

with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this Act be available to pay any premiums or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

Limitation on cash rewards.

SEC. 2. No part of any money appropriated by this Act shall be used for maintaining, driving, or operating any Government-owned motor-propelled passenger-carrying vehicle assigned for the exclusive use of persons other than the Secretary of War and medical officers on out-patient medical service.

Private use of Government vehicles.

SEC. 3. No part of any appropriation made by this Act shall be used in any way to pay any expense in connection with the conduct, operation, or management of any post exchange, branch exchange, or subexchange within any State, Territory, or the District of Columbia, save and except for real assistance and convenience to military personnel and civilians employed or serving at military posts and to retired enlisted naval personnel in supplying them with articles of small personal needs, not similar to those furnished by the Government: *Provided*, That the commanding officer of the post at which any such exchange is situated shall certify on the monthly report of the post exchange council that such exchange was, during the period covered by such report, operated in compliance with this section: *Provided further*, That at posts isolated from a convenient market the Secretary of War may broaden the nature of the articles to be sold.

Limitation on use of funds for post exchanges.

Provisos.
Report required.

Isolated posts.

SEC. 4. This Act may be cited as the "Military Appropriation Act, 1939".

Short title.

Approved, June 11, 1938.

[CHAPTER 348]

AN ACT

Making appropriations for the fiscal year ending June 30, 1939, for civil functions administered by the War Department, and for other purposes.

June 11, 1938
[H. R. 10291]
[Public, No. 591]

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 fiscal year ending June 30, 1939, for civil functions administered by the War Department, and for other purposes, namely:

War Department
Civil Appropriation
Act, 1939.

QUARTERMASTER CORPS

Quartermaster
Corps.

CEMETERIAL EXPENSES

National cemeteries.

For maintaining and improving national cemeteries, including fuel for and pay of superintendents and the superintendent at Mexico City, and other employees; purchase of land; purchase of tools and materials; and for the repair, maintenance, and operation of motor vehicles; care and maintenance of the Arlington Memorial Amphitheater, chapel, and grounds in the Arlington National Cemetery, and that portion of Congressional Cemetery to which the United States has title and the graves of those buried therein, including Confederate graves, and including the burial site of Pushmataha, a Choctaw Indian chief; repair to roadways but not to more than a single approach road to any national cemetery constructed under

Maintenance, improvement, etc.

Vehicles.
Arlington, Va.

Plot in Congressional Cemetery, D. C.

Roadways; limitation.

Headstones.
20 Stat. 281; 34 Stat.
56; 38 Stat. 768; 45
Stat. 1307.
24 U. S. C. §§ 279,
280, 280a.

Recovery of bodies,
etc.

45 Stat. 251.
10 U. S. C. § 916.

Monuments, etc.,
in Cuba and China.

Confederate ceme-
teries, etc.

50 Stat. 515.

Fort Bliss National
Cemetery, Tex.
49 Stat. 1514.

Acquisition of land,
San Francisco, Calif.

Provisos.
Encroachments for-
bidden.

Roadway repairs re-
stricted.

Conveyance to
State, etc., of U. S.
interest in any ap-
proach road, national
cemetery.

Provisos.
Acceptance and
maintenance provi-
sions.

Transfer of Jurisdic-
tion.

Signal Corps.

Alaska Communica-
tion System.

Operation, improve-
ment, etc.

Proviso.
Report to Congress.

