

[CHAPTER 872]

AN ACT

October 14, 1940
[S. 3550]
[Public, No. 851]

To make unlawful the transportation of convict-made goods in interstate commerce, and for other purposes.

Interstate commerce.
Transportation in, of convict-made goods, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall knowingly transport or knowingly cause to be transported in interstate commerce, in any manner or by any means whatsoever, or aid or assist, knowingly, in obtaining transportation for or in transporting any goods, wares, and merchandise manufactured, produced, or mined, wholly or in part by convicts or prisoners (except convicts or prisoners on parole or probation) or in any penal or reformatory institution, from one State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, or from any foreign country, into any State, Territory, Puerto Rico, Virgin Islands, or District of the United States, or place noncontiguous but subject to the jurisdiction thereof, shall be punished by a fine of not more than \$1,000 or by imprisonment of not more than one year, or both: *Provided,* That nothing herein shall apply to commodities manufactured in Federal or District of Columbia penal and correctional institutions for use by the Federal Government or to commodities manufactured in any State penal or correctional institution for use by any other State, or States, or political subdivisions thereof; to parts for the repair of farm machinery; or to agricultural commodities: *Provided further,* That this Act shall go into effect one year after its approval by the President.

Approved, October 14, 1940.

Penalty.
Provisos.
Exception of certain commodities.

Effective date.

[CHAPTER 875]

AN ACT

October 14, 1940
[S. 3619]
[Public, No. 852]

Relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, and so forth.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENTS TO NATIONAL DEFENSE ACT

National Guard.
39 Stat. 205.
32 U. S. C. § 42;
Supp. V, § 42.

SECTION 1. That section 90 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

Care of Government animals.

“SEC. 90. That funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organization, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, and for the compensation of competent help for the care of material, animals, armament, and equipment of organizations of all kinds, under such regulations as the Secretary of War may prescribe.

Caretakers.

Compensation.

“The compensation paid to caretakers who belong to the National Guard, as herein authorized, shall be in addition to any compensation authorized for members of the National Guard under any of the provisions of the National Defense Act.

“Under such regulations as the Secretary of War shall prescribe, the material, animals, armament, and equipment, or any part thereof, of the National Guard of any State, Territory, or the District of Columbia, or organizations thereof, may be put into a common pool for care, maintenance, and storage; and the employment of caretakers therefor, not to exceed fifteen for any one pool, is hereby authorized.

Pooling provisions.

“Commissioned officers of the National Guard shall not be employed as caretakers except that, under such regulations as the Secretary of War shall prescribe, one such officer not above the grade of captain for each heavier-than-air squadron, and one such officer not above the grade of captain for each pool, may be employed. Either enlisted men or civilians may be employed as caretakers, but if there are as many as two caretakers in any unit, one of them shall be an enlisted man.

Officers not eligible as caretakers; exception.

“Funds hereafter appropriated under the provisions of the National Defense Act, as amended, for the support of the National Guard of the several States, Territories, and the District of Columbia, shall be supplemental to moneys appropriated by the several States, Territories, and the District of Columbia, for the support of the National Guard, and shall be available for the hire of caretakers and clerks: *Provided*, That the Secretary of War shall, by regulations, fix the salaries of all caretakers and clerks hereby authorized to be employed, and shall also designate by whom they shall be employed.”

Funds available for hire of caretakers and clerks.

Proviso.
Regulations.

SEC. 2. That section 92 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

39 Stat. 206.
32 U. S. C. § 62.

“SEC. 92. TRAINING OF THE NATIONAL GUARD.—Under such regulations as the Secretary of War shall prescribe, each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than forty-eight times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least fifteen days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That an assembly for drill and instruction may consist of a single duly ordered formation of a company, troop, battery, or detachment, or, when so authorized by the Secretary of War, of a series of duly ordered formations of subdivisions or parts thereof, but in the latter case the series of formations of subdivisions or groups must comprehend and include the entire organization, and must be included within the time limit of seven consecutive days within a calendar month. The sum total of the attendance at all the separate consecutive formations announced as constituting that assembly shall be counted as the attendance at the actual military assembly for the required period of time; but no officer, warrant officer, or enlisted man shall be counted more than once, nor receive credit for more than one required period of actual military attendance even though he may have attended more than one of the formations which constitute the assembly for the required period of time: *Provided further*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each assembly at which he shall be credited as having been present shall be of at least one and one-half hours' duration and the character of training such as may be prescribed by the Secre-

Training of National Guard.
Drills required.

Provisos.
Assembly for drill and instruction.

Credit or drill assembly, etc.

Credits for authorized flights.

tary of War: *Provided further*, That any flight ordered by competent authority and performed by an appropriately rated Air Corps officer or enlisted man of the National Guard assigned to an Air Corps unit thereof, or so performed by an officer or enlisted man of the Medical Department of the said National Guard regularly attached to an Air Corps unit of the National Guard by appropriate authority, may be credited for the same purpose and to the same extent as attendance at drill: *Provided further*, That in performing the flight so ordered the officer or enlisted man is prevented, by the making of such flight, from attending a regularly scheduled drill formation of his unit or the unit with which the said officer or enlisted man is required to drill."

Absence from drill due to flight performance.

SEC. 3. That section 109 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

39 Stat. 209.
32 U. S. C. § 143.

Pay for National Guard officers. Drill, etc.

"SEC. 109. PAY FOR THE NATIONAL GUARD OFFICERS.—Under such regulations as the Secretary of War may prescribe, officers and warrant officers of the National Guard, except general officers, shall receive compensation at the rate of one-thirtieth of the monthly base pay prescribed for them in sections 3 and 9 of the Pay Readjustment Act of June 10, 1922, for each regular drill, period of appropriate duty, or other equivalent period of training, authorized by the Secretary of War, not exceeding eight in any one calendar month and not exceeding sixty in any one fiscal year, at which they shall have been engaged for the entire period of not less than one and one-half hours: *Provided*, That such pay shall be in addition to compensation for attendance at field- or coast-defense instruction or maneuvers, and that nothing in this Act shall operate to reduce the present pay of majors and lieutenant colonels. General officers shall receive \$500 a year in addition to compensation for attendance at field- or coast-defense instruction or maneuvers, for satisfactory performance of their appropriate duties. In addition to pay hereinbefore provided officers commanding organizations less than a brigade and having administrative functions connected therewith shall, whether or not such officers belong to such organizations, receive not more than \$240 a year for the faithful performance of such administrative functions under such regulations as the Secretary of War may prescribe; and for the purpose of determining how much shall be paid to such officers so performing such functions, the Secretary of War may, from time to time, divide them into classes and fix the amount payable to the officers in each class. Pay under the provisions of this section shall not accrue to any officer during a period when he shall be entitled under any provision of law to the full rate of his base pay prescribed in section 3 or section 9, as the case may be, of the Pay Readjustment Act of June 10, 1922: *Provided further*, That section 9 of the Act entitled 'An Act amending the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States"', approved May 18, 1917', approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the active and inactive National Guard, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe."

42 Stat. 627, 629.
37 U. S. C. §§ 7, 13.

Provisos. Additional pay provisions.

Purchase of uniforms, etc.
40 Stat. 957.
10 U. S. C. § 904.

31 U. S. C. § 487.
Sale of stable refuse, grain sacks, etc.; use of proceeds.

SEC. 4. That section 3618, Revised Statutes, as amended, be, and the same is hereby, amended by adding the following additional language: "That, under such regulations as the Secretary of War may prescribe, the commanding officers of mounted units of the National Guard may sell all stable refuse and empty grain sacks and containers at public or private sale and apply the proceeds derived

therefrom to the purchase of feed, supplementing the regular allowance and issue for the animals of the said units, and for the purchase of stable equipment, and horseshoers', saddlers', blacksmiths', and wagoners' tools not an article of issue to such organizations."

SEC. 5. That the Act of July 15, 1939 (53 Stat. 1042), be, and the same is hereby, repealed and reenacted to read as follows:

"That neither of the provisions of the Act of June 15, 1936 (49 Stat. 1507), nor any other law of the United States shall be construed as limiting the power and authority of the Secretary of War, under such regulations as he may prescribe, to require the hospitalization, medical, and surgical treatment and domiciliary care so long as any or all are necessary of persons in the active military service or on active duty, or in training, under the provisions of sections 92, 94, 97, 99, and 113 of the National Defense Act of June 3, 1916, as amended, and to incur obligations with respect thereto, without reference to their line-of-duty status: *Provided*, That this Act shall not include those individuals who are on an armory-drill status except officers, warrant officers, and enlisted men of the National Guard who suffer personal injury (as distinguished from disease) when participating in aerial flights prescribed under the provisions of section 92: *And provided further*, That this Act shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furloughs or leaves of absence in excess of twenty-four hours."

Approved, October 14, 1940.

32 U. S. C., Supp. V, § 164d.

10 U. S. C., Supp. V, §§ 455a-d; 32 U. S. C., Supp. V, §§ 164a-c.

Required hospitalization and medical treatment.

39 Stat. 206, 207, 211.

Provisos. Exclusion of individuals on armory-drill status; exception.

Private treatment.

[CHAPTER 876]

AN ACT

To revise and codify the nationality laws of the United States into a comprehensive nationality code.

October 14, 1940
[H. R. 9980]
[Public, No. 853]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the nationality laws of the United States are revised and codified as follows:

Nationality Act of 1940.

TITLE I

SECTION 1. This Act may be cited as the Nationality Act of 1940.

Short title.

CHAPTER I—DEFINITIONS

SEC. 101. For the purposes of this Act—

(a) The term "national" means a person owing permanent allegiance to a state.

"National."

(b) The term "national of the United States" means (1) a citizen of the United States, or (2) a person who, though not a citizen of the United States, owes permanent allegiance to the United States. It does not include an alien.

"National of the United States."

(c) The term "naturalization" means the conferring of nationality of a state upon a person after birth.

"Naturalization."

(d) The term "United States" when used in a geographical sense means the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States.

"United States."

(e) The term "outlying possessions" means all territory, other than as specified in subsection (d), over which the United States exercises rights of sovereignty, except the Canal Zone.

"Outlying possessions."

(f) The term "parent" includes in the case of a posthumous child a deceased parent.

"Parent."

(g) The term "minor" means a person under twenty-one years of age.

"Minor."