

Affidavit. to strike against the Government of the United States, or who advocates, or is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evidence that the person making the affidavit has not contrary to the provisions of this paragraph engaged in a strike against the Government of the United States, is not a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or that such person does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence:

Penalty. *Provided further*, That any person who engages in a strike against the Government of the United States or who is a member of an organization of Government employees that asserts the right to strike against the Government of the United States, or who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation or fund contained in this or any other Act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Short title. This Act may be cited as the "Mutual Security Appropriation Act, 1955".

Approved September 3, 1954.

Public Law 779

CHAPTER 1263

AN ACT

September 3, 1954
[H. R. 9730]

To amend various statutes and certain titles of the United States Code, for the purpose of correcting obsolete references, and for other purposes.

Corrections of
statutes, etc.
61 Stat. 637.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (a) of section 201 of Title 1, United States Code, entitled "General Provisions", is amended by striking out "Secretary of State," appearing at the end of such paragraph, and in lieu thereof inserting "Administrator of General Services", so that such paragraph will read as follows:

"(a) Publishing in Slip or Pamphlet Form or in Statutes at Large

Publication in slip or pamphlet form or in the Statutes at Large of any of the volumes or publications enumerated in sections 202 and 203 of this title, shall, in event of enactment, be dispensed with whenever the Committee on the Judiciary of the House of Representatives so directs the Administrator of General Services;"

61 Stat. 639.

SEC. 2. Section 209 of Title 1, United States Code, is amended by striking out, at the end thereof, "Secretary of State", and in lieu thereof inserting "Administrator of General Services", so that such section will read as follows:

"§ 209. Copies of Supplements to Code of Laws of United States and of District of Columbia Code and Supplements; Conclusive Evidence of Original

"Copies of the Code of Laws relating to the District of Columbia and copies of the supplements provided for by sections 202 and 203 of this title printed at the Government Printing Office and bearing its

imprint, shall be conclusive evidence of the original of such code and supplements in the custody of the Administrator of General Services.”.

SEC. 3. Section 18 of Title 3, United States Code, entitled “The President”, is amended by striking out “subchapter” in the one place where it appears therein, and in lieu thereof inserting “chapter”, so that such section will read as follows:

62 Stat. 676.

“§ 18. Same; Parliamentary Procedure at Joint Meeting

“While the two Houses shall be in meeting as provided in this chapter, the President of the Senate shall have power to preserve order; and no debate shall be allowed and no question shall be put by the presiding officer except to either House on a motion to withdraw.”.

SEC. 4. Subsection (b) of section 107 of Title 4, United States Code, entitled “Flag and Seal, Seat of Government, and the States”, is amended by striking out, at the end thereof, the words “Army or Navy personnel, under regulations promulgated by the Secretary of War or the Secretary of the Navy”, and in lieu thereof inserting “personnel of any branch of the Armed Forces of the United States, under regulations promulgated by the departmental Secretary having jurisdiction over such branch”, so that such subsection will read as follows:

61 Stat. 645.
State taxes.
Commissary purchasers, etc.

“(b) A person shall be deemed to be an authorized purchaser under this section only with respect to purchases which he is permitted to make from commissaries, ship’s stores, or voluntary unincorporated organizations of personnel of any branch of the Armed Forces of the United States, under regulations promulgated by the departmental Secretary having jurisdiction over such branch.”.

SEC. 5. The paragraph in the Department of Agriculture Appropriation Act for the fiscal year ending June 30, 1920 (July 24, 1919, ch. 26, 41 Stat. 234), which commences near the bottom of page 270 of volume 41 of the Statutes at Large, and ends on page 271 thereof (5 U. S. C., secs. 67, 564), is amended (1) by striking out, after “shall not be subject to”, the reference “the proviso contained in the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1918, and for other purposes, approved March 3, 1917, in Thirty-ninth Statutes at Large, at page 1106”, and in lieu thereof inserting “the provisions of section 1914 of Title 18, United States Code”; and (2) by striking out, at the end of such paragraph, the words “the said proviso”, and in lieu thereof inserting “such section”, so that such paragraph will read as follows:

Agriculture Department employees.

“The officials and the employees of the Department of Agriculture engaged in the activities described in the preceding paragraph and paid in whole or in part out of funds contributed as provided therein, and the persons, corporations, or associations making contributions as therein provided, shall not be subject to the provisions of section 1914 of Title 18, United States Code; nor shall any official or employee engaged in the cooperative activities of the Forest Service, or the persons, corporations, or associations contributing to such activities be subject to such section.”.

62 Stat. 793.

SEC. 6. The paragraph in section 1 of the Sundry Civil Expenses Appropriation Act for the fiscal year ending June 30, 1922 (March 4, 1921, ch. 161, 41 Stat. 1367), which constitutes the second paragraph on page 1424 of volume 41 of the Statutes at Large (5 U. S. C., sec. 68), is amended (1) by striking out, after “Nothing in” at the beginning of such paragraph, the reference “the proviso contained in the Legislative, Executive, and Judicial Appropriation Act of March 3, 1917”, and in lieu thereof inserting “section 1914 of Title 18, United States Code”; and (2) by striking out, at the end of such paragraph,

the quoted appropriation item “‘Expenses of regulating immigration’”, and in lieu thereof inserting “‘Immigration and Naturalization Service—Salaries and Expenses’”, so that such paragraph will read as follows:

Reimbursement
for inspecting
aliens.

“Nothing in section 1914 of Title 18, United States Code, relative to augmenting salaries of Government officials from outside sources shall prevent receiving reimbursements for services of immigration officials incident to the inspection of aliens in foreign contiguous territory, and such reimbursement shall be credited to the appropriation, ‘Immigration and Naturalization Service—Salaries and Expenses.’”.

SEC. 7. Section 3 of the Act approved June 20, 1874 (ch. 328, 18 Stat. 109; 5 U. S. C., sec. 71) is amended by striking out “: *Provided*, That this shall not be construed to prevent the employment and payment by the Department of Justice of district attorneys as now allowed by law for the performance of services not covered by their salaries or fees”, so that such section will read as follows:

Extra compensa-
tion, etc.

“SEC. 3. That no civil officer of the Government shall hereafter receive any compensation or perquisites, directly or indirectly, from the treasury or property of the United States beyond his salary or compensation allowed by law.”.

SEC. 8. Section 303 of the Act approved July 26, 1947, chapter 343, Title III, 61 Stat. 507, as amended by section 10 (c) of the Act approved August 10, 1949, chapter 412, 63 Stat. 585 (5 U. S. C., sec. 171j; 50 U. S. C., sec. 405), is further amended (1) by striking out, in subsection (a) thereof, the words “the Chairman of the National Security Resources Board”, and in lieu thereof inserting “the Director of the Office of Defense Mobilization”; and (2) by striking out, in subsection (b) thereof, the reference “109 or 113 of the Criminal Code (U. S. C., 1940 edition, Title 18, secs. 198 and 203), or section 19 (e) of the Contract Settlement Act of 1944”, and in lieu thereof inserting “281, 283, or 284 of Title 18, United States Code”, so that such section will read as follows:

Advisory com-
mittees, appoint-
ments, etc.

“SEC. 303. (a) The Secretary of Defense, the Director of the Office of Defense Mobilization, the Director of Central Intelligence, and the National Security Council, acting through its Executive Secretary, are authorized to appoint such advisory committees and to employ, consistent with other provisions of this Act, such part-time advisory personnel as they may deem necessary in carrying out their respective functions and the functions of agencies under their control. Persons holding other offices or positions under the United States for which they receive compensation, while serving as members of such committees, shall receive no additional compensation for such service. Other members of such committees and other part-time advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed \$50 for each day of service, as determined by the appointing authority.

“(b) Service of an individual as a member of any such advisory committee, or in any other part-time capacity for a department or agency hereunder, shall not be considered as service bringing such individual within the provisions of section 281, 283, or 284 of Title 18, United States Code, unless the act of such individual, which by such section is made unlawful when performed by an individual referred to in such section, is with respect to any particular matter which directly involves a department or agency which such person is advising or in which such department or agency is directly interested.”.

SEC. 9. Subsection (c) of section 2 of the Act approved March 3, 1927 (ch. 348, 44 Stat. 1381, at page 1382; 5 U. S. C., sec. 281a (c)) is amended (1) by striking out, preceding “Bureau of Customs”, the words “Bureau of Prohibition shall perform such duties as the Sec-

retary of the Treasury or the Commissioner of Prohibition may prescribe, and the personnel of the"; (2) by striking out, after "such duties", the following; "(other than duties in connection with the administration of the National Prohibition Act, as amended, or any other law relating to the enforcement of the eighteenth amendment)"; and (3) by striking out, preceding "may prescribe" at the end of such subsection, the words "or the Commissioner of Customs", so that such subsection will read as follows:

"(c) The personnel of the Bureau of Customs shall perform such duties as the Secretary of the Treasury may prescribe."

Bureau of Customs personnel.

SEC. 10. Section 3 (a) of the Act approved March 3, 1927 (ch. 348, 44 Stat. 1382) is hereby repealed.

Repeal.

SEC. 11. Section 361 of the Revised Statutes (5 U. S. C., sec. 306) is amended by striking out, at the end of such section, the words "in the cases provided by section three hundred and sixty-three", and in lieu thereof inserting "in cases of services performed by attorneys appointed under section 503 of Title 28, United States Code, for whom compensation is provided under section 508 of that title", so that such section will read as follows:

"SEC. 361. The officers of the Department of Justice, under the direction of the Attorney-General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of Departments, and the heads of Bureaus and other officers in the Departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in cases of services performed by attorneys appointed under section 503 of title 28, United States Code, for whom compensation is provided under section 508 of that title."

Legal services for Departments.

SEC. 12. Section 4 of the Act approved August 1, 1946 (ch. 727, 60 Stat. 779, 780; 5 U. S. C., sec. 475c) is amended by striking out, in the proviso of such section, "sections 41, 109, and 113 of the Criminal Code (U. S. C., Title 18, secs. 93, 198, and 203); Revised Statutes, section 190 (U. S. C., title 5, sec. 99); in section 19 (e) of the Contract Settlement Act of 1944 (Public Law 395, Seventy-eighth Congress);", and in lieu thereof inserting "section 281, 283, 284, or 434 of Title 18, United States Code, or section 190 of the Revised Statutes (5 U. S. C., sec. 99)", so that such section will read as follows:

"SEC. 4. The Secretary of the Navy is hereby authorized to establish a Naval Research Advisory Committee which shall consist of not exceeding fifteen persons to be appointed by the Secretary from those persons in civilian life who are preeminent in the fields of science, research, and development work. One member of such committee will be from the field of medicine. The members of such committee shall serve for such term or terms as the Secretary may specify, and shall meet at such times as may be specified by the Secretary to consult with and advise the Chief of Naval Operations and the Chief of the Office of Naval Research. Each member of the committee shall be entitled to compensation in the amount of \$50 for each day or part of a day he shall be in attendance at any regularly called meeting of the committee, together with reimbursement for all travel expenses incident to such attendance: *Provided*, That nothing in section 281, 283, 284, or 434 of Title 18, United States Code, or section 190 of the Revised

Naval Research Advisory Committee.