special Act of Congress; headstones for unmarked graves of soldiers, sailors, and marines under the Acts approved March 3, 1873 (24 U. S. C. 279), February 3, 1879 (24 U. S. C. 280), March 9, 1906 (34 Stat. 56), March 14, 1914 (38 Stat. 768), and February 26, 1929 (24 U. S. C. 280a), and civilians interred in post cemeteries; recovery of bodies and disposition of remains of military personnel and civilian employees of the Army under Act approved March 9, 1928 (10 U. S. C. 916); travel allowances of attendants accompanying remains of military personnel and civilian employees; for repairs and preservation of monuments, tablets, roads, fences, and so forth, made and constructed by the United States in Cuba and China to mark the places where American soldiers fell; care, protection, and maintenance of the Confederate Mound in Oakwood Cemetery at Chicago, the Confederate Stockade Cemetery at Johnstons Island, the Confederate burial plats owned by the United States in Confederate Cemetery at North Alton, the Confederate Cemetery, Camp Chase, at Columbus, the Confederate Cemetery at Point Lookout, and the Confederate Cemetery at Rock Island; and for care and maintenance of graves used by the Army for burials in commercial cemeteries, \$1,719,840, and in addition, \$25,000 of the appropriation "Cemeterial Expenses, War Department, 1938", such amount of such appropriation being hereby reappropriated, and of the total of such sums, \$53,450 shall be available for the development of the Fort Bliss National Cemetery, as authorized by the Act of June 15, 1936 (49 Stat. 1514), and not in excess of \$170,000 shall be available for the acquisition of land in the vicinity of San Francisco, California, at an average cost of not to exceed \$1,000 per acre: *Provided*, That no railroad shall be permitted upon any right-of-way which may have been acquired by the United States leading to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this appropriation shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

The Secretary of War is authorized to convey to any State, county, municipality, or proper agency thereof, in which the same is located, all the right, title, and interest of the United States in and to any Government owned or controlled approach road in any national cemetery: *Provided*, That prior to the delivery of any instrument of conveyance hereunder, the State, county, municipality, or agency to which the conveyance herein authorized is to be made, shall notify the Secretary of War in writing of its willingness to accept and maintain the road included in such conveyance: *Provided further*, That upon the execution and delivery of any conveyance herein authorized, the jurisdiction of the United States of America over the road conveyed, shall cease and determine and shall thereafter vest in the State in which said road is located.

SIGNAL CORPS

ALASKA COMMUNICATION SYSTEM

For operation, maintenance, and improvement of the Alaska Communication System, including travel allowances and travel in kind as authorized by law, and operation and maintenance of passenger-carrying vehicles, \$187,600, to be derived from the receipts of the Alaska Communication System which have been covered into the Treasury of the United States, and to remain available until the close of the fiscal year 1940: *Provided*, That the Secretary of War shall report to Congress the extent and cost of any extensions and betterments which may be effected under this appropriation.

BUREAU OF INSULAR AFFAIRS

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

For the maintenance of the office of the United States High Commissioner to the Philippine Islands as authorized by subsection 4 of section 7 of the Act approved March 24, 1934 (48 Stat., p. 456), including salaries and wages; rental, furnishings, equipment, maintenance, renovation, and repair of office quarters and living quarters for the High Commissioner; supplies and equipment; purchase and exchange of lawbooks and books of reference, periodicals, and newspapers; traveling expenses, including for persons appointed hereunder within the United States and their families, actual expenses of travel and transportation of household effects from their homes in the United States to the Philippine Islands, and return, utilizing Government vessels whenever practicable; operation, maintenance, and repair of motor vehicles, purchase and exchange of three automobiles at prices not to exceed \$2,600 for one and \$1,200 each for two, and all other necessary expenses, \$181,930, of which amount \$2,500 shall be available as of April 1, 1938, and of which amount not exceeding \$10,000 shall be available for expenditure in the discretion of the High Commissioner for maintenance of his household and such other purposes as he may deem proper: *Provided*, That the salary of the legal adviser and the financial expert shall not exceed the annual rate of \$10,000 and \$9,000 each, respectively: *Provided further*, That section 3709 of the Revised Statutes (41 U. S. C. 5), shall not apply to any purchase or service rendered under this appropriation when the aggregate amount involved does not exceed the sum of \$100.

