

## [CHAPTER 520]

## AN ACT

To extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Illinois.

July 2, 1940  
[H. R. 9509]  
[Public, No. 715]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge across the Ohio River at or near Shawneetown, Illinois, authorized to be built by the County of Gallatin, State of Illinois, by an Act of Congress approved July 18, 1939, is hereby extended one and three years, respectively, from July 18, 1940.

Ohio River.  
Time extended for bridging, at Shawneetown, Ill.

53 Stat. 1058.

Right reserved.

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

Approved, July 2, 1940.

## [CHAPTER 521]

## AN ACT

To amend the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

July 2, 1940  
[H. R. 9594]  
[Public, No. 716]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 12 (b) of the Soil Conservation and Domestic Allotment Act, as amended, be amended by adding the following sentence at the end thereof: "In carrying out the provisions of this subsection, the Secretary may transfer to the Federal Crop Insurance Corporation, prior to the execution of applications for insurance or requests for advances by producers, the funds estimated as necessary to cover the advances which will be requested for the payment of premiums under a crop-insurance program, and any portion of such funds not used for advances to producers under such program shall be returned to the Secretary by the Federal Crop Insurance Corporation."

Soil Conservation and Domestic Allotment Act, amendments.

53 Stat. 550.  
16 U. S. C., Supp. V, § 590f.

Transfer of designated funds to Federal Crop Insurance Corporation.

SEC. 2. That paragraph (5) of subsection (c) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding at the end thereof the following sentence: "Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based."

52 Stat. 33.  
16 U. S. C., Supp. V, § 590h (c) (5).

Wheat or corn, normal yield redetermination.

SEC. 3. That paragraph (6) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(6) (A) 'Market', in the case of corn, cotton, rice, tobacco, and wheat, means to dispose of, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos, and, in the case of corn and wheat, by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or to be so disposed of, but does not include disposing of any of such commodities as premium to the Federal Crop Insurance Corporation under title V.

Agricultural Adjustment Act of 1938, amendments.

52 Stat. 40.  
7 U. S. C., Supp. V, § 1301 (b) (6).

"Market," in the case of corn, cotton, rice, tobacco, and wheat.

"(B) 'Marketed', 'marketing', and 'for market' shall have corresponding meanings to the term 'market' in the connection in which they are used."

"Marketed," "marketing," etc., construed.

SEC. 4. That subparagraph (A) of paragraph (13) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

52 Stat. 41.  
7 U. S. C., Supp. V, § 1301 (b) (13) (A).

Corn or wheat, normal yield determination and redetermination.

"(13) (A) 'Normal yield' for any county, in the case of corn or wheat, shall be the average yield per acre of corn or wheat for the county during the ten calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based."

52 Stat. 41.  
7 U. S. C., Supp. V,  
§ 1301 (b) (13) (B).

SEC. 5. That subparagraph (B) of paragraph (13) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

Cotton, normal yield determination.

"(B) 'Normal yield' for any county, in the case of cotton, shall be the average yield per acre of cotton for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined."

52 Stat. 204.  
7 U. S. C., Supp. V,  
§ 1372 (c).  
Refund of penalties erroneously collected.

SEC. 6. That subsection (c) of section 372 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words "within one year" and inserting in lieu thereof the words "within two years"; by adding after the words "wrongfully collected" and before the comma the words "and the claimant bore the burden of the payment of such penalty"; and by adding after the first paragraph the following new paragraph:

Identification of farms.  
Scheduling of receipts, etc.

"Notwithstanding any other provision of law, the Secretary is authorized to prescribe by regulations for the identification of farms and it shall be sufficient to schedule receipts into special deposit accounts or to schedule such receipts for transfer therefrom, or directly, into the separate fund provided for in subsection (b) hereof by means of such identification without reference to the names of the producers on such farms."

52 Stat. 68.  
7 U. S. C., Supp. V,  
§ 1385.

Payments in case of payee's death, etc.

SEC. 7. That section 385 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new sentence: "In case any person who is entitled to any such payment dies, becomes incompetent, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provisions of law, be made as the Secretary of Agriculture may determine to be fair and reasonable in all the circumstances and provide by regulations."