Statutes (5 U. S. C., sec. 99), or in any other provision of Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim proceeding, or matter involving the United States, shall apply to such persons solely by reason of their appointment to and membership on such committee."

SEC. 13. (a) Section 1 of the Act approved July 31, 1946, chapter 714, 60 Stat. 749, as amended by the Act approved June 28, 1948, ch. 694, 62 Stat. 1068, and the Act approved April 29, 1950, ch. 136, section 1, 64 Stat. 93 (5 U. S. C., sec. 645a), is amended by striking out, after "determined by the" in paragraph (1) of subsection (a) of such section, the reference "Classification Act of 1923, as amended, an Act entitled 'An Act to adjust the compensation of certain employees in the Customs Service', approved May 29, 1928, as amended, or the second paragraph of section 24 of the Immigration Act of 1917, as amended", and in lieu thereof inserting "Classification Act of 1949, as amended", so that such section will read as follows:

"That (a) any person—

"(1) whose name appeared on any list of eligibles either (A) at any time between May 1, 1940, and March 16, 1942, with respect to a position the rate of compensation of which is determined by the Classification Act of 1949, as amended, or (B) at any time between May 1, 1940, and October 23, 1943, with respect to a position in the field service of the Post Office Department, or (C) at any time between May 1, 1940, and the effective date of this Act, with respect to positions of officers and members of the Metropolitan Police or of the Fire Department of the District of Columbia, and officers and members of the United States Park Police and the White House Police; and

"(2) who, pursuant to Executive Order Numbered 9538, dated April 13, 1945, or regulations of the Civil Service Commission covering similar situations in which an eligible lost opportunity for probational appointment because of military service during World War II, was certified for probational appointment to such position, and, subsequently, was given such appointment,

"shall, for the purpose of (A) determining his rate of compensation and (B) his seniority rights in the postal field service, be held to have been appointed to such position as of the earliest date on which an eligible standing lower on the same list of eligibles received a probational appointment therefrom: *Provided*, That the grade, time in grade, and rate of compensation of any person so appointed to a position in the postal field service shall, at the time this Act first applies to such person, be not less than the grade, time in grade, and rate of compensation of the lower eligible (whether a substitute or regular employee) receiving the highest automatic rate of compensation at such time, but such adjustment in grade, time in grade, and rate of compensation shall not affect the status of such person as a substitute or regular employee: *Provided, however*, That no regular employee in the postal field service shall be reduced to substitute status by reason of the enactment of this Act.

Reenlistments.

"(b) No person shall be entitled to the benefits of this section who has reenlisted after June 1, 1945, in the Regular Military Establishment or after February 1, 1945, in the Regular Naval Establishment.

Disability.

"(c) Any person within the terms of this section, who, due to a disability incurred because of military service in World War II, is unable to perform the duties of the position designated by him at the time of taking the examination for appointment thereto, may upon written request at any time have his name entered upon any list of eligibles for any position for which a like examination is required

Civil Service.
Postal field
service employ-
ees.

and such entry shall be made without any loss of seniority or other rights of eligibility conferred by this section: *Provided however*, That this Act shall not be construed to extend the period of eligibility which such person would have otherwise had.”

(b) Sections 1, 2, 3, and 4 of the Act approved May 29, 1928 (ch. 865, 45 Stat. 955), as amended by the Act approved December 12, 1930 (ch. 10, 46 Stat. 1026, 1027) (19 U. S. C., former secs. 6a–6d), are hereby repealed.

SEC. 14. Subsection (d) of section 705 of the Act approved July 1, 1944 (ch. 373, title VII, 58 Stat. 713), as so renumbered by section 5 of the Act approved August 13, 1946 (ch. 958, 60 Stat. 1049) (5 U. S. C., sec. 800), is amended (1) by striking out the second sentence thereof reading: “Such beneficiaries, in addition to the right to receive six months’ pay, shall have the same right of election and of revising elections as is provided by subsection (c) of this section, except that in case of a revised election no deduction shall be made on account of such six months’ pay.”, and (2) by inserting, immediately preceding “Service” in the first sentence thereof, the words “Public Health”, so that such subsection will read as follows:

“(d) In the case of death of a commissioned officer of the Public Health Service which occurred after December 7, 1941, and prior to November 11, 1943, the rights provided to surviving beneficiaries by section 10 of the Public Health Service Act of 1943 shall continue notwithstanding the repeal of that Act.”

SEC. 15. Section 3 of Title 6, United States Code, entitled “Official and Penal Bonds”, is amended (1) by striking out, preceding “19” in the third sentence, the word “title”, and in lieu thereof inserting “Title”; (2) by striking out, preceding “shall be construed” in the fifth sentence, the words “said sections”, and in lieu thereof inserting “sections 1 to 3 of this title”; (3) by striking out, preceding “39” in the fifth sentence, the word “title”, and in lieu thereof inserting “Title”; and (4) by inserting, after “Marine Corps,” in the proviso in the fifth sentence, the reference “Air Force,” so that such section will read as follows:

“§ 3. Renewal; Continuance of Liability

Every officer whose duty it is to take and approve official bonds shall cause all such bonds to be renewed every four years after their dates, but he may require such bonds to be renewed or strengthened oftener if he deem such action necessary. In the discretion of such officer the requirement of a new bond may be waived for the period of service of a bonded officer after the expiration of a four-year term of service pending the appointment and qualification of his successor. The nonperformance of any requirement of the provisions of sections 1 to 3 of this title, or of that part of section 27 of Title 19 relating to transmitting copies of oaths to the Secretary of the Treasury, on the part of any official of the Government shall not be held to affect in any respect the liability of principal or sureties on any bond made or to be made to the United States. The liability of the principal and sureties on all official bonds shall continue and cover the period of service ensuing until the appointment and qualification of the successor of the principal. Nothing in sections 1 to 3 of this title shall be construed to repeal or modify section 38 of Title 39: *Provided*, That the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees, officers and employees of other civilian agencies of the United States and bonded officers and enlisted men of the Army, Navy, Marine Corps, Air Force, and Coast Guard shall be a compliance with the requirement for the renewal of such bonds within the meaning of sections 1 to 3 of this title.”

