

Vacancy not to be filled.

SEC. 2. That whenever a vacancy shall occur in the office of the district judge for the district of Kansas, by the retirement, disqualification, or death of either judge, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district.

Approved October 16, 1945.

[CHAPTER 431]

AN ACT

October 18, 1945  
[H. R. 1765]  
[Public Law 199]

To provide for the conveyance to the State of Iowa of the Agricultural Byproducts Laboratory on the campus of the Iowa State College of Agriculture and Mechanic Arts.

State of Iowa.  
Conveyance of Agricultural Byproducts Laboratory.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of Agriculture is authorized and directed to donate and convey to the State of Iowa all right, title, and interest of the United States in and to certain premises, situate on the campus of the Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa, conveyed to the United States by the State of Iowa by warranty deed dated January 12, 1934, recorded in deed book 76, page 374, of the records of Story County, Iowa, and the laboratory building which the United States has erected thereon for farm waste investigations.

Approved October 18, 1945.

[CHAPTER 432]

JOINT RESOLUTION

October 22, 1945  
[S. J. Res. 109]  
[Public Law 200]

To extend in the case of aluminum plants and facilities the time during which disposition of such plants and facilities is prohibited under the Surplus Property Act of 1944, as amended.

58 Stat. 775.  
50 U. S. C., Supp.  
IV, app. § 1628 (c).

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That subsection (c) of section 19 of the Surplus Property Act of 1944, as amended, is amended by inserting after the words "thirty days" the following: "(or sixty days in the case of aluminum plants and facilities)".

Approved October 22, 1945.

[CHAPTER 433]

AN ACT

To amend the Bonneville Project Act.

October 23, 1945  
[H. R. 2690]  
[Public Law 201]

Bonneville Project Act, amendments.  
16 U. S. C. § 832a (f).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 (f) of the Act of August 20, 1937 (50 Stat. 731), as amended by the Act of March 6, 1940 (54 Stat. 47), is hereby amended to read as follows:

Contracts, etc.

"Subject only to the provisions of this Act, the Administrator is authorized to enter into such contracts, agreements, and arrangements, including the amendment, modification, adjustment, or cancellation thereof and the compromise or final settlement of any claim arising thereunder, and to make such expenditures, upon such terms and conditions and in such manner as he may deem necessary."

50 Stat. 734.  
16 U. S. C. § 832d.

SEC. 2. Section 5 (a) of the said Act is hereby amended by inserting before the period at the end of the first sentence the words "and for the disposition of electric energy to Federal agencies".

50 Stat. 735.  
16 U. S. C. § 832e.

SEC. 3. Section 6 of the said Act is hereby amended by changing the period at the end of the first sentence to a semicolon and adding the following: "and such rates and charges shall also be applicable to dispositions of electric energy to Federal agencies."

SEC. 4. Section 9 (a) of the said Act is hereby amended by changing the period to a comma and adding: "and in the maintenance of such accounts, appropriate obligations shall be established for annual and sick leave of absence as earned. The Administrator shall, after the close of each fiscal year, obtain an independent commercial-type audit of such accounts. The forms, systems, and procedures prescribed by the Comptroller General for the Administrator's appropriation and fund accounting shall be in accordance with the requirements of the Federal Water Power Act with respect to accounts of electric operations of public utilities and the regulations of the Federal Power Commission pursuant thereto."

SEC. 5. Section 2 (a) of the said Act is hereby amended by striking the language inserted by section 1 of the Act of March 6, 1940 (54 Stat. 47); and section 10 of the said Act is hereby amended to read as follows:

"(a) The Secretary of the Interior shall appoint, without regard to the civil-service laws, an Assistant Administrator, chief engineer, and general counsel and shall fix the compensation of each in accordance with the Classification Act of 1923, as amended. The Assistant Administrator shall perform the duties and exercise the powers of the Administrator, in the event of the absence or sickness of the Administrator until such absence or sickness shall cease and in the event of a vacancy in the office of Administrator until a successor is appointed.

