

possession, political subdivision, or District, and personal property shall not be deemed to be located or present in or to have a situs for taxation in such State, Territory, possession, or political subdivision, or district: *Provided*, That nothing contained in this section shall prevent taxation by any State, Territory, possession, or political subdivision of any of the foregoing, or the District of Columbia in respect of personal property used in or arising from a trade or business, if it otherwise has jurisdiction. This section shall be effective as of September 8, 1939, except that it shall not require the crediting or refunding of any tax paid prior to October 6, 1942.

“(2) When used in this section, (a) the term ‘personal property’ shall include tangible and intangible property (including motor vehicles), and (b) the term ‘taxation’ shall include but not be limited to licenses, fees, or excises imposed in respect to motor vehicles or the use thereof: *Provided*, That the license, fee, or excise required by the State, Territory, possession, or District of Columbia of which the person is a resident or in which he is domiciled has been paid.”

SEC. 2. Nothing contained in this Act shall be construed to require the crediting or refunding of any tax in respect of tangible personal property (including licenses, fees, or excise imposed in respect of motor vehicles or the use thereof) paid prior to the date of its enactment.

Approved July 3, 1944.

Personal property used in trade or business.

Retroactive effect.

“Personal property.”

“Taxation.” Motor-vehicle fees.

Condition.

Credits or refunds.

[CHAPTER 398]

AN ACT

To provide for a study of multiple taxation of air commerce, and for other purposes.

July 3, 1944
[H. R. 4935]

[Public Law 416]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Civil Aeronautics Board shall consult with the appropriate authorities of the several States, Territories, and possessions, and subdivisions thereof, with a view to the development of means for eliminating and avoiding, as far as practicable, multiple taxation of persons engaged in air commerce and their employees, by States, Territories, and possessions, and subdivisions thereof, and other taxation by States, Territories, and possessions, and subdivisions thereof, which has the effect of unduly burdening or unduly impeding the development of air commerce. The Board shall report to Congress, within one hundred and eighty days after the day on which this Act is enacted, the results of its consultations with such authorities together with such recommendations as it deems advisable, including recommendations for legislation by the Congress if such legislation appears necessary or appropriate.

Approved July 3, 1944.

Civil Aeronautics Board. Study of multiple taxation of air commerce.

Report to Congress. Post, p. 926.

[CHAPTER 399]

AN ACT

To provide for staying judicial proceedings against the United States in time of war, on claims for damages caused by vessels of the Navy, or for towage or salvage services to such vessels, when the Secretary of the Navy certifies that the prosecution of such proceedings would endanger the security of naval operations or interfere therewith, and to authorize the settlement and payment of such claims, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever in time of war the Secretary of the Navy shall certify to a court in which

July 3, 1944
[S. 1173]

[Public Law 417]

Naval vessels. Stay of judicial proceedings against U. S.

Damage claims,
towage and salvage
services.

Taking of evidence
in pending suits.

Suspension for se-
curity purposes.

Orders for taking of
depositions or produc-
tion of evidence.
Denial or stay.

"Vessels of the
Navy or in the naval
service."

Modification of time
previously certified.

is pending a suit of the nature hereinafter defined, or to a judge of such court, that the prosecution of such suit would tend to endanger the security of naval operations in such war, or to interfere with such operations, all further proceedings in such suit shall forthwith be stayed until six months after the cessation of hostilities in such war, or until such earlier date as may be stated in such certificate. The suits to which this Act applies are hereby defined as follows: All suits under the Act approved March 3, 1925, entitled "An Act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes" (43 Stat. 1112; 46 U. S. C. 781 ff), wherein a claim is made for damages caused by a vessel of the Navy, or in the naval service, or for compensation for towage or salvage services, including contract salvage, rendered to any such vessel. The stay of proceedings in pending suits as provided in this section shall not operate to suspend the issuance of process to take or preserve evidence to be used in the trial of the issues of the suit, or to prevent the completion of action under the authority of similar process already issued at the time of such stay of suit: *Provided*, That if at the time of certification by the Secretary of the Navy for stay of proceedings, as provided in this section, or at any time thereafter prior to the termination of stay, the Secretary of the Navy shall file with the court an additional certificate that the issuance of such process to preserve evidence or the completion of action on process already issued would tend to endanger the security of the United States or any of the naval or military operations in such war, or to interfere with such operations, then all such proceedings for the taking or preserving of evidence to be used by either party in the trial of the issues in such suit shall be suspended until six months after the cessation of hostilities in such war, or until such earlier date as shall have been fixed in the certificate for stay of proceedings in such suit.

SEC. 2. Whenever in time of war the Secretary of the Navy shall certify to the court, or a judge of the court in which proceedings for the purpose are pending, that the granting of a *dedimus potestatem* to take depositions, or a direction to take depositions in *perpetuum rei memoriam*, or the taking of depositions or production of evidence pursuant to such *dedimus potestatem* or direction, or pursuant to any other proceeding for the purpose, in connection with or in relation to any claim against the United States on which such suit would lie, would tend to endanger the security of the United States or any of the Naval or military operations in such war, or to interfere with such operations, then such *dedimus potestatem* shall not be granted, such direction shall not be made, and such deposition shall not be taken or evidence produced, until six months after the cessation of hostilities in such war, or such earlier date as may be stated in such certificate, and if prior to filing such certificate such proceedings shall have been commenced, the same shall upon filing such certificate forthwith be stayed until six months after cessation of such hostilities or such earlier date as may be stated in such certificate.

SEC. 3. The phrase "vessels of the Navy or in the naval service" shall include, for the purposes of this Act, in addition to all vessels of the Navy, and of the Coast Guard when operating as a part of the Navy, all vessels manned by the Navy, including the Coast Guard when operating as a part of the Navy, and all vessels chartered on bareboat charter to the Navy, or to the Coast Guard when the Coast Guard is operating as a part of the Navy.

SEC. 4. At any time while a stay or suspension, either of prosecution of suit or of the taking of testimony is in effect under this Act

the Secretary of the Navy may file with such court or judge his certificate extending or shortening the time stated in his prior certificate, during which the prosecution of such suit or the taking of such deposition or production of evidence would tend to endanger the security of the United States or of such operations in time of war, or to interfere therewith. Any claimant or party deeming himself adversely affected by a stay under the provisions of this Act may serve on the Secretary of the Navy at Washington, District of Columbia, a written notice, requesting the Secretary of the Navy to reconsider the stay previously issued and to issue a further certificate. Such written notice shall identify the stay then in effect by attaching a copy of the certificate of the Secretary of the Navy upon which the stay is based or by a description sufficient for its identification. The said notice shall not contain any recital of the facts or circumstances involved. Within ten days after receipt of such notice, the Secretary of the Navy or some official designated by him, shall hold in secret a hearing at which the claimant or his representative may present such facts and arguments as he may think material with respect to the question as to whether or not a stay should be issued or maintained. Within ten days after such hearing, the Secretary of the Navy shall file with the court in which said stay is pending, or the court in which the proceeding stayed was instituted, his further certificate stating whether the stay shall then be terminated, or for what time the stay is to continue in effect. If the Secretary of the Navy shall fail to file such further certificate, the court, upon application by such claimant or party, shall issue its order directing the Secretary of the Navy to file a certificate within the time to be specified in such order. Any certificate issued by the Secretary of the Navy shall remain in effect for the time stated therein or until it is terminated or altered by a further certificate. The filing of any further certificate under this section shall extend or shorten the time, as the case may be, during which the stay in relation to which it is made shall continue in effect, to the time stated in such further certificate, or shall terminate such stay if it be so stated in such further certificate: *Provided*, That in no case shall any stay under this Act remain in force longer than six months after the cessation of hostilities in such war.

Any certificate issued by the Secretary of the Navy pursuant to this Act may, in his discretion, be restricted, so that it stays only the taking of testimony of certain witnesses or evidence on certain subjects, in which event such proceedings as are not so stayed may continue.