Repeals.

PHS.
Rights of certain
beneficiaries.

57 Stat. 589.
5 USC 800 note.

Official bonds.

SEC. 16. Section 4 of the Act approved March 3, 1905 (ch. 1501, 33 Stat. 1270; 7 U. S. C., sec. 144) is amended to read as follows:

Insect pests,
transportation.

“SEC. 4. Whoever violates the provisions of section 1 of this Act shall, for each offense, be fined not more than \$5,000 or imprisoned not more than 5 years, or both.”

Supervision of
deportable alien.

SEC. 17. Subsection (d) of section 242 of the Act of June 27, 1952 (ch. 477, Title II, chapter 5, 66 Stat. 208 (211); 8 U. S. C., sec. 1252 (d)) is amended by striking out, after “activity,” in the third sentence thereof, the words “shall upon conviction be guilty of a felony, and shall be fined not more than \$1,000 or shall be”, and in lieu thereof inserting “shall be fined not more than \$1,000 or”, so that such subsection will read as follows:

“(d) Any alien, against whom a final order of deportation as defined in subsection (c) heretofore or hereafter issued has been outstanding for more than six months, shall, pending eventual deportation, be subject to supervision under regulations prescribed by the Attorney General. Such regulations shall include provisions which will require any alien subject to supervision (1) to appear from time to time before an immigration officer for identification; (2) to submit, if necessary, to medical and psychiatric examination at the expense of the United States; (3) to give information under oath as to his nationality, circumstances, habits, associations, and activities, and such other information, whether or not related to the foregoing, as the Attorney General may deem fit and proper; and (4) to conform to such reasonable written restrictions on his conduct or activities as are prescribed by the Attorney General in his case. Any alien who shall willfully fail to comply with such regulations, or willfully fail to appear or to give information or submit to medical or psychiatric examination if required, or knowingly give false information in relation to the requirements of such regulations, or knowingly violate a reasonable restriction imposed upon his conduct or activity, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.”

Violation by
alien.

SEC. 18. Subsection (a) of section 340 of the Act of June 27, 1952 (ch. 477, Title III, chapter 2, 66 Stat. 260; 8 U. S. C., sec. 1451 (a)) is amended by striking out, in the first phrase of the first sentence thereof, the term “United States district attorneys”, and in lieu thereof inserting “United States attorneys”, so that such subsection will read as follows:

Revocation of
naturalization.

“(a) It shall be the duty of the United States attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court specified in subsection (a) of section 310 of this title in the judicial district in which the naturalized citizen may reside at the time of bringing suit, for the purpose of revoking and setting aside the order admitting such person to citizenship and canceling the certificate of naturalization on the ground that such order and certificate of naturalization were procured by concealment of a material fact or by willful misrepresentation, and such revocation and setting aside of the order admitting such person to citizenship and such canceling of certificate of naturalization shall be effective as of the original date of the order and certificate, respectively: *Provided*, That refusal on the part of a naturalized citizen within a period of ten years following his naturalization to testify as a witness in any proceeding before a congressional committee concerning his subversive activities, in a case where such person has been convicted of contempt for such refusal, shall be held to constitute a ground for revocation of such person's naturalization under this subsection as having been procured by concealment of a material fact or by willful misrepresentation. If the naturalized citizen does

Refusal to test-
ify.

not reside in any judicial district in the United States at the time of bringing such suit, the proceedings may be instituted in the United States District Court for the District of Columbia or in the United States district court in the judicial district in which such person last had his residence.”

SEC. 19. Section 4 of Title 9, United States Code, entitled “Arbitration”, is amended (1) by striking out, in the first sentence, “court of the United States” and in lieu thereof inserting “United States district court”; (2) by striking out, in the first sentence, “the judicial code at law, in equity,”, and in lieu thereof inserting “Title 28, in a civil action”; (3) by striking out, in the third sentence, “law for the service of summons in the jurisdiction in which the proceeding is brought”, and in lieu thereof inserting “the Federal Rules of Civil Procedure”; and (4) by striking out, in the eighth sentence, “law for referring to a jury issues in an equity action”, and in lieu thereof inserting “the Federal Rules of Civil Procedure”, so that such section, exclusive of the section heading thereto, will read as follows:

“A party aggrieved by the alleged failure, neglect, or refusal of another to arbitrate under a written agreement for arbitration may petition any United States district court which, save for such agreement, would have jurisdiction under Title 28, in a civil action or in admiralty of the subject matter of a suit arising out of the controversy between the parties, for an order directing that such arbitration proceed in the manner provided for in such agreement. Five days’ notice in writing of such application shall be served upon the party in default. Service thereof shall be made in the manner provided by the Federal Rules of Civil Procedure. The court shall hear the parties, and upon being satisfied that the making of the agreement for arbitration or the failure to comply therewith is not in issue, the court shall make an order directing the parties to proceed to arbitration in accordance with the terms of the agreement. The hearing and proceedings, under such agreement, shall be within the district in which the petition for an order directing such arbitration is filed. If the making of the arbitration agreement or the failure, neglect, or refusal to perform the same be in issue, the court shall proceed summarily to the trial thereof. If no jury trial be demanded by the party alleged to be in default, or if the matter in dispute is within admiralty jurisdiction, the court shall hear and determine such issue. Where such an issue is raised, the party alleged to be in default may, except in cases of admiralty, on or before the return day of the notice of application, demand a jury trial of such issue, and upon such demand the court shall make an order referring the issue or issues to a jury in the manner provided by the Federal Rules of Civil Procedure, or may specially call a jury for that purpose. If the jury find that no agreement in writing for arbitration was made or that there is no default in proceeding thereunder, the proceeding shall be dismissed. If the jury find that an agreement for arbitration was made in writing and that there is a default in proceeding thereunder, the court shall make an order summarily directing the parties to proceed with the arbitration in accordance with the terms thereof.”

SEC. 20. The last paragraph, under the heading “MISCELLANEOUS”, in the Act approved July 16, 1892 (ch. 195, 27 Stat. 174), appearing at page 177 of volume 27 of the Statutes at Large, and as amended by the Act approved July 10, 1952 (ch. 654, 66 Stat. 575; 10 U. S. C., sec. 877; 14 U. S. C., sec. 461 note; 34 U. S. C., sec. 890), is amended by striking out, after “Air Force,”, the following: “Marine Corps, and Coast Guard”, and in lieu thereof inserting “and Marine Corps”, so that such paragraph will read as follows:

Failure to arbitrate under agreements.

Indebtedness to U. S., withholding of pay.

"The pay of officers of the Army, Navy, Air Force, and Marine Corps may be withheld under section 1766, Revised Statutes, on account of an indebtedness to the United States admitted or shown by the judgment of a court, but not otherwise unless upon a special order issued according to the discretion of the Secretary of the Department concerned."

SEC. 21. Paragraph (d) of section 5144 of the Revised Statutes, as amended (12 U. S. C., sec. 61 (d)), is amended by striking out the reference "5209 of the Revised Statutes, as amended (U. S. C., title 12, sec. 592)", and in lieu thereof inserting "1005 of title 18, United States Code", so that such paragraph will read as follows:

False entries,
penalties.

"(d) Every officer, director, agent, and employee of every such holding company affiliate shall be subject to the same penalties for false entries in any book, report, or statement of such holding company affiliate as are applicable to officers, directors, agents, and employees of member banks under section 1005 of Title 18, United States Code; and".

SEC. 22. Section 2 of the Act approved June 30, 1876 (ch. 156, 19 Stat. 63; 12 U. S. C., sec. 65) is amended (1) by striking out, after "such association", the words ", by bill in equity, in the nature of a creditor's bill.", and in lieu thereof inserting "by a civil action"; and (2) by striking out, after "shareholders thereof,", the words "in any court of the United States having original jurisdiction in equity", and in lieu thereof inserting "in the United States district court", so that such section will read as follows:

Shareholder's
liability, enforce-
ment.

"SEC. 2. That when any national banking association shall have gone into liquidation under the provisions of section five thousand two hundred and twenty of said statutes, the individual liability of the shareholders provided for by section fifty-one hundred and fifty-one of said statutes may be enforced by any creditor of such association by a civil action brought by such creditor on behalf of himself and of all other creditors of the association, against the shareholders thereof, in the United States district court for the district in which such association may have been located or established."

SEC. 23. Section 209 of the Act approved March 9, 1933 (ch. 1, Title II, 48 Stat. 5; 12 U. S. C., sec. 209) is amended (1) by striking out the reference "section 5209 of the Revised Statutes (U. S. C., Title 12, sec. 592)", and in lieu thereof inserting "sections 334, 656, and 1005 of Title 18, United States Code"; and (2) by striking out the reference "112, 113, 114, 115, 116 and 117 of the Criminal Code of the United States (U. S. C., Title 18, secs. 202, 203, 204, 205, 206 and 207)", and in lieu thereof inserting "202, 216, 281, 431, 432, and 433 of such Title 18" so that such section will read as follows:

Conservators.

"SEC. 209. Conservators appointed pursuant to the provisions of this title shall be subject to the provisions of and to the penalties prescribed by sections 334, 656, and 1005 of Title 18, United States Code; and sections 202, 216, 281, 431, 432, and 433 of such Title 18, in so far as applicable, are extended to apply to contracts, agreements, proceedings, dealings, claims and controversies by or with any such conservator or the Comptroller of the Currency under the provisions of this title."

"State bank."

SEC. 24. Section 1 of the Act approved August 17, 1950 (ch. 729, 64 Stat. 455; 12 U. S. C., sec. 214) is amended (1) by striking out, in subsection (a) of such section, the words "this Act", and in lieu thereof inserting "sections 1-4 and 8 of this Act (12 U. S. C., secs. 214-214c, 321)"; and (2) by striking out, in subsection (b) of such section, the words "this Act", and in lieu thereof inserting "sections 1-4 and 8 of this Act (12 U. S. C., secs. 214-214c, 321)", so that such section will read as follows:

"SECTION 1. (a) As used in sections 1-4 and 8 of this Act (12 U. S. C., secs. 214-214c, 321) the term 'State bank' means any bank, banking association, trust company, savings bank (other than a mutual savings bank), or other banking institution which is engaged in the business of receiving deposits and which is incorporated under the laws of any State, any Territory of the United States, Puerto Rico, or the Virgin Islands, or which is operating under the Code of Law for the District of Columbia (except a national banking association).

