

## [CHAPTER 577]

## JOINT RESOLUTION

Authorizing Colonel Donald H. Connolly to hold the office of Administrator of Civil Aeronautics in the Department of Commerce.

July 11, 1940  
[S. J. Res. 283]  
[Pub. Res., No. 92]

Administrator of  
Civil Aeronautics.  
Col. Donald H.  
Connolly, authorized  
to hold office of.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That notwithstanding the provisions of section 1222 of the Revised Statutes (U. S. C., title 10, sec. 576), Colonel Donald H. Connolly, being a commissioned officer on the active list, Corps of Engineers, United States Army, is authorized to hold the office of Administrator of Civil Aeronautics in the Department of Commerce without loss of or prejudice to his status as a commissioned officer on the active list of the United States Army and if appointed to such civil office he shall receive in addition to his pay and allowances as such commissioned officer an amount equal to the difference between such pay and allowances as such commissioned officer and the salary prescribed by law for such civil office.

Approved, July 11, 1940.

## [CHAPTER 579]

## JOINT RESOLUTION

Granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia as signatory bodies, to enter into a compact for the creation of a Potomac Valley Conservancy District and the establishment of the Interstate Commission on the Potomac River basin.

July 11, 1940  
[S. J. Res. 222]  
[Pub. Res., No. 93]

Preamble.

50 Stat. 884.

Whereas the State of Maryland, by chapter 320 of its acts of 1939, approved May 3, 1939, and the Commonwealth of Virginia, by chapter 324 of its laws of 1940, approved March 29, 1940, and the Board of Commissioners of the District of Columbia acting pursuant to Public Resolution Numbered 74 of the Seventy-fifth Congress, chapter 891, of the first session, approved August 31, 1937, by resolution adopted April 16, 1940, have approved and desire to enter into a compact to create a Potomac Valley Conservancy District and to establish an Interstate Commission on the Potomac River Basin, to which compact by its terms the State of West Virginia and the Commonwealth of Pennsylvania are empowered to enter, and which compact by its terms becomes effective when ratified by a majority of the five signatory bodies thereto, and approved by the Congress of the United States, and which compact is as follows:

## COMPACT

Whereas it is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several states located wholly or in part within the area drained by any such interstate stream; and

Whereas the Congress of the United States has given its consent to the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage basin of the Potomac River and the main and tributary streams therein, for "the purpose of regulating, controlling, preventing, or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes";

Now therefore the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District

Compact for crea-  
tion of Potomac Val-  
ley Conservancy Dis-  
trict and Interstate  
Commission on Po-  
tomac River Basin.

of Columbia, hereinafter designated signatory bodies, do hereby create the Potomac Valley Conservancy District, hereinafter designated the Conservancy District, comprising all of the area drained by the Potomac River and its tributaries; and also, do hereby create the Interstate Commission on the Potomac River Basin, hereinafter designated the Commission, under the articles of organization as set forth below.

#### ARTICLE I

The Interstate Commission on the Potomac River Basin shall consist of three members from each signatory body and three members appointed by the President of the United States. Said Commissioners, other than those appointed by the President, shall be chosen in a manner and for the terms provided by law of the signatory body from which they are appointed and shall serve without compensation from the Commission but shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties.

(A) The Commission shall meet and organize within thirty days after the effective date of this compact, shall elect from its number a chairman and vice-chairman, shall adopt suitable by-laws, shall make, adopt, and promulgate such rules and regulations as are necessary for its management and control, and shall adopt a seal.

(B) The Commission shall appoint and, at its pleasure, remove or discharge such officers and legal, engineering, clerical, expert and other assistants as may be required to carry the provisions of this compact into effect, and shall determine their qualifications and fix their duties and compensation. Such personnel as may be employed shall be employed without regard to any civil service or other similar requirements for employees of any of the signatory bodies. The Commission may maintain one or more offices for the transaction of its business and may meet at any time or place within the area of the Conservancy District.

(C) The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the operations and transactions conducted by it pursuant to this compact. The Commission, however, shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate to meet the same nor shall it in any way pledge the credit of any of the signatory bodies. Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the Commission.

(D) A quorum of the Commission shall, for the transaction of business, the exercise of any powers, or the performance of any duties, consist of at least a majority of the members of the Commission; provided, however, that no action of the Commission relating to policy shall be binding on any one of the signatory bodies unless at least two of the Commissioners from such signatory body shall vote in favor thereof.

