

47 Stat. 1552; 48 Stat. 649; 50 Stat. 27.

*Proviso.*  
Resubmission of plans.

Amendment.

March 4, 1933, heretofore extended by Acts of Congress approved April 30, 1934, and March 10, 1937, is hereby further extended two years from March 4, 1940: *Provided*, That it shall not be lawful to continue construction of said bridge until plans therefor shall again be submitted to and approved by the Chief of Engineers and by the Secretary of War.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, August 7, 1939.

[CHAPTER 555]

AN ACT

To amend sections 712, 802, and 902 of the Merchant Marine Act, 1936, as amended, relative to the requisitioning of vessels.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 712 of the Merchant Marine Act, 1936, as amended (49 Stat. 2010; U. S. C., 1934 edition, Supp. IV, title 46, sec. 1202), is amended to read as follows:

“SEC. 712. Every charter shall provide—

“(a) That the charterer shall carry on the chartered vessels, at his own expense, policies of insurance covering all marine and port risks, protection and indemnity risks, and all other hazards and liabilities, in such amounts, in such form, and in such insurance companies as the Commission shall require and approve, adequate to cover all damages claimed against and losses sustained by the chartered vessels arising during the life of the charter: *Provided*, That in accordance with existing law, some or all of such insurance risks may be underwritten by the Commission itself as in its discretion it may determine.

“(b) That the charterer shall at its own expense keep the chartered vessel in good state of repair and in efficient operating condition and shall at its own expense make any and all repairs as may be required by the Commission.

“(c) That the Commission shall have the right to inspect the vessel at any and all times to ascertain its condition.

“(d) That whenever the President shall proclaim that the security of the national defense makes it advisable, or during any national emergency declared by proclamation of the President, the Commission may terminate the charter without cost to the United States, upon such notice to the charterers as the President shall determine.”

SEC. 2. That section 802 of the Merchant Marine Act, 1936, as amended (52 Stat. 962; U. S. C., 1934 edition, Supp. IV, title 46, sec. 1212), is amended to read as follows:

“SEC. 802. Every contract executed by the Commission under authority of title V of this Act shall provide that—

“In the event the United States shall, through purchase or requisition, acquire ownership of the vessel or vessels on which a construction-differential subsidy was paid, the owner shall be paid therefor the value thereof, but in no event shall such payment exceed the actual depreciated construction cost thereof (together with the actual depreciated cost of capital improvements thereon, but excluding the cost of national-defense features) less the depreciated amount of construction-differential subsidy theretofore paid incident to the construction or reconditioning of such vessel or vessels, or the fair and reasonable scrap value of such vessel as determined by the Commission, whichever is the greater. Such determination shall be final. In computing the depreciated value of such vessel, depreciation shall be computed on each vessel on the schedule adopted by the Bureau of Internal Revenue for income-tax purposes.

August 7, 1939  
[H. R. 4983]  
[Public, No. 328]

Merchant Marine Act, 1936, amendments.  
49 Stat. 2010.  
46 U. S. C., Supp. IV, § 1202.

Charter provisions.  
Insurance requirements.

*Proviso.*  
Underwriting by Commission.

Care, etc., of vessel.

Inspection.

Termination of charter in national emergency.

49 Stat. 2011; 52 Stat. 962.  
46 U. S. C., Supp. IV, § 1212.

Construction contract provisions.

Acquisition of vessels on which construction-differential subsidy paid.  
Payment to owner; determination of amount.

Depreciation; computation.

"The foregoing provision respecting the requisition or the acquisition of ownership by the United States shall run with the title to such vessel or vessels and be binding on all owners thereof."

SEC. 3. That section 902 of the Merchant Marine Act, 1936, as amended (49 Stat. 2015; U. S. C., 1934 edition, Supp. IV, title 46, sec. 1242), is amended to read as follows:

"SEC. 902. (a) Whenever the President shall proclaim that the security of the national defense makes it advisable or during any national emergency declared by proclamation of the President, it shall be lawful for the Commission to requisition or purchase any vessel or other watercraft owned by citizens of the United States, or under construction within the United States, or for any period during such emergency, to requisition or charter the use of any such property. The termination of any emergency so declared shall be announced by a further proclamation by the President. When any such property or the use thereof is so requisitioned, the owner thereof shall be paid just compensation for the property taken or for the use of such property, but in no case shall the value of the property taken or used be deemed enhanced by the causes necessitating the taking or use. If any property is taken and used under authority of this section, but the ownership thereof is not required by the United States, such property shall be restored to the owner in a condition at least as good as when taken, less ordinary wear and tear, or the owner shall be paid an amount for reconditioning sufficient to place the property in such condition. The owner shall not be paid for any consequential damages arising from a taking or use of property under authority of this section.