"(b) For purposes of merger or consolidation under sections 1-4 and 8 of this Act (12 U. S. C., secs. 214-214c, 321) the term 'national banking association' means one or more national banking associations, and the term 'State bank' means one or more State banks."

"National banking association."

SEC. 25. Section 4 of the Act approved August 17, 1950 (ch. 729, 64 Stat. 456, 457; 12 U. S. C., sec. 214c), as amended by Act July 12, 1952, ch. 696, 66 Stat. 590, is amended by striking out, in the two places where they appear in such section, the words "this Act", and in lieu thereof inserting "sections 1-4 and 8 of this Act (12 U. S. C., secs. 214-214c, 321)", so that such section will read as follows:

"SEC. 4. No conversion of a national banking association into a State bank or its merger or consolidation with a State bank shall take place under sections 1-4 and 8 of this Act (12 U. S. C., sec. 214-214c, 321) in contravention of the law of the State in which the national banking association is located; and no such conversion, merger, or consolidation shall take place under sections 1-4 and 8 of this Act unless under the law of the State in which such national banking association is located State banks may without approval by any State authority convert into and merge or consolidate with national banking associations under limitations or conditions no more restrictive than those contained in section 2 hereof with respect to the conversion of a national bank into, or merger or consolidation of a national bank with, a State bank under State charter."

Conversion in contravention of State law.

SEC. 26. Section 10 of the Act approved June 11, 1942 (ch. 404, 56 Stat. 356; 12 U. S. C., sec. 265) is amended by striking out, at the end thereof, the reference "the Act of August 23, 1935 (49 Stat. 684), as amended (U. S. C., sec. 264)", and in lieu thereof inserting "section 3 of the Federal Deposit Insurance Act, as amended (12 U. S. C., sec. 1813)", so that such section will read as follows:

"SEC. 10. All insured banks designated for that purpose by the Secretary of the Treasury shall be depositaries of public money of the United States (including, without being limited to, revenues and funds of the United States, and any funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees, and Postal Savings funds), and the Secretary is hereby authorized to deposit public money in such depositaries, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public money and financial agents of the Government as may be required of them. The Secretary of the Treasury shall require of the insured banks thus designated satisfactory security by the deposit of United States bonds or otherwise, for the safekeeping and prompt payment of public money deposited with them and for the faithful performance of their duties as financial agents of the Government: *Provided*, That no such security shall be required for the safekeeping and prompt payment of such parts of the deposits of the public money in such banks as are insured deposits and each officer, employee, or agent of the United States having official custody of public funds and lawfully depositing the same in an insured bank shall, for the purpose of determining the amount of the insured

Insured banks as depositaries of public money.

deposits, be deemed a depositor in such custodial capacity separate and distinct from any other officer, employee, or agent of the United States having official custody of public funds and lawfully depositing the same in the same insured bank in custodial capacity. Notwithstanding any other provision of law, no department, board, agency, instrumentality, officer, employee, or agent of the United States shall issue or permit to continue in effect any regulations, rulings, or instructions or enter into or approve any contracts or perform any other acts having to do with the deposit, disbursement, or expenditure of public funds, or the deposit, custody, or advance of funds subject to the control of the United States as trustee or otherwise which shall discriminate against or prefer national banking associations, State banks members of the Federal Reserve System, or insured banks not members of the Federal Reserve System, by class, or which shall require those enjoying the benefits, directly or indirectly, of disbursed public funds so to discriminate. All Acts or parts thereof in conflict herewith are hereby repealed. The terms 'insured bank' and 'insured deposit' as used in this Act shall be construed according to the definitions of such terms in section 3 of the Federal Deposit Insurance Act, as amended (12 U. S. C., sec. 1813)."

SEC. 27. The sixth paragraph of section 9 of the Federal Reserve Act as amended (12 U. S. C., 324), is amended by striking out, in the second sentence of such paragraph, the reference "section fifty-two hundred and nine of the Revised Statutes", and in lieu thereof inserting "sections 334, 656, and 1005 of Title 18, United States Code", so that such paragraph will read as follows:

"All banks admitted to membership under authority of this section shall be required to comply with the reserve and capital requirements of this Act and to conform to those provisions of law imposed on national banks which prohibit such banks from lending on or purchasing their own stock, which relate to the withdrawal or impairment of their capital stock, and which relate to the payment of unearned dividends. Such banks and the officers, agents, and employees thereof shall also be subject to the provisions of and to the penalties prescribed by sections 334, 656, and 1005 of Title 18, United States Code, and shall be required to make reports of condition and of the payment of dividends to the Federal Reserve bank of which they become a member. Not less than three of such reports shall be made annually on call of the Federal Reserve bank on dates to be fixed by the Board of Governors of the Federal Reserve System. Failure to make such reports within ten days after the date they are called for shall subject the offending bank to a penalty of \$100 a day for each day that it fails to transmit such report; such penalty to be collected by the Federal Reserve bank by suit or otherwise. Such reports of condition shall be in such form and shall contain such information as the Board of Governors of the Federal Reserve System may require and shall be published by the reporting banks in such manner and in accordance with such regulations as the said Board may prescribe."

SEC. 28. Subsection (f) of section 22 of the Federal Reserve Act, as amended (12 U. S. C., 503), is amended by inserting, after "thereof," where it appears in such subsection, the words "or any of the provisions of sections 217, 218, 219, 220, 655, 1005, 1014, 1906, or 1909 of Title 18, United States Code," so that such subsection will read as follows:

"(f) If the directors or officers of any member bank shall knowingly violate or permit any of the agents, officers, or directors of any member bank to violate any of the provisions of this section or regulations of the board made under authority thereof, or any of the

Laws applicable
on becoming mem-
bers.

