

## [CHAPTER 904]

## AN ACT

October 21, 1940

[H. R. 10495]

[Public, No. 874]

To amend section 61 of the National Defense Act of June 3, 1916, by adding a proviso which will permit States to organize military units not a part of the National Guard, and for other purposes.

National Defense Act, amendment.  
39 Stat. 198.  
32 U. S. C. § 194.

Maintenance of State troops in time of peace.

Provisos.  
Use of National Guard.

State police, etc.

Other military forces while National Guard in active Federal service.

Forces not subject to U. S. military call.

Issuance of War Department equipment, etc.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 61 of the National Defense Act of June 3, 1916, be amended to read as follows:

"No State shall maintain troops in time of peace other than as authorized in accordance with the organization prescribed under this Act: *Provided*, That nothing contained in this Act shall be construed as limiting the rights of the States and Territories in the use of the National Guard within their respective borders in time of peace: *Provided further*, That nothing contained in this Act shall prevent the organization and maintenance of State police or constabulary: *Provided further*, That under such regulations as the Secretary of War may prescribe for discipline in training, the organization by and maintenance within any State of such military forces other than National Guard as may be provided by the laws of such State is hereby authorized while any part of the National Guard of the State concerned is in active Federal service: *Provided further*, That such forces shall not be called, ordered, or in any manner drafted, as such, into the military services of the United States; however, no person shall, by reason of his membership in any such unit, be exempted from military service under any Federal law: *And provided further*, That the Secretary of War in his discretion and under regulations determined by him, is authorized to issue, from time to time, for the use of such military units, to any State, upon requisition of the Governor thereof, such arms and equipment as may be in possession of and can be spared by the War Department."

Approved, October 21, 1940.

## [CHAPTER 906]

## AN ACT

October 21, 1940

[S. 4338]

[Public, No. 875]

To amend the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937, as amended.

Civilian Conservation Corps.  
50 Stat. 320.  
16 U. S. C., Supp. V, § 584g.  
Terms of enrollment of Indians.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 8 of the Act entitled "An Act to establish a Civilian Conservation Corps, and for other purposes", approved June 28, 1937 (50 Stat. 319), as amended by the Act of May 12, 1938 (52 Stat. 349), is further amended by adding after the words "War veterans" in the second proviso of said section the following: "and Indians".

Approved, October 21, 1940.

## [CHAPTER 908]

## JOINT RESOLUTION

October 22, 1940

[S. J. Res. 258]

[Pub. Res., No. 107]

To provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes.

Oliver Wendell Holmes, bequest.  
Committee on recommendations authorized to function.  
52 Stat. 943.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the committee selected pursuant to section 3 of Public Resolution Numbered 124, Seventy-fifth Congress, approved June 22, 1938, to make recommendations to the Congress concerning the use of the bequest and devise made to the United States by Oliver Wendell Holmes, late an Associate Justice of the Supreme Court of the United States, is authorized to execute the

functions vested in it by this joint resolution. Any vacancy occurring in the membership of such committee (hereinafter referred to as the "committee") shall be filled by the selection of a person selected in the same manner as his predecessor was selected. In carrying out the provisions of this joint resolution, the committee is authorized to utilize voluntary and uncompensated services and, with the consent of any Federal agency, to utilize the facilities and personnel of such agency. The committee is authorized to make any additional recommendations to the Congress which it deems desirable. Upon the completion of its work, the committee shall transmit a final report to the Congress and shall thereupon cease to exist.

SEC. 2. The committee shall prepare for publication a memorial volume designed to perpetuate the memory of Justice Holmes and to make readily available to the public the best expressions of his thought. Such volume shall contain such of the writings of Justice Holmes as are selected by the committee, and shall contain such additional matter and such illustrations as the committee may determine. The Librarian of Congress shall make available to the committee the facilities of, and the services of the personnel of, the Library of Congress to assist the committee in the preparation of such volume.

SEC. 3. The Public Printer is authorized and directed to cause to be printed and bound in the Government Printing Office, in a manner and form approved by the committee, such number of copies of the memorial volume prepared by the committee as the committee shall determine. The Superintendent of Documents shall distribute free of cost copies of such volume to such libraries, institutions, and other organizations and persons as the committee may designate. Copies of such volume which are not distributed free of cost shall be made available by the Superintendent of Documents for sale to the public at a price, notwithstanding any other provision of law, determined by the Public Printer to represent the actual cost of printing, binding, and distribution. The cost of printing and binding all of the copies of such volume shall be paid from money appropriated from the money in the Treasury to the credit of the account "Donations to the United States, Bequest of Oliver Wendell Holmes" (hereinafter referred to as the "Holmes fund"). Receipts from the sales of copies of such volume shall be covered into the Holmes fund so long as that fund is carried on the books of the Treasury, and thereafter such receipts shall be covered into the general fund of the Treasury.

SEC. 4. The Architect of the Capitol is authorized and directed, under the direction of the committee, to acquire on behalf of the United States, by purchase, condemnation, or otherwise, that part of the property in square 759 in the District of Columbia which the Architect of the Capitol, with the approval of the committee, determines will provide a suitable site for the garden to be established pursuant to section 5.

SEC. 5. (a) The Architect of the Capitol, under the direction of the committee, is authorized and directed to establish on the land acquired pursuant to section 4 a memorial garden designed to perpetuate the memory of Justice Holmes and to commemorate the love of beauty and of the quiet open spaces of the city of Washington, to which he often gave expression. The garden so established shall be known as the Oliver Wendell Holmes Garden.

(b) The plans and designs of such garden, including the plans and designs for all grading and landscaping and all structures to be erected and other improvements to be made on the land acquired pursuant to section 4, shall be selected by the Architect of the Capitol, with the approval of the committee and of the National Capital Park and Planning Commission, from plans and designs

Committee vacancies.

Utilization of designated services.

Additional recommendations.  
Report to Congress.

Memorial volume.

Library of Congress personnel to assist in preparation.

Printing and binding.

Distribution.

Sale.

Payment of printing and binding from Holmes fund.

Use of receipts from sales.

Architect of Capitol to acquire site for garden.

Establishment of Oliver Wendell Holmes Garden.

Plans and designs of garden.

submitted in open competition. The manner of holding such competition and the amount to be paid for such plans and designs shall be determined by the Architect of the Capitol, with the approval of the committee. Expenditures made for carrying out the provisions of this section shall be made from moneys appropriated from the Holmes fund.

Funds made available.

Dedicatory ceremonies authorized.

Maintenance and care.

Powers and duties of Architect.

Demolition, etc., of structures.

Temporary lease of property.

Disposition of proceeds.

Other designated powers.

Transfer of jurisdiction over lands.

Disbursing agency.

Sale of described land, etc., authorized.

Provision for demolition prior to sale.

Payment of costs.

(c) The committee is authorized to make arrangements for appropriate ceremonies for the dedication of such garden upon its completion.

SEC. 6. After the completion and dedication of such garden, it shall be maintained and cared for by the Architect of the Capitol in accordance with the provisions of law applicable with respect to the maintenance and care of the grounds of the United States Supreme Court Building.

SEC. 7. (a) For the purposes of this joint resolution, the Architect of the Capitol is authorized, under the direction of the committee—

(1) To provide for the demolition and removal of any structures on the land acquired pursuant to section 4 and for the sale or other disposition of any materials of which they are constructed.

(2) Pending the demolition of such structures, to lease any of the property so acquired for such periods and under such terms and conditions as he may deem most advantageous to the United States; to provide, out of such appropriations as may be made for such purpose, for the maintenance, repair, and protection of such property; and to incur such expenses as may be necessarily incident to the jurisdiction and control over such property. Any proceeds received under this paragraph or paragraph (1) shall be covered into the Treasury as miscellaneous receipts. The Architect of the Capitol shall include in his annual report a detailed statement of his activities under this paragraph during the period covered by such report.

(3) To enter into contracts; to purchase materials, supplies, equipment, and accessories in the open market; to employ necessary personnel, including professional services, without regard to other laws relating to the employment or compensation of personnel; and to make such expenditures as may be necessary or appropriate.

(b) All lands within the area determined pursuant to section 4 which are subject to the jurisdiction of the Commissioners of the District of Columbia are transferred to the jurisdiction of the Architect of the Capitol. The Architect of the Capitol is authorized to close any alley within such area and is authorized, with the approval of the committee, to permit any portion of the land acquired pursuant to section 4 to be used as an alley so long as such use is necessary.

(c) All funds expended by the Architect of the Capitol pursuant to this joint resolution shall be disbursed by the Division of Disbursement of the Treasury Department.

SEC. 8. (a) The Commissioner of Public Buildings, in the Federal Works Agency, is authorized and directed, on behalf of the United States, to sell and convey title to the land and improvements thereon known as 1720 Eye Street Northwest, in the District of Columbia, the former residence of Justice Holmes. Such sale may be made pursuant to advertisement or otherwise upon such terms and conditions, and subject to such covenants with respect to demolition of the building and such other restrictive covenants, as may be approved by the committee. The Commissioner of Public Buildings is authorized to provide, by contract or otherwise and subject to the approval of the committee, for the demolition of the building upon such land prior to the sale of the land.

(b) The costs of any advertisement, appraisal, broker's fee, or commission incident to the sale of such property, and any costs

incurred under this section for demolition of the building, shall be paid from the proceeds of the sale; and the funds of the Public Buildings Administration shall be reimbursed from such proceeds for any of such costs which shall have been paid from the funds of such Administration. The balance of the proceeds of the sale shall be covered into the Treasury to the credit of the account of the Holmes fund.

Reimbursement.

SEC. 9. There are hereby authorized to be appropriated, out of the money in the Treasury to the credit of the Holmes fund, such sums as may be necessary to carry out the provisions of sections 3 and 5 of this joint resolution; and there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the other provisions of this joint resolution.

Funds authorized.

SEC. 10. Upon the transmission to the Congress of the final report of the committee, any money in the Treasury to the credit of the account of the Holmes fund shall be covered into the general fund of the Treasury as miscellaneous receipts.

Disposition of surplus funds.

Approved, October 22, 1940.

[CHAPTER 910]

JOINT RESOLUTION

To authorize the acquisition of a suitable frame for the painting of the signing of the Constitution to be used in mounting said painting in the Capitol Building.

October 29, 1940  
[S. J. Res. 301]  
[Pub. Res., No. 108]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Architect of the Capitol be, and he is hereby, authorized and directed to cause to be constructed or to purchase, without reference to section 3709 of the Revised Statutes (U. S. C., 1934 edition, title 41, sec. 5), at a price not exceeding \$1,500, a suitable frame for the painting of the scene at the signing of the Constitution by Howard Chandler Christy now on view in the Capitol Building. Such frame shall be subject to the approval of the Joint Committee on the Library, and, when so approved, shall be used for mounting the said painting in the Capitol Building as required by Public Resolution Numbered 11, Seventy-sixth Congress, approved April 20, 1939.

Painting of scene at signing of Constitution.  
Post, pp. 1404, 1405.  
Acquisition of frame for mounting.

53 Stat. 583.

Approved, October 29, 1940.

[CHAPTER 914]

AN ACT

To amend the Agricultural Adjustment Act of 1938.

November 22, 1940  
[S. 4374]  
[Public, No. 876]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That paragraph (15) of subsection (b) of section 301 of subtitle A of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words—

Agricultural Adjustment Act of 1938, amendment.  
52 Stat. 42.  
7 U. S. C., Supp. V, § 1301 (b) (15).

Separation of designated tobacco types.

“Fire-cured and dark air-cured tobacco, comprising types 21, 22, 23, 24, 35, 36, and 37;”

and inserting in lieu thereof the following:

“Fire-cured tobacco comprising types 21, 22, 23, and 24;

“Dark air-cured tobacco, comprising types 35 and 36;

“Virginia sun-cured tobacco, comprising type 37;”

SEC. 2. That section 312 of subtitle B of title III of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out subsections (b), (d), (e), and (f) of such section, by striking out all of the second sentence in subsection (c) of such section, and by changing the subsection designation “(c)” therein to “(b)”.

National marketing quota.  
52 Stat. 46, 120.  
7 U. S. C., Supp. V, § 1312.