Before making any certificate provided for in this Act, the Secretary of the Navy shall make or cause to be made such investigation of the case to which the certificate relates as to satisfy himself that the issuance of the certificate for the purposes authorized by this Act is necessary.

SEC. 5. In any case in which either the United States or a claimant against the United States in one of the cases specified in section 1 of this Act has been prevented by any stay or suspension provided for in this Act from examining any witness, and in any case where the United States shall establish to the satisfaction of the court that it has refrained from instituting suit or from taking the testimony of any witness in any pending suit in order to avoid endangering the security of naval operations or interfering with such operations and where, in either of such cases, it shall appear to the satisfaction of the court, on appropriate evidence or by agreement by counsel, that the United States or the claimant, as the case may be, is unable after reasonable efforts to secure the testimony of any such witness, the court shall receive in evidence, in lieu of such testimony, (a) the affidavit of such witness,

Request for reconsideration of stay.

Secret hearing to be held.

Further certificate to be filed with court.

Time limit on stay of proceedings.

Restriction on scope of certificate.

Investigation.

Admissibility of affidavits or testimony before naval investigations, etc.

duly sworn to before a notary public or other authorized officer, or (b) the statement or testimony of such witness before a naval investigation, board of investigation, court of inquiry, or court martial, or Coast Guard investigation: *Provided*, That the use of such testimony shall not in any litigation make admissible the remainder of the said record or compel the production of the remainder of said record by the United States.

In considering such affidavit or statement or testimony, the court shall give such weight to it as the court thinks proper under all the circumstances of the case.

Time for filing suit against U. S.

SEC. 6. The time during which a claimant may file suit of the nature described in section 1 upon a claim against the United States shall be computed by excluding the time during which a stay under section 2, or any extension thereof, shall be in effect as to any proceedings by or on behalf of such claimant for the taking of a deposition or the production of evidence in connection with or in relation to such claim.

Adjudication and payment of claims.

SEC. 7. The Secretary of the Navy is authorized to consider, ascertain, adjust, determine, compromise, or settle claims for damages caused by vessels of the Navy or in the naval service, and for compensation for towage and salvage services, including contract salvage, rendered to such vessels, and to pay the amount of any claim so determined, compromised, or settled, and upon acceptance of such payment by the claimant, and not until then such determination, settlement, or compromise of such claim shall be final and conclusive for all purposes, any law to the contrary notwithstanding: *Provided*, That this section, as respects the determination, compromise, settlement, and payment of claims, shall be supplementary to, and not in lieu of all other provisions of law authorizing consideration, adjustment, determination, settlement, and payment of claims: *Provided further*, That no claim in excess of \$3,000 shall be considered hereunder which accrued prior to September 8, 1939: *Provided further*, That all payments of claims made under this section shall be made out of the appropriation "miscellaneous expenses, Navy": *And provided further*, That the payment of any claim on which a net amount exceeding \$1,000,000 is determined to be due from the United States, or which is compromised or settled at a net amount exceeding \$1,000,000 payable by the United States, shall not be authorized by this section, and all claims determined, compromised, or settled hereunder at a net amount exceeding \$1,000,000 payable by the United States shall be certified by the Secretary of the Navy to the Congress.

Claims accruing prior to Sept. 8, 1939.

Payments from designated appropriation.

Claims exceeding \$1,000,000.

Reports to Congress.

SEC. 8. (a) On payment of any claim determined, compromised, or settled under section 7 of this Act at a net amount exceeding \$3,000, but not exceeding \$1,000,000, payable by the United States, the Secretary of the Navy within twenty days of payment shall file a report with the Naval Affairs Committee of the Senate and House of Representatives setting forth the nature of the claim, the vessel or vessels involved, the amount paid with respect thereto, the basis of the determination, compromise, or settlement, and other pertinent facts: *Provided*, That during any war the reports required under this section may omit any fact or facts disclosure of which, in the opinion of the Secretary, would be prejudicial to the National security.

Omissions for security purposes.

(b) Subject to the proviso of subsection (a) of this section, the Secretary of the Navy shall report to the Congress, at each session thereof, all claims which have been paid under this Act.

Approved July 3, 1944.