Liability of di-
rectors and offi-
cers of member
banks.

provisions of sections 217, 218, 219, 220, 655, 1005, 1014, 1906, or 1909 of Title 18, United States Code, every director and officer participating in or assenting to such violation shall be held liable in his personal and individual capacity for all damages which the member bank, its shareholders, or any other persons shall have sustained in consequence of such violation.”

SEC. 29. Section 11 of the Act approved July 31, 1945 (ch. 341, 59 Stat. 529; 12 U. S. C., sec 635h) is amended by striking out, after “provisions of”, the reference “the Act of April 13, 1934 (48 Stat., Ch. 112, p. 574)”, and in lieu thereof inserting “section 955 of Title 18, United States Code”, so that such section will read as follows:

Export-Import
Bank, participa-
tion with, etc.

“SEC. 11. Notwithstanding the provisions of section 955 of Title 18, United States Code, any person, including any individual, partnership, corporation, or association, may act for or participate with the Export-Import Bank of Washington in any operation or transaction, or may acquire any obligation issued in connection with any operation or transaction, engaged in by the Bank.”

SEC. 30. Section 81 of Title 14, United States Code, entitled “Coast Guard”, as amended by the Act approved June 22, 1951 (ch. 150, 65 Stat. 89), is amended by striking out, after “within the” in paragraph (2) of such section, the designation “National Military Establishment”, and in lieu thereof inserting “Department of Defense”, so that such section will read as follows:

Coast Guard.

“§ 81. Aids to Navigation Authorized

“In order to aid navigation and to prevent disasters, collisions, and wrecks of vessels and aircraft, the Coast Guard may establish, maintain, and operate:

“(1) aids to maritime navigation required to serve the needs of the armed forces or of the commerce of the United States;

“(2) aids to air navigation required to serve the needs of the armed forces of the United States as requested by the Secretary of the appropriate department within the Department of Defense; and

“(3) Loran stations (a) required to serve the needs of the armed forces of the United States; or (b) required to serve the needs of the maritime commerce of the United States; or (c) required to serve the needs of the air commerce of the United States as determined by the Administrator of Civil Aeronautics.

“Such aids to navigation other than loran stations shall be established and operated only within the United States, its Territories and possessions, the Trust Territory of the Pacific Islands, and beyond the territorial jurisdiction of the United States at places where naval or military bases of the United States are or may be located, and at other places where such aids to navigation have been established prior to June 26, 1948.”

SEC. 31. Section 82 of Title 14, United States Code, is amended by striking out, in the fourth sentence thereof, the reference “sections 175 (f) or 451-458 of Title 49”, and in lieu thereof inserting “section 175 (e) of Title 49 or subchapter III of chapter 9 of that title”, so that such section will read as follows:

63 Stat. 500.

“§ 82. Cooperation With Administrator of Civil Aeronautics

“The Coast Guard in establishing, maintaining, or operating any aids to air navigation herein provided shall solicit the cooperation of the Administrator of Civil Aeronautics to the end that the personnel and facilities of the Civil Aeronautics Administration will be

utilized to the fullest possible advantage. Before locating and operating any such aid on military or naval bases or regions, the consent of the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, as the case may be, shall first be obtained. No such aid shall be located within the territorial jurisdiction of any foreign country without the consent of the government thereof. Nothing in this title shall be deemed to limit the authority granted by the provisions of section 458 of Title 5, or by section 475 (e) of Title 49 or subchapter III of chapter 9 of that title.”

63 Stat. 509.

SEC. 32. Section 186 of Title 14, United States Code, is amended (1) by striking out, in the first sentence of such section, the reference “Classification Act of 1923”, and in lieu thereof inserting “Classification Act of 1949”; and (2) by striking out, in the second sentence thereof, the reference “sections 29a, 30b-30m, 84, 663, 667, 672a-673, and Chapter 18”, and in lieu thereof inserting “section 84, chapter 18, subchapter IV of chapter 21, sections 1112, 1113, and 1121-1125, and chapter 23”, so that such section will read as follows:

“§ 186. Civilian Instructors

“The Secretary may appoint in the Coast Guard, subject to the competitive provisions of the civil-service laws and regulations, such number of civilian instructors as the needs of the Service require, not to exceed eight, whose compensation shall be fixed in accordance with the Classification Act of 1949, as amended. Leaves of absence and hours of work for such civilian instructors shall be governed by regulations issued by the Secretary of the Treasury, without regard to section 84, chapter 18, subchapter IV of chapter 21, sections 1112, 1113, and 1121-1125, and chapter 23, of Title 5.”

SEC. 33. (a) The analysis of chapter 13 of Title 14, United States Code, preceding section 461 of such title, is amended by adding, immediately preceding the period at the end of item 461 in such analysis, the following: “; pay of officers indebted to United States”, so that such item will read as follows: “461. Pay and allowances; pay of officers indebted to United States.”

63 Stat. 530.

(b) Section 461 of Title 14, United States Code, is amended (1) by adding, at the end of the catchline of such section, the following: “; pay of officers indebted to United States”; (2) by inserting the subsection symbol “(a)” at the beginning of the present paragraph in such section; and (3) by adding to such section the following new subsection: “(b) The pay of officers of the Coast Guard may be withheld under section 82 of Title 5 on account of an indebtedness to the United States admitted or shown by the judgment of a court, but not otherwise unless upon a special order issued according to the discretion of the Secretary.”, so that such section will read as follows:

“§ 461. Pay and Allowances; Pay of Officers Indebted to United States

“(a) Commissioned officers, commissioned warrant officers, cadets, warrant officers, and enlisted persons shall, except as otherwise provided by law, receive the same pay, allowances, increases, additions, and gratuities as prescribed by corresponding ranks, grades, or ratings for personnel of the Navy, including any extra pay and allowances for special duty.