"(b) When any vessel is taken or used under authority of this section, upon which vessel a construction-differential subsidy has been allowed and paid, the value of the vessel at the time of its taking shall be determined as provided in section 802 of this Act, and in determining the value of any vessel taken or used, on which a construction-differential subsidy has not been paid, the value of any national defense features previously paid for by the United States shall be excluded.

"(c) If any property is taken and used under authority of this section, but the ownership thereof is not required by the United States, the Commission, at the time of the taking or as soon thereafter as the exigencies of the situation may permit, shall transmit to the person entitled to the possession of such property a charter setting forth the terms which, in the Commission's judgment, should govern the relations between the United States and such person and a statement of the rate of hire which, in the Commission's judgment, will be just compensation for the use of such property and for the services required under the terms of such charter. If such person does not execute and deliver such charter and accept such rate of hire, the Commission shall pay to such person on account of just compensation a sum equal to 75 per centum of such rate of hire as the same may from time to time be due under the terms of the charter so tendered, and such person shall be entitled to sue the United States to recover such further sum as added to such 75 per centum will make up such amount as will be just compensation for the use of the property and for the services required in connection with such use. In the event of loss or damage to such property, due to operation of a risk assumed by the United States under the terms of a charter prescribed in this subsection, but no valuation of such vessel or other property or mode of compensation has been agreed to, the United States shall pay just compensation for such loss or damage, to the extent the person entitled thereto is not reimbursed therefor through policies of insurance against such loss or damage.

Title.

49 Stat. 2015.  
46 U. S. C., Supp.  
IV, § 1242.Requisition, etc., of  
vessels by Commission  
during national  
emergency.Vessels under con-  
struction included.Termination of  
emergency.  
Payment.Property taken and  
used but not required;  
restoration to owner,  
etc.Determination of  
value of vessel taken  
on which construction-  
differential subsidy  
has been paid.Provision where  
subsidy has not been  
paid.Property taken and  
used but ownership  
not required by U. S.

Rate of hire.

Suit, etc., if amount  
unsatisfactory.Payment for loss or  
damage due to Gov-  
ernment operation.

Prompt payment as soon as just compensation determined.

Payment of 75 per cent of amount determined; suit for further sum if amount unsatisfactory.

28 U. S. C. §§ 41 (20), 250.

Repair, reconstruction, etc., of acquired property.

Property transfers.

49 Stat. 1987.  
46 U. S. C., Supp. IV, § 1116.

“(d) In all cases, the just compensation authorized by this section shall be determined and paid by the Commission as soon as practicable, but if the amount of just compensation determined by the Commission is unsatisfactory to the person entitled thereto, such person shall be paid 75 per centum of the amount so determined and shall be entitled to sue the United States to recover such further sum as, added to said 75 per centum will make up such amount as will be just compensation therefor, in the manner provided for by section 24, paragraph 20, and section 145 of the Judicial Code (U. S. C., 1934 edition, title 28, secs. 41, 250).

“(e) The Commission is authorized to repair, recondition, reconstruct, and operate, or charter for operation, any property acquired under authority of this section. The Commission is further authorized to transfer the possession or control of any such property to any department or agency of the Government of the United States upon such terms and conditions as may be approved by the President. In case of any such transfer the department or agency to which the transfer is made shall promptly reimburse the Commission for its expenditures on account of just compensation, purchase price, repairs, reconditioning, reconstruction, or charter hire for the property transferred. Such reimbursements shall be deposited in the construction fund established by section 206 of this Act.”

Approved, August 7, 1939.

[CHAPTER 556]

AN ACT

To provide for the establishment of a Coast Guard station on the shore of North Carolina at or near Wrightsville Beach, New Hanover County.

*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 establish a Coast Guard station on the shore of North Carolina, at or near Wrightsville Beach, New Hanover County, at such point as the Commandant of the Coast Guard may recommend.

Approved, August 7, 1939.

[CHAPTER 557]

AN ACT

To amend section 194 of an Act entitled “An Act to codify, revise, and amend the penal laws of the United States”, approved March 4, 1909 (35 Stat. L. 1088).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 194 of the Act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909, as amended (U. S. C., 1934 edition, title 18, sec. 317), be amended to read as follows:

“SEC. 194. Whoever shall steal, take, or abstract, or by fraud or deception obtain, or attempt so to obtain, from or out of any mail, post office, or station thereof, or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or whoever shall steal, take, or abstract, or by fraud or deception obtain any letter, postal card, package, bag, or mail, which has been left for collection upon or adjacent to a collection box or other authorized

Wrightsville Beach, New Hanover County, N. C.

Establishment of Coast Guard station authorized.

August 7, 1939  
[H. R. 6037]  
[Public, No. 330]

Criminal Code, amendment.  
35 Stat. 1125.  
18 U. S. C. § 317;  
Supp. IV, § 317.

Stealing, secreting, embezzling, etc., mail matter.

Mail left upon collection box, etc.