52 Stat. 69.  
7 U. S. C., Supp. V,  
§ 1391.

Loans by Commodity Credit Corporation.

SEC. 8. That section 391 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding thereto the following new subsection:

49 Stat. 1149, 1151.  
16 U. S. C., Supp. V,  
§§ 590b, 590f.

Repayment.

49 Stat. 1149-1151.  
16 U. S. C., Supp. V,  
§§ 590g-590q.

"(c) During each fiscal year, beginning with the fiscal year ending June 30, 1941, the Commodity Credit Corporation is authorized and directed to loan to the Secretary such sums, not to exceed \$50,000,000, as he estimates will be required during such fiscal year, to make crop insurance premium advances and to make advances pursuant to the applicable provisions of sections 8 and 12 of the Soil Conservation and Domestic Allotment Act, as amended, in connection with programs applicable to crops harvested in the calendar year in which such fiscal year ends, and to pay the administrative expenses of county agricultural conservation associations for the calendar year in which such fiscal year ends. The sums so loaned during any fiscal year shall be transferred to the current appropriation available for carrying out sections 7 to 17 of such Act and shall be repaid, with interest at a rate to be determined by the Secretary but not less than the cost of money to the Commodity Credit Corporation for a comparable period, during the succeeding fiscal year from the appropria-

tion available for that year or from any unobligated balance of the appropriation for any other year.”

SEC. 9. That where an agricultural adjustment or conservation payment has been made to a person, and all or a part of such payment was earned by a second person by virtue of his having, in good faith, contributed to the rendering of performance for which the payment was made, but who did not enter into or apply for an adjustment contract prior to January 6, 1936, or with respect to any agricultural conservation payment did not apply for payment prior to the expiration of the obligating period of the applicable appropriation or prior to any earlier administrative closing date authorized by the Secretary of Agriculture, and the first person turned over to the second person, as substantiated by evidence acceptable to the Secretary, all or a part of the share of such payment so earned by the second person or refunds all or a part of such share to the United States, such second person shall be deemed to have been entitled to receive such sum from the first person, or where such amount is refunded to the United States shall be entitled to receive from the United States the amount so refunded, as a discharge, to the extent of the amount turned over to, or received by, such second person, of an obligation or commitment which is hereby deemed to have arisen by virtue of his contribution to the performance rendered.

An agricultural adjustment payment under this section shall be considered to be a payment made under section 8 of the Agricultural Adjustment Act of 1933 or the item entitled “Payments for agricultural adjustment”, contained in the Supplemental Appropriation Act, fiscal year 1936, as amended by the Act of June 25, 1936; and an agricultural conservation payment under this section shall be considered to be a payment made under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, under any program formulated for any year from 1936 to 1939, inclusive.

Approved, July 2, 1940.

Correction of certain inequities in agricultural adjustment or conservation payments.

Payments construed.

48 Stat. 34.  
7 U. S. O. § 608;  
Supp. V, § 608.  
49 Stat. 1116, 1925.

49 Stat. 1149.  
16 U. S. C., Supp.  
V, § 590b.

[CHAPTER 522]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Susquehanna River at or near the city of Harrisburg, Pennsylvania.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the times for commencing and completing the construction of a bridge across the Susquehanna River, at or near the city of Harrisburg, Pennsylvania, authorized to be built by the Dauphin County (Pennsylvania) Authority by an Act of Congress approved August 7, 1939, are hereby extended one and three years, respectively, from May 1, 1940.

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

Approved, July 2, 1940.

July 2, 1940  
[H. R. 9618]

[Public, No. 717]

Susquehanna River.  
Time extended for  
bridging, at Harris-  
burg, Pa.

53 Stat. 1263.

Right reserved.

[CHAPTER 523]

AN ACT

To enlarge and extend the power and jurisdiction of the Board of Education over degree-conferring institutions operating within the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Board of Education shall be, and is hereby, authorized and empowered to accredit junior colleges operating within the District of Columbia:

July 2, 1940  
[H. R. 9633]

[Public, No. 718]

District of Colum-  
bia.  
Accrediting of jun-  
ior colleges.