“(b) The pay of officers of the Coast Guard may be withheld under section 82 of Title 5 on account of an indebtedness to the United States admitted or shown by the judgment of a court, but not otherwise unless upon a special order issued according to the discretion of the Secretary.”

SEC. 34. Subsection (a) of section 645 of Title 14, United States Code, is amended by striking out "chapter 20" in the first sentence of such subsection, and in lieu thereof inserting "sections 1346 (b) and 2401 (b), and chapter 171," so that such subsection will read as follows:

"(a) The Secretary and, subject to appeal to the Secretary, such other officer as he may designate for such purposes and under regulations prescribed by him, may consider, ascertain, adjust, determine, settle, and pay in an amount not in excess of \$1,000, where accepted by a claimant in full satisfaction and final settlement, any claim against the United States arising on or after May 27, 1941, when such claim is substantiated in such a manner as the Secretary may by regulations prescribe, for damage to or loss or destruction of property, real or personal, or for personal injury or death, caused by military personnel or civilian employees of the Coast Guard while acting within the scope of their employment (excluding claims cognizable under sections 1346 (b) and 2401 (b), and chapter 171, of Title 28), or otherwise incident to noncombat activities of the Coast Guard, including claims for damage to or loss or destruction by criminal acts of registered or insured mail while in the possession of Coast Guard authorities, claims for damage to or loss or destruction of personal property bailed to the Government, and claims for damages to real property incident to the use and occupancy thereof, whether under a lease, express or implied, or otherwise. The provisions of this section shall not apply to claims for personal injury or death of military personnel or civilian employees of the Coast Guard if such injury or death occurs incident to their services. The provisions of this section shall not apply where the damage to or loss or destruction of property, or the personal injury or death, has been caused in whole or in part by any negligence or wrongful act on the part of the claimant, his agent, or employee. The amount allowed on account of personal injury or death shall be limited to reasonable medical, hospital, and burial expenses actually incurred, except that no payment shall be made to any claimant in reimbursement for medical or hospital services furnished at the expense of the United States nor, in the case of burial, of such portion of the expense thereof as may be otherwise paid by the United States."

SEC. 35. The analysis of chapter 229 of Title 18, United States Code, as amended by the Act approved October 24, 1951 (ch. 546, sec. 1, 65 Stat. 609), is amended by inserting, following and underneath item 3619 in such analysis, and preceding section 3611 of such title, the following item: "3620. Vessels carrying explosives and steerage passengers."

SEC. 36. Title 18, United States Code, is amended by inserting, immediately following section 3619 of such title, and preceding chapter 231 thereof, the following new section:

§ 3620. Vessels Carrying Explosives and Steerage Passengers

"The amount of any fine imposed upon the master of a steamship or other vessel under the provisions of section 2278 of this title shall be a lien upon such vessel, and such vessel may be libeled therefor in the district court of the United States for any district in which such vessel shall arrive or from which it shall depart."

SEC. 37. Section 307 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1046; 21 U. S. C., sec. 337) is amended by striking out the words "Notwithstanding the provisions of section 876 of the Revised Statutes, subpenas", in the second sentence of such section, and in lieu thereof inserting "Subpoenas", so that such section will read as follows:

63 Stat. 547.

Claims settle-
ment.62 Stat. 933,
971, 982.

62 Stat. 805.

Food, drug, and
cosmetic regula-
tions.
Subpoenas.

“SEC. 307. All such proceedings for the enforcement, or to restrain violations, of this Act shall be by and in the name of the United States. Subpoenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any such proceeding.”

62 Stat. 898.
Court of Claims.

SEC. 38. The analysis of chapter 7 of Title 28, United States Code, immediately preceding section 171 of such title, is amended by adding, immediately preceding the period at the end of item 171 in such analysis, the following: “; character of court”, so that such item will read as follows: “171. Appointment and number of judges; character of court.”

SEC. 39. (a) The catchline to section 171 of Title 28, United States Code, is amended by adding at the end thereof the following: “; character of court”, so that such catchline will read as follows: “§ 171. Appointment and number of judges; character of court”.

62 Stat. 900.

(b) Subsection (c) of section 291 of Title 28, United States Code, is amended by striking all of the subsections following “may,” and in lieu thereof inserting “upon presentation to him by the chief judge of the Court of Claims of a certificate of necessity, designate and assign temporarily any circuit judge to serve as a judge of the Court of Claims,” so that the subsection will read as follows:

“(c) The Chief Justice of the United States may, upon presentation to him by the chief judge of the Court of Claims of a certificate of necessity, designate and assign temporarily any circuit judge to serve as a judge of the Court of Claims”.

67 Stat. 226.

(c) Subsection (d) of section 292 of Title 28, United States Code, is amended by striking all of the subsection following the word “may” and in lieu thereof inserting “upon presentation to him by the chief judge of the Court of Claims of a certificate of necessity, designate and assign temporarily any district judge to serve as a judge of the Court of Claims”, so that the subsection will read as follows:

“(d) The Chief Justice of the United States may upon presentation to him by the chief judge of the Court of Claims of a certificate of necessity, designate and assign temporarily any district judge to serve as a judge of the Court of Claims.”

62 Stat. 901.

(d) Section 295 of Title 28, United States Code, is amended by inserting “of a circuit or district judge in active service” immediately after “assignment” and by striking out “a” and inserting “the” so that such section will read:

“§ 295. Conditions Upon Designation and Assignment

“No designation and assignment of a circuