

"Affiliate."

(5) The term "affiliate" means any one of two or more persons if one of such persons has actual or legal control, directly or indirectly, whether by stock ownership or otherwise, of the other or others of such persons; and any one of two or more persons subject to common control, actual or legal, directly or indirectly, whether by stock ownership or otherwise.

"Distilled spirits."

(6) The term "distilled spirits" means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use.

"Wine."

Vol. 40, p. 1110; U. S. C., p. 1164.

(7) The term "wine" means (1) wine as defined in section 610 and section 617 of the Revenue Act of 1918 (U. S. C., title 26, secs. 441 and 444) as now in force or hereafter amended, and (2) other alcoholic beverages not so defined, but made in the manner of wine, including sparkling and carbonated wine, wine made from condensed grape must, wine made from other agricultural products than the juice of sound, ripe grapes, imitation wine, compounds sold as wine, vermouth, cider, perry, and sake; in each instance only if containing not less than 7 per centum and not more than 24 per centum of alcohol by volume, and if for non-industrial use.

"Malt beverage."

(8) The term "malt beverage" means a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops, or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption.

"Bottle."

(9) The term "bottle" means any container, irrespective of the material from which made, for use for the sale of distilled spirits, wine, or malt beverages at retail.

Reservation of right to amend.

(b) The right to amend or repeal the provisions of this Act is expressly reserved.

Separability of provisions.

(c) If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Approved, August 29, 1935.

[CHAPTER 815.]

JOINT RESOLUTION

To authorize the acceptance of bids for Government contracts made subject to codes of fair competition.

August 29, 1935.  
[S. J. Res. 163.]  
[Pub. Res., No. 65.]

Government contracts.  
Acceptance of bids made subject to codes of fair competition.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That no bid submitted prior to the enactment of this joint resolution in response to the invitation of any executive department, independent establishment, or other agency or instrumentality of the United States, the District of Columbia, or any corporation all the stock of which is owned by the United States (all of the foregoing being hereinafter designated as "agencies of the United States"), if otherwise valid and acceptable, shall be rejected because made subject to the provisions of any code or codes of fair competition, or any related requirements (as provided in Executive Order Numbered 6646 of March 14, 1934), if the bidder, with the assent of his surety, shall agree in writing that the contract, if entered into, shall, in lieu of such code provisions or other related requirements, be subject to all Acts of Congress,

Requirement.

enacted after the date of enactment of this joint resolution, requiring<sup>1</sup> the observance of minimum wages, maximum hours, or limitations as to age of employees in the performance of contracts with agencies of the United States. In such cases the compensation provided for in the contract shall be reduced from that stated in the bid by the amount that the contracting officer, subject to the approval of the Comptroller General, shall find the cost of performing the contract is reduced solely by reason of the contractor not complying with the provisions of such code or codes or related requirements; and the compensation for the performance of the contract shall be increased from that fixed in the contract by the amount that the contracting officer, subject to the approval of the Comptroller General, shall find the cost of performing the contract has been increased solely by reason of compliance with such subsequent Acts of Congress, if any, relating to the performance of contracts with agencies of the United States.

Reduction of compensation stated in contract.

Increase when cost of performance increased by reason of compliance with subsequent Acts of Congress.

Approved, August 29, 1935.

[CHAPTER 816.]

JOINT RESOLUTION

To extend the time within which contracts may be modified or canceled under the provisions of section 5 of the Independent Offices Appropriation Act, 1934.

August 29, 1935.  
[S. J. Res. 175.]  
[Pub. Res., No. 66.]

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5 of the Independent Offices Appropriation Act, 1934, as amended, be amended by striking out "October 31, 1935" and inserting in lieu thereof "March 31, 1936": *Provided,* That the right of the United States to annul any fraudulent or illegal contract or to institute suit to recover sums paid thereon is in no manner affected by this joint resolution.

Ocean mail, postal service.  
Time for modification of contracts, extended.  
Vol. 48, p. 305; U. S. C., p. 1806.  
*Ante*, p. 161.  
Fraudulent or illegal contracts.

Approved, August 29, 1935.

[CHAPTER 824.]

AN ACT

To stabilize the bituminous coal-mining industry and promote its interstate commerce; to provide for cooperative marketing of bituminous coal; to levy a tax on bituminous coal and provide for a drawback under certain conditions; to declare the production, distribution, and use of bituminous coal to be affected with a national public interest; to conserve the bituminous coal resources of the United States; to provide for the general welfare, and for other purposes; and providing penalties.

August 30, 1935.  
[H. R. 9100.]  
[Public, No. 402.]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it is hereby recognized and declared that the mining of bituminous coal and its distribution by the producers thereof in and throughout the United States are affected with a national public interest; that the service of bituminous coal in relation to the industrial activities, the transportation facilities, the health and comfort of the people of the United States; the conservation of bituminous coal deposits in the United States by controlled production and economical mining and marketing; the maintenance of just and rational relations between the public, owners, producers, and employees; the right of the public to constant and ample supplies of coal at reasonable prices; and the general welfare of the Nation require that the bituminous coal industry be regulated as herein provided.

Bituminous Coal Conservation Act of 1935.  
Declaration of necessity for regulation of bituminous coal industry.

<sup>1</sup> So in original.