

on construction loans, and all other facts deemed pertinent. If the contractor shall be willing to accept such determination and receive payment for the amount determined by the Commission to be a fair adjustment of such differences, the Commission is authorized and directed, concurrently with the dismissal of any suit based upon the alleged termination or breach of such contract filed by such contractor with prejudice and without costs, to enter into and execute a settlement agreement with such contractor, wherein such contractor shall release the United States from any and all claims arising from such contractor's mail contract: *Provided*, That the Attorney General of the United States shall review such settlement agreement, and if he is dissatisfied with such finding shall notify the Commission and the contractor in writing within sixty days and upon such notice the settlement agreement shall become null and void; otherwise the contractor shall be paid any sum of money due him under such settlement agreement out of such appropriation as the Congress may hereafter provide for this purpose from funds controlled by the Commission or from the general funds of the Treasury: *Provided*, That if any sum of money is payable to the contractor under the terms of any settlement agreement made pursuant to this subsection, such sums shall be applied (a) as a credit upon any amount owing by the contractor to the United States on any loan agreement entered into under section 11 of the Merchant Marine Act of 1920, as amended, or upon unpaid ship sales mortgage notes, (b) Federal taxes of the contractor due or to become due for the taxable year in which the settlement is made, and (c) on any other indebtedness of the contractor to the United States. If any such sums are applied as a credit as aforesaid, then the Comptroller General of the United States shall execute a discharge of the amount of such debts satisfied thereby. Nothing herein shall affect any right which such contractor may now have to maintain a suit arising out of such contract against the United States in the Court of Claims unless such suit is dismissed as provided herein: *Provided further*, That nothing herein shall be construed to affect any right or defense of any party in any suit pending in the Court of Claims: *And provided further*, That the enactment of this legislation shall not be considered or construed by the Commission or by any court as a legislative interpretation in favor of the validity or legality of any alleged contract involved in, or the basis of, any controversy or litigation, adjustment of which is permitted by this subsection."

Approved, June 1, 1938.

[CHAPTER 312]

AN ACT

To amend section 5 of an Act entitled "An Act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes", approved January 27, 1905 (33 Stat. 616).

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last three sentences of section 5 of the Act entitled "An Act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes", approved January 27, 1905 (33 Stat. 616), are hereby amended to read as follows:

"The Governor shall assign and set apart to each school district established and organized under the provisions of this section a sum, not less than \$300 nor more than \$1,000, in proportion to the number

Proviso.
Review by Attorney General; nullification of agreement.

Payment, if satisfactory.

Provisos.
Application of sums payable to contractor as credit on construction loan, etc.

41 Stat. 993.
46 U. S. C. § 870;
Supp. III, § 870.
Federal taxes.

Any other indebtedness to United States.

Right or defense in any suit pending in Court of Claims.

Not to be construed as validating any alleged contract involved, etc.

June 1, 1938
[H. R. 9722]

[Public, No. 574]

Alaska, schools.

33 Stat. 619.
48 U. S. C. § 168.

Funds for construction, etc.

Payment to territorial treasurer.

Wages of teachers.

Payment.

of pupils in the district, for the construction and equipment of a schoolhouse, which sum shall be paid by the Secretary of the Treasury to the treasurer of the Territory of Alaska upon the order and voucher of the Governor out of that portion of the said Alaska fund set apart for the establishment and maintenance of public schools. The residue of said portion of said fund, or so much thereof as may be necessary, shall by the Governor be apportioned among the several school districts established under the provisions of this section in amounts sufficient for each district to pay the wages of a teacher or teachers, together with the expense of fuel and light, supplies, and janitor service for nine months' school in each year. And the amounts so apportioned to each school district shall be paid to the treasurer of the Territory of Alaska by the Secretary of the Treasury upon the order and voucher of the Governor out of the said portion of said fund."

Approved, June 1, 1938.

[CHAPTER 315]

AN ACT

To refund sums paid by the railroads and other carriers of the United States under the Railroad Retirement Act of 1934.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, including the balance remaining in the fund in the Treasury designated "Railroad Retirement Trust Fund", to the railroad companies and other carriers of the United States, their trustees or receivers, their proportionate share of a sum not to exceed \$139,000, in full settlement of all their claims against the United States for a refund of sums paid into the Treasury of the United States by order of the Railroad Retirement Board created by the Act of Congress of June 27, 1934, known as "Railroad Retirement Act", which Act was on May 6, 1935, declared unconstitutional by the Supreme Court of the United States.

SEC. 2. Claims for refund hereunder shall be filed within one year from the approval of this Act, and the Secretary of the Treasury may promulgate such rules and regulations as he deems necessary for carrying out the purpose of this Act.

Approved, June 1, 1938.

[CHAPTER 316]

AN ACT

To provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when title to all the lands, structures, and other property in the area at Saratoga, New York, whereon was fought the Battle of Saratoga during the War of the Revolution, shall have been vested in the United States, such area shall be, and it is hereby, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the Saratoga National Historical Park: *Provided,* That such area shall include that part of the Saratoga Battlefield now belonging to the State of New York and any additional lands in the immediate vicinity thereof which the Secretary

June 1, 1938

[S. 3526]

[Public, No. 575]

Railroad Retirement Act of 1934.
Refund of sums paid by railroads, etc., under.

48 Stat. 1283.

45 U. S. C. §§ 201-214.

Time limitation on filing claims.

June 1, 1938

[H. R. 4852]

[Public, No. 576]

Saratoga National Historical Park, N. Y. Establishment, when title to lands is vested in United States.

Proviso. Inclusion of battlefield, etc.