CORPS OF ENGINEERS

To be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, and to remain available until expended:

RIVERS AND HARBORS

For the preservation and maintenance of existing river and harbor works, and for the prosecution of such projects heretofore authorized as may be most desirable in the interests of commerce and navigation; for survey of northern and northwestern lakes and other boundary and connecting waters as heretofore authorized, including the preparation, correction, printing, and issuing of charts and bulletins and the investigation of lake levels; for prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City; for expenses of the California Débris Commission in carrying on the work authorized by the Act approved March 1, 1893 (33 U. S. C. 661); for removing sunken vessels or craft obstructing or endangering navigation as authorized by law; for operating and maintaining, keeping in repair, and continuing in use without interruption any lock, canal (except the Panama Canal), canalized river, or other public works for the use and benefit of navigation belonging to the United States; for payment annually of tuition fees of not to exceed forty-five student officers of the Corps of Engineers at civil technical institutions under the provisions of section 127a of the National Defense Act, as amended (10 U. S. C. 535); for examinations, surveys, and contingencies of rivers and harbors; for printing and binding, and office supplies and equipment required in the Office of the Chief of Engineers to carry out the purposes of this appropriation, including such printing as may be authorized by the Committee on Printing of the House of Representa-

Bureau of Insular Affairs.

Philippine Islands.

United States High Commissioner's office.
48 Stat. 456.
48 U. S. C. § 1237 (4).
Salaries and expenses.

Traveling, etc., expenses.

Vehicles.

Household, etc., expenses.

Provisos.
Legal adviser and financial expert.Minor purchases.
R. S. § 3709.
41 U. S. C. § 5.

Corps of Engineers.

Availability.

Rivers and harbors.

Maintenance of existing works.

Survey of boundary, etc., waters.

New York harbor.

California Débris Commission.
27 Stat. 507.
33 U. S. C. § 661.
Removal of navigation obstructions.

Student officers at civil technical institutions.

41 Stat. 785; 44 Stat. 705.
10 U. S. C. § 535.
Surveys, etc.
Printing and binding.

Vehicles, etc.

Provisions.
Unauthorized surveys, etc., forbidden.
Extending channel of Mississippi River above Saint Anthony Falls.

Post, p. 809.

Operation of certain types of projects.
Post, p. 811.
Allocation provisions waived.
Post, p. 811.

Further augmentation.

50 Stat. 517, 518.

Reduction in general flood control appropriation; transfer of amounts.

Maintenance of harbor channels.

Conditions imposed.

Power-driven boats, restriction on use.

Permanent International Commission of the Congresses of Navigation.

tives, either during a recess or session of Congress, of surveys authorized by law, and such surveys as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress, and for the purchase (not to exceed \$173,340) of motor-propelled passenger-carrying vehicles and motor-boats, for official use: *Provided*, That no part of this appropriation shall be expended for any preliminary examination, survey, project, or estimate not authorized by law, nor for any work upon or incident to the project to extend the channel of the Mississippi River above Saint Anthony Falls, \$70,020,000, and, in augmentation of the foregoing appropriation of \$70,020,000, \$18,000,000 of the amount named for public projects in the second limitation under (d) in subsection 1 of section 1, Title I, of the Emergency Relief Appropriation Act of 1938, shall be available exclusively for the objects embraced by this paragraph: *Provided*, That nothing herein shall be construed as amending or modifying the provisions of section 3 of Title I of such Act: *Provided further*, That the requirement in section 5 of Title I of such Act that no Federal construction project, with certain exceptions, shall be undertaken unless and until there have been allocated and irrevocably set aside sufficient funds for its completion is hereby waived as to this appropriation; and further in augmentation of the foregoing appropriation of \$70,020,000, there is hereby reappropriated for the objects embraced by this paragraph \$24,000,000, or such lesser sum as may remain unobligated on April 21, 1938, or which subsequently may be ascertained to have been unobligated on such date of the appropriations "Emergency Relief, War, Corps of Engineers, Flood Control, General (Act July 19, 1937), 1938", and "Emergency Relief, War, Corps of Engineers, Flood Control, Mississippi River and Tributaries (Act July 19, 1937), 1938": *Provided further*, That to the extent that the foregoing sum of \$24,000,000 may be reduced by obligations for flood control made prior to April 21, 1938, the appropriation for general flood control contained in the next succeeding paragraph shall be reduced by a like amount and such amount shall then be transferred from the appropriation for general flood control to the appropriation made in this paragraph: *Provided further*, That from this appropriation the Secretary of War may, in his discretion and on the recommendation of the Chief of Engineers based on the recommendation by the Board of Rivers and Harbors in the review of a report or reports authorized by law, expend such sums as may be necessary for the maintenance of harbor channels provided by a State, municipality, or other public agency, outside of harbor lines and serving essential needs of general commerce and navigation, such work to be subject to the conditions recommended by the Chief of Engineers in his report or reports thereon: *Provided further*, That no appropriation under the Corps of Engineers for the fiscal year 1939 shall be available for any expenses incident to operating any power-driven boat or vessel on other than Government business: *Provided further*, That not to exceed \$3,000 of the amount herein appropriated shall be available for the support and maintenance of the Permanent International Commission of the Congresses of Navigation and for the payment of the actual expenses of the properly accredited delegates of the United States to the meeting of the congresses and of the commission.

Flood control.

FLOOD CONTROL

Public works on rivers and harbors.

49 Stat. 1570; 50 Stat. 517, 576, 806.

33 U. S. C., Supp. III, ch. 15.

Printing and binding.

Flood control: For the construction of certain public works on rivers and harbors for flood control, and for other purposes, in accordance with the provisions of the Flood Control Act, approved June 22, 1936, as amended (49 Stat. 1570-1595; 50 Stat. 517-518, 876-881), and the Act of August 25, 1937 (50 Stat. 806), including printing and binding, and office supplies and equipment required in the Office

of the Chief of Engineers to carry out the purposes of this appropriation, the purchase (not to exceed \$33,250) of motor-propelled passenger-carrying vehicles and motorboats for official use, and not to exceed \$3,000,000 for preliminary examinations and surveys of flood-control projects authorized by law, \$82,000,000: *Provided*, That \$7,000,000 of this appropriation shall be transferred and made available to the Secretary of Agriculture, and of such sum not to exceed \$3,000,000 shall be available for preliminary examinations and surveys, as authorized by law, for run-off and water-flow retardation and soil-erosion prevention on the watersheds of flood-control projects, and not to exceed \$4,000,000 shall be available for the prosecution, under plans to be approved by the Secretary of Agriculture, of works of improvement for measures of run-off and waterflow retardation and soil erosion prevention upon the watersheds of waterways for which works of improvement for the benefit of navigation and the control of destructive floodwaters and other provisions have been or hereafter may be adopted or authorized by law, including the employment of persons in the District of Columbia and elsewhere, purchase of books and periodicals, printing and binding, rent in the District of Columbia, the purchase (not to exceed \$75,000) of motor-propelled passenger-carrying vehicles and motorboats, and for other necessary expenses.

Flood control, Mississippi River and tributaries: For prosecuting work of flood control in accordance with the provisions of the Flood Control Act, approved May 15, 1928 (33 U. S. C. 702a), as at present or subsequently amended and supplemented, including printing and binding, and office supplies and equipment required in the office of the Chief of Engineers to carry out the purposes of this appropriation, and for the purchase (not to exceed \$53,450) of motor-propelled passenger-carrying vehicles and motorboats for official use, \$31,000,000.

Emergency fund for flood control on tributaries of Mississippi River: For rescue work and for repair or maintenance of any flood-control work on any tributaries of the Mississippi River threatened or destroyed by flood, in accordance with section 9 of the Flood Control Act, approved June 15, 1936 (49 Stat. 1508), \$800,000.

Flood control, Lowell Creek, Alaska: For maintenance of flood-control works in accordance with the Act approved February 14, 1933 (47 Stat. 802), \$1,000.

Flood control, Salmon River, Alaska: For maintenance repairs to dikes in the flood-control works at the town of Hyder, Alaska, as authorized by the Act approved June 18, 1934 (48 Stat. 991), \$800.

UNITED STATES SOLDIERS' HOME

For maintenance and operation of the United States Soldiers' Home, to be paid from the Soldiers' Home Permanent Fund, \$801,572.

THE PANAMA CANAL

For every expenditure requisite for and incident to the maintenance and operation, sanitation, and civil government of the Panama Canal and Canal Zone, including the following: Compensation of all officials and employees; foreign and domestic newspapers and periodicals; law books not exceeding \$1,000; textbooks and books of reference; printing and binding, including printing of annual report; rent and personal services in the District of Columbia; purchase or exchange of typewriting, adding, and other machines; purchase or exchange, maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles; claims for damages

Vehicles.

Preliminary examinations, etc.

Provisos.
Run-off retardation, etc., surveys.

Prosecution of run-off, etc., retardation measures, on watersheds of flood-control projects.

Personal services.

Mississippi River and tributaries.

45 Stat. 534; 49 Stat. 1508.
33 U. S. C. § 702a; Supp. III, § 702a-1.

Emergency fund for flood control.

49 Stat. 1511.
33 U. S. C., Supp. III, §§ 702g-1.

Lowell Creek, Alaska.
47 Stat. 802.

Salmon River, Alaska.
48 Stat. 991.
33 U. S. C. § 705.

United States Soldiers' Home.

Maintenance, etc.

The Panama Canal.

All expenses.

Objects specified.

Printing and binding.

Vehicles.

Damage claims.

to vessels passing through the locks of the Panama Canal, as authorized by the Panama Canal Act; claims for losses of or damages to property arising from the conduct of authorized business operations; claims for damages to property arising from the maintenance and operation, sanitation, and civil government of the Panama Canal; acquisition of land and land under water, as authorized in the Panama Canal Act; expenses incurred in assembling, assorting, storing, repairing, and selling material, machinery, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal which are unserviceable or no longer needed, to be reimbursed from the proceeds of such sale; expenses incident to conducting hearings and examining estimates for appropriations on the Isthmus; expenses incident to any emergency arising because of calamity by flood, fire, pestilence, or like character not foreseen or otherwise provided for herein; traveling expenses, when prescribed by the Governor of the Panama Canal to persons engaged in field work or traveling on official business; not to exceed \$2,000 for travel and subsistence expenses of members of the police and fire forces of the Panama Canal incident to their special training in the United States; transportation, including insurance, of public funds and securities between the United States and the Canal Zone; and for such other expenses not in the United States as the Governor of the Panama Canal may¹ deem necessary best to promote the maintenance and operation, sanitation, and civil government of the Panama Canal, all to be expended under the direction of the Governor of the Panama Canal and accounted for as follows:

Emergencies.

Public funds and securities, transportation and insurance.

Maintenance and operation.
Governor's salary.
Supplies, equipment, etc.

Payment to alien cripples.
39 Stat. 750.
5 U. S. C. § 793.

Relief payments.
50 Stat. 478.
48 U. S. C., Supp. III, § 1372.

Sanitation, etc.
Support of the insane, lepers, etc.
Deportation expenses.

Chief quarantine officer.

Civil government expenses.

Availability.

Additional sums.

For maintenance and operation of the Panama Canal: Salary of the Governor, \$10,000; contingencies of the Governor, to be expended in his discretion, not exceeding \$3,000; purchase, inspection, delivery, handling, and storing of materials, supplies, and equipment for issue to all departments of the Panama Canal, the Panama Railroad, other branches of the United States Government, and for authorized sales; payment in lump sums of not exceeding the amounts authorized by the Injury Compensation Act approved September 7, 1916 (5 U. S. C. 793), to alien cripples who are now a charge upon the Panama Canal by reason of injuries sustained while employed in the construction of the Panama Canal; and relief payments authorized by the Act approved July 8, 1937 (50 Stat. 478); in all, \$8,149,000, together with all moneys arising from the conduct of business operations authorized by the Panama Canal Act.

For sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable, and the purchase of artificial limbs or other appliances for persons who were injured in the service of the Isthmian Canal Commission or the Panama Canal prior to September 7, 1916, and including additional compensation to any officer of the United States Public Health Service detailed with the Panama Canal as chief quarantine officer, \$933,800.

For civil government of the Panama Canal and Canal Zone, including gratuities and necessary clothing for indigent discharged prisoners, \$1,167,325.

Total, Panama Canal, \$10,250,125, to be available until expended.

In addition to the foregoing sums there is appropriated for the fiscal year 1939 for expenditures and reinvestment under the several heads of appropriation aforesaid, without being covered into the Treasury of the United States, all moneys received by the Panama

¹ So in original.

Canal from services rendered or materials and supplies furnished to the United States, the Panama Railroad Company, the Canal Zone government, or to their employees, respectively, or to the Panama Government, from hotel and hospital supplies and services; from rentals, wharfage, and like service; from labor, materials, and supplies and other services furnished to vessels other than those passing through the Canal, and to others unable to obtain the same elsewhere; from the sale of scrap and other byproducts of manufacturing and shop operations; from the sale of obsolete and unserviceable materials, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the Canal and Canal Zone; and any net profits accruing from such business to the Panama Canal shall annually be covered into the Treasury of the United States.

In addition there is appropriated for the operation, maintenance, and extension of waterworks, sewers, and pavements in the cities of Panama and Colon, during the fiscal year 1939, the necessary portions of such sums as shall be paid as water rentals or directly by the Government of Panama for such expenses.

SEC. 2. This Act may be cited as the "War Department Civil Appropriation Act, 1939".

Approved, June 11, 1938.

Disposition of net profits.

Waterworks, sewers, and pavements, Panama and Colon.

Short title.

[CHAPTER 349]

AN ACT

To provide for holding terms of the district court of the United States at Hutchinson, Kansas.

June 13, 1938
[S. 3373]

[Public, No. 592]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 82 of the Judicial Code, as amended (U. S. C., title 28, sec. 157) is amended to read as follows:

United States courts.
35 Stat. 1112.
28 U. S. C. § 157.

"The State of Kansas shall constitute one judicial district, to be known as the district of Kansas. It is divided into three divisions, to be known as the first, second, and third divisions of the district of Kansas. The first division shall include the territory embraced on the 1st day of July 1910 in the counties of Atchison, Brown, Chase, Cheyenne, Clay, Cloud, Decatur, Dickinson, Doniphan, Douglas, Ellis, Franklin, Geary, Gove, Graham, Jackson, Jefferson, Jewell, Johnson, Leavenworth, Lincoln, Logan, Lyon, Marion, Marshall, Mitchell, Morris, Nemaha, Norton, Osage, Osborne, Ottawa, Phillips, Pottawatomie, Rawlins, Republic, Riley, Rooks, Russell, Saline, Shawnee, Sheridan, Sherman, Smith, Thomas, Trego, Wabaunsee, Wallace, Washington, and Wyandotte. The second division shall include the territory embraced on the date last mentioned in the counties of Barber, Barton, Butler, Clark, Comanche, Cowley, Edwards, Ellsworth, Finney, Ford, Grant, Gray, Greeley, Hamilton, Harper, Harvey, Hodgeman, Haskell, Kingman, Kiowa, Kearney, Lane, McPherson, Morton, Meade, Ness, Pratt, Pawnee, Reno, Rice, Rush, Scott, Sedgwick, Stafford, Stevens, Seward, Sumner, Stanton, and Wichita. The third division shall include the territory embraced on the said date last mentioned in the counties of Allen, Anderson, Bourbon, Cherokee, Coffey, Chautauqua, Crawford, Elk, Greenwood, Labette, Linn, Miami, Montgomery, Neosho, Wilson, and Woodson. Terms of the district court for the first division shall be held at Leavenworth on the second Monday in October; at Topeka on the second Monday in April; at Kansas City on the first Monday in October and the first Monday in December; and at

Kansas judicial district.

First division.

Second division.

Third division.

Terms.
First division.