#### ARTICLE II

The Commission shall have the power and its duties shall be:

(A) To coordinate, tabulate, and summarize technical and other data now available, or as shall become available in the future from any source, on the pollution of the streams of the Conservancy District and on the character and conditions of such streams, and

to prepare reports thereon annually and at such other times as may be deemed advisable by the Commission.

(B) To supplement existing information and data, and to secure new data by such investigations, analyses, or other means as may be necessary to secure adequate information on the character and condition of the streams of the Conservancy District as they now exist or may be affected by the future discharge of sewage and industrial and other wastes into the said stream.

(C) To cooperate with the legislative and administrative agencies of the signatory bodies, or the equivalent thereof, and with other interested commissions and similar organizations for the purpose of promoting uniform laws, rules or regulations for the abatement and control of pollution of streams in the said Conservancy District.

(D) To disseminate to the public information on the aims and purposes of the Commission and on the harmful and uneconomical results of stream pollution, through the issuance of bulletins, circulars, correspondence, literature and reports.

(E) To cooperate with other organizations engaged in fact-finding and research activities on the treatment of sewage and industrial wastes or other wastes, and if deemed advisable, to institute and conduct such research and fact-finding activities.

(F) To make and, if needful from time to time, revise and to recommend to the signatory bodies, reasonable, minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the Conservancy District, and also, for cleanliness of the various streams in the Conservancy District.

#### ARTICLE III

*Post*, p. 1037.

The moneys necessary to finance the Commission in the administration of its business in the Conservancy District shall be provided through appropriations from the signatory bodies and the United States, in the manner prescribed by the laws of the several signatory bodies and of the United States, and in amounts as follows:

The pro rata contribution shall be based on such factors as population, the amount of industrial and domestic pollution; and a flat service charge, as shall be determined from time to time by the Commission, subject, however, to the approval, ratification and appropriation of such contribution by the several signatory bodies. And, further provided, that the total of such sums from signatory bodies shall not exceed a total of \$30,000 per annum.

#### ARTICLE IV

Pursuant to the aims and purposes of this compact, the signatory bodies mutually agree:

1. Faithful cooperation in the abatement of existing pollution and the prevention of future pollution in the streams of the Conservancy District.

2. The enactment of adequate and, in so far as is practicable, uniform legislation for the abatement and control of such pollution.

3. The appropriation of biennial sums on the proportionate basis as set forth in Article III.

## ARTICLE V

This compact shall become effective immediately after it shall have been ratified by the majority of the legislatures of the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and by the Commissioners of the District of Columbia, and approved by the Congress of the United States; *provided, however*, that this compact shall not be effective as to any signatory body until ratified thereby.

## ARTICLE VI

Any signatory body may by legislative act, after one year's notice to the Commission, withdraw from this compact. Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the consent of Congress is hereby given to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia to enter into the compact hereinbefore recited, and to each and every part and article thereof: *Provided*, That nothing contained in such compact shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of this compact.

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

Approved, July 11, 1940.

Consent of Congress.

*Proviso.*  
Right or jurisdiction  
of U. S.

Right reserved.

[CHAPTER 580]

## AN ACT

To authorize the payment of compensation to recess appointees in certain cases.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 1761 of the Revised Statutes be, and it is hereby, amended to read as follows:

"SEC. 1761. No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate. The provisions of this section shall not apply (a) if the vacancy arose within thirty days prior to the termination of the session of the Senate; or (b) if, at the time of the termination of the session of the Senate, a nomination for such office, other than the nomination of a person appointed during the preceding recess of the Senate, was pending before the Senate for its advice and consent; or (c) if a nomination for such office was rejected by the Senate within thirty days prior to the termination of the session and a person other than the one whose nomination was rejected thereafter receives a recess commission: *Provided*, That a nomination to fill such vacancy under (a), (b), or (c) hereof, shall be submitted to the Senate not later than forty days after the commencement of the next succeeding session of the Senate."

Approved, July 11, 1940.

July 11, 1940  
[S. 2773]

[Public, No. 738]

R. S. § 1761, amend-  
ment.  
5 U. S. C. § 56.

Compensation for  
recess appointees, re-  
striction.

When restriction  
not applicable.

*Proviso.*  
Submittal of nom-  
ination to Senate.