"(b) The Administrator, the Secretary of War, and the Federal Power Commission, respectively, are authorized to appoint, subject to the civil-service laws, such officers and employees as may be necessary to carry out the purposes of this Act, the appointment of whom is not otherwise provided for, and to fix their compensation in accordance with the Classification Act of 1923, as amended. The Administrator may employ laborers, mechanics, and workmen in connection with construction work or the operation and maintenance of electrical facilities (hereinafter called 'laborers, mechanics, and workmen'), subject to the civil-service laws, and fix their compensation without regard to the Classification Act of 1923, as amended, and any other laws, rules, or regulations relating to the payment of employees of the United States except the Act of May 29, 1930 (46 Stat. 468), as amended, to the extent that it otherwise is applicable. The Administrator is further authorized to employ physicians, under agreement and without regard to civil-service laws or regulations, to make physical examinations of employees or prospective employees who are or may become laborers, mechanics, and workmen. The Administrator, the Secretary of War, and the Federal Power Commission, respectively, are also authorized to appoint, without regard to the civil-service laws, such experts as may be necessary for carrying out the functions entrusted to them under this Act and to fix the compensation of each of such experts without regard to the Classification Act of 1923, as amended, but at not to exceed \$7,500 per annum.

"(c) The Administrator may accept and utilize such voluntary and uncompensated services and with the consent of the agency concerned may utilize such officers, employees, or equipment of any agency of the Federal, State, or local governments which he finds helpful in carrying out the purposes of this Act; in connection with the utilization of such services, reasonable payments may be allowed for necessary travel and other expenses."

SEC. 6. Section 12 of the said Act is hereby amended to read as follows:

"(a) The Administrator is hereby authorized to determine, settle, compromise, and pay claims and demands against the United States

Accounts.  
50 Stat. 736.  
16 U. S. C. § 832h.

41 Stat. 1063.  
16 U. S. C. §§ 791-  
823; Supp. IV, § 818.

50 Stat. 732.  
16 U. S. C. § 832a (a).

50 Stat. 736.  
16 U. S. C. § 832i.

Assistant Adminis-  
trator, etc.

42 Stat. 1488.  
5 U. S. C. § 661;  
Supp. IV, § 661 *et seq.*  
*Ante*, p. 298 *et seq.*

Other officers and  
employees.

*Supra*.

5 U. S. C. § 601;  
Supp. IV, § 601 *et seq.*  
*Post*, pp. 577, 621.  
Physicians.

Experts.

Voluntary services.

50 Stat. 736.  
16 U. S. C. § 832k.

Claims not exceed-  
ing \$1,000.

which are not in excess of \$1,000 and are presented to the Administrator in writing within one year from the date of accrual thereof, for any losses, injuries, or damages to persons or property, or for the death of persons, resulting from acts or omissions of employees acting within the scope of their employment pursuant to this Act. The Administrator is also authorized to determine, compromise, and settle any claims and demands of the United States for any losses, injuries, or damages to property under the Administrator's control, against other persons or public or private corporations. The Administrator's determination, compromise, settlement, or payment of any of the claims referred to in this subsection shall be final and conclusive upon all officers of the Government, notwithstanding the provisions of any other Act to the contrary. When claims presented to the Administrator under this subsection arise, in whole or in part, out of any damage done to private property, the Administrator may repair all or any part of such damage in lieu of making such payments.

Property damages.

Finality of Administrator's action.

Private property repairs.

Suits at law or in equity.

Litigation involving interpretation of Constitution, etc.

“(b) The Administrator may, in the name of the United States, bring such suits at law or in equity as in his judgment may be necessary to carry out the purposes of this Act; and he shall be represented in the prosecution and defense of all litigation, including condemnation proceedings, affecting the status or operation of the Bonneville project by his attorneys: *Provided, however,* That such attorneys shall supply the Attorney General with copies of the pleadings in all such cases and that the handling of litigation which, in the Attorney General's opinion, involves interpretation of the Constitution of the United States or which involves appearance in any United States circuit court of appeals or the United States Supreme Court shall be subject to the Attorney General's direction or supervision. The Administrator may compromise and make final settlement of such litigation and pay the amount due under any compromise or judgment. Complaints in condemnation proceedings permitted by section 2 (c) and 2 (d) of this Act shall be signed, verified, and filed by the Administrator.”

50 Stat. 732.  
16 U. S. C. § 832a  
(c), (d).

53 Stat. 177.  
26 U. S. C. § 1420;  
Supp. IV, § 1426.  
*Ante*, p. 38; *post*,  
p. 670.

SEC. 7. (a) Section 1426 of the Internal Revenue Code, as amended, is amended by adding at the end thereof the following new subsection:

“Employment.”

“(j) CERTAIN EMPLOYEES OF BONNEVILLE POWER ADMINISTRATOR.—The term ‘employment’ shall include such service as is determined by the Bonneville Power Administrator (hereinafter called the Administrator) to be performed after December 31, 1945, by a laborer, mechanic, or workman, in connection with construction work or the operation and maintenance of electrical facilities, as an employee performing service for the Administrator, but shall not include any service performed by such a laborer, mechanic, or workman, to whom the Act of May 29, 1930 (46 Stat. 468), as amended, applies. The term ‘wages’ means, with respect to service which constitutes employment by reason of this subsection, such amount of remuneration as is determined (subject to the provisions of this section) by the Administrator to be paid for such service. The Administrator is authorized and directed to comply with the provisions of the internal revenue laws on behalf of the United States as the employer of individuals whose service constitutes employment by reason of this subsection.”

5 U. S. C. § 691;  
Supp. IV, § 691 *et seq.*  
*Post*, pp. 577, 621.  
“Wages.”

49 Stat. 625.  
42 U. S. C. § 409;  
Supp. IV, § 409.  
*Post*, p. 671.  
“Employment.”

(b) Section 209 of the Social Security Act, as amended, is amended by adding at the end thereof the following new subsection:

“(p) (1) The term ‘employment’ shall include such service as is determined by the Bonneville Power Administrator (hereinafter called the Administrator) to be performed after December 31, 1945,

by a laborer, mechanic, or workman, in connection with construction work or the operation and maintenance of electrical facilities, as an employee performing service for the Administrator, but shall not include any service performed by such a laborer, mechanic, or workman, to whom the Act of May 29, 1930 (46 Stat. 463), as amended, applies.

“(2) The Social Security Board shall not make determinations as to whether an individual has performed services which are employment by reason of this subsection, the periods of such services, the amounts of remuneration for such services which constitutes ‘wages’ under the provisions of this section, or the periods in which or for which such wages were paid, but shall accept the determinations with respect thereto of the Administrator, and such agents as he may designate, as evidenced by returns filed by the Administrator as an employer pursuant to section 1426 (j) of the Internal Revenue Code and certifications made pursuant to this subsection. Such determinations shall be final and conclusive.

“(3) The Administrator is authorized and directed, upon written request of the Social Security Board, to make certification to it with respect to any matter determinable for the Board by the Administrator under this subsection, which the Board finds necessary in administering this title.”

(c) Section 1606 of the Internal Revenue Code, as amended, is amended by adding at the end thereof the following new subsection:

“(e) The legislature of any State may, with respect to service to be performed after December 31, 1945, by a laborer, mechanic, or workman, in connection with construction work or the operation and maintenance of electrical facilities, as an employee performing service for the Bonneville Power Administrator (hereinafter called the Administrator), require the Administrator, who for the purposes of this subsection is designated an instrumentality of the United States, and any such employee, to make contributions to an unemployment fund under a State unemployment compensation law approved by the Board under section 1603 and to comply otherwise with such law. Such permission is subject to the conditions imposed by subsection (b) of this section upon permission to State legislatures to require contributions from instrumentalities of the United States. The Administrator is authorized and directed to comply with the provisions of any applicable State unemployment compensation law on behalf of the United States as the employer of individuals whose service constitutes employment under such law by reason of this subsection.”

(d) Section 1607 of the Internal Revenue Code, as amended, is amended by adding at the end thereof the following new subsection:

“(m) CERTAIN EMPLOYEES OF BONNEVILLE POWER ADMINISTRATOR.—The term ‘employment’ shall include such service as is determined by the Bonneville Power Administrator (hereinafter called the Administrator) to be performed after December 31, 1945, by a laborer, mechanic, or workman, in connection with construction work or the operation and maintenance of electrical facilities, as an employee performing service for the Administrator. The term ‘wages’ means, with respect to service which constitutes employment by reason of this subsection, such amount of remuneration as is determined (subject to the provisions of this section) by the Administrator to be paid for such service. The Administrator is authorized and directed to comply with the provisions of the internal revenue laws on behalf of the United States as the employer of individuals whose service constitutes employment by reason of this subsection.”

Approved October 23, 1945.

5 U. S. C. § 691;  
Supp. IV, § 691 *et seq.*  
*Post*, p. 577, 621.

Determinations as to  
employment, pay, etc.

*Ante*, p. 548.

Certification by Ad-  
ministrator.

53 Stat. 187.  
26 U. S. C. § 1606.

Contributions to un-  
employment fund.

53 Stat. 185.  
26 U. S. C. § 1603.

53 Stat. 187.  
26 U. S. C. § 1607.  
*Post*, p. 670.

“Employment.”

“Wages.”