

other purposes, approved March 12, 1914 (38 Stat. 305), as amended, be, and the same is hereby, amended by adding thereto the following:

"That in order to provide for the adequate housing, feeding, and transportation of the visiting public and residents of Mount McKinley National Park in Alaska, there is authorized to be appropriated out of the general funds of the Treasury a sum not to exceed the sum of \$30,000; and the President of the United States be, and he is hereby, authorized and empowered, through such agency or agencies as he may designate, to construct, reconstruct, maintain, and operate lodges, and other structures and appurtenances incident thereto; to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist and Transportation Company that are operated and used in said park under contract authorization by the Department of the Interior, and the equities of the Mount McKinley Tourist and Transportation Company in the business developed and conducted in connection therewith; to purchase or otherwise acquire motor-propelled passenger-carrying vehicles and all necessary fixtures and equipment, and to operate, repair, recondition, and maintain the same in order to carry out the purpose of this Act, notwithstanding the restrictions imposed by law with regard to the purchase, maintenance, repair, or operation of motor-propelled, passenger-carrying vehicles; and to operate or sell the equipment and facilities herein authorized, directly or by contract or contracts with any individual, company, firm, or corporation, under such schedule of rates, terms, and conditions, as he may deem proper."

Approved, March 29, 1940.

[CHAPTER 75]

AN ACT

To authorize the Secretary of Agriculture to delegate certain regulatory functions.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—*

(a) The term "regulatory order" means an order, marketing agreement, standard, permit, license, registration, suspension or revocation of a permit, license, or registration, certificate, award, rule, or regulation, if it has the force and effect of law, and if it may be made, prescribed, issued, or promulgated only after notice and hearing or opportunity for hearing have been given.

(b) The term "regulatory function" means the making, prescribing, issuing, or promulgating, of a regulatory order; and includes (1) determining whether such making, prescribing, issuing, or promulgating is authorized or required by law, and (2) any action which is required or authorized to be performed before, after, or in connection with, such determining, making, prescribing, issuing, or promulgating.

SEC. 2. Whenever the Secretary of Agriculture deems that the delegation of the whole or any part of any regulatory function which the Secretary is, now or hereafter, required or authorized to perform will result in the more expeditious discharge of the duties of the Department of Agriculture, he is authorized to make such delegation to any officer or employee designated under this section. The Secretary is authorized to designate officers or employees of the Department to whom functions may be delegated under this section and to

48 U. S. C., §§ 301-305, 307.

Mount McKinley National Park, Alaska.  
Tourist facilities, etc.  
Appropriation authorized.  
*Post*, p. 447.

Purchase of Mount McKinley Tourist and Transportation Co., equities, etc.

Motor vehicles.

April 4, 1940  
[S. 1955]

[Public, No. 446]

Secretary of Agriculture, functions.

Definitions.  
"Regulatory order."

"Regulatory function."

Delegation of regulatory functions.

Personnel; assignment of titles.

Allocation of positions.

assign appropriate titles to such officers or employees. The position held by any officer or employee while he is designated under this section, and vested with a regulatory function or part thereof delegated under this section, shall be allocated to a grade, not lower than grade 7, in the professional and scientific service provided for by the Classification Act of 1923, as amended, or to a grade, not lower than grade 14, in the clerical, administrative, and fiscal service provided for by such Act, as amended. There shall not be in the Department at any one time more than two officers or employees designated under this section and vested with a regulatory function or part thereof delegated under this section. The Secretary may at any time revoke the whole or any part of a delegation or designation made by him under this section.

42 Stat. 1492, 1496.  
5 U. S. C. § 673.

Limitation on number so designated.

Revocation.

Legal effect.

SEC. 3. Whenever a delegation is made under section 2, all provisions of law shall be construed as if the regulatory function or the part thereof delegated had (to the extent of the delegation) been vested by law in the individual to whom the delegation is made, instead of in the Secretary of Agriculture. A revocation of delegation shall not be retroactive, and each regulatory function or part thereof performed (within the scope of the delegation) by such individual prior to the revocation shall be considered as having been performed by the Secretary.

Revocation not retroactive.

Scope of provisions.

SEC. 4. The provisions of section 2 shall not be deemed to prohibit the delegation, under authority of any other provision of law, of the whole or any part of any regulatory function or other function to any officer or employee of the Department of Agriculture.

Appropriation authorized.

SEC. 5. There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

Approved, April 4, 1940.

[CHAPTER 76]

JOINT RESOLUTION

Providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

April 5, 1940  
[S. J. Res. 226]

[Pub. Res., No. 59]

Smithsonian Institution.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the resignation of John C. Merriam, be filled by the appointment of Vannevar Bush, a resident of the city of Washington, for the statutory term of six years.

Vannevar Bush, appointment to Board of Regents.

Approved, April 5, 1940.

[CHAPTER 77]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes.

April 6, 1940  
[H. R. 8641]

[Public, No. 447]

First Deficiency Appropriation Act, 1940.

*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, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1940, to provide supplemental appropriations for such fiscal year, and for other purposes, namely: