate for the purpose. Annually a report will be made to the Congress covering the progress made in classifying the highways into groups composed of roads of similar service importance.

SEC. 15. The Public Roads Administration is authorized to pay transportation and subsistence expenses of its employees, and of persons appointed under schedule A, subdivision I, paragraph 7, of Civil Service Rules, hereafter assigned to perform engineering services beyond continental United States for any agency or governmental corporation of the United States, including transportation and subsistence expenses of members of the immediate family of any such employee or person in traveling from their headquarters or homes to the post of duty outside continental United States and return; and, with the approval of the Federal Works Administrator, the compensation of any such employee so assigned may be increased during such assignment by not to exceed 25 per centum of his base pay.

SEC. 16. Any sums heretofore or hereafter withheld from the Federal-aid road funds apportioned to any State as a penalty for diversion of road-user taxes under the provisions of section 12 of the Act approved June 18, 1934 (48 Stat. 995), shall be reapportioned in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available for expenditure, in accordance with the provisions of section 21 of the Federal Highway Act (42 Stat. 217).

SEC. 17. Any amounts heretofore apportioned to any State under the provisions of section 7 of the Act of June 16, 1936 (49 Stat. 1521), for secondary or feeder roads, for which the period of availability expired on June 30, 1940, and which remained unexpended on said date, shall not be reapportioned to all the States as required by section 21 of the Federal Highway Act, but shall remain available to such State until June 30, 1941, and any balance of such amounts then remaining unexpended shall be reapportioned to all of the States in the manner now provided by law.

SEC. 18. Funds authorized and made available under section 21 of the Federal Highway Act, as amended, may be used to pay the entire engineering costs of the surveys, plans, specifications, estimates, and supervision of construction of projects for such urgent improvements of

Financing of right-of-way acquisitions.

23 U. S. C. §§ 1-25; Supp. V, §§ 2a-24a.

Approval of project.

Aircraft landing strips adjacent to public highways, etc.

Traffic surveys.

Report to Congress.

Engineering services outside U. S.

Increase in compensation; limitation.

Reapportionment of designated funds.

23 U. S. C. § 55.

23 U. S. C. § 21.

Availability of unexpended secondary or feeder road funds.

Engineering costs on roads important to national defense.

Priority of approval to projects important to national defense.

Short title.

September 9, 1940
[H. R. 10263]
[Public, No. 781]

Second Supplemental National Defense Appropriation Act, 1941.

Title III, Military Appropriation Act, 1941.
Additional appropriations.
Ante, pp. 350, 352.

Ante, p. 357.

Regular supplies of the Army.

Clothing and equipage, Army.

Army transportation.

Horses, etc.

highways strategically important from the standpoint of the national defense as may be undertaken on the order of the Federal Works Administrator and as the result of request of the Secretary of War, the Secretary of the Navy, or other authorized national defense agency.

SEC. 19. In approving Federal-aid highway projects to be carried out with any unobligated funds apportioned to any State, the Commissioner of Public Roads may give priority of approval to, and expedite and construction of, projects that are recommended by the appropriate Federal defense agency as important to the national defense.

SEC. 20. This Act may be cited as the "Federal Highway Act of 1940." Approved, September 5, 1940.

[CHAPTER 717]

AN ACT

Making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, 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 national defense for the fiscal year ending June 30, 1941, namely:

TITLE I—WAR DEPARTMENT—MILITARY ACTIVITIES

For additional amounts for appropriations for the Military Establishment, fiscal year 1941, to be supplemental, and in addition, to the appropriations under the same heads in the Military Appropriation Act, for the fiscal year ending June 30, 1941, including the objects and subject to the limitations and conditions specified therein, except as otherwise provided herein, and including under each appropriation the employment of persons and the procurement of supplies and services, printing and binding, and communication service, at the seat of government and elsewhere (the amount for personal services at the seat of government, other than for field service employees, shall not exceed one-fourth of 1 per centum of the total amount of cash appropriated for the Army by this Act), as follows:

QUARTERMASTER CORPS

Regular supplies of the Army: For regular supplies of the Army, \$4,685,122, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$3,280,000, for the purposes for which this appropriation is available.

Clothing and equipage, Army: For clothing and equipage, Army, \$150,064,813, and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$50,700,000, for the purposes for which his appropriation is available.

Army transportation: For Army transportation, \$87,500,610, without limitation as to the amount of this appropriation which may be expended for purchase or exchange of passenger-carrying vehicles; or purchase or construction, alteration, operation, and repair of boats; and, in addition, the Quartermaster General, when authorized by the Secretary of War, may enter into contracts prior to July 1, 1941, to an amount not in excess of \$7,150,000, for the purposes for which this appropriation is available.

Horses, draft and pack animals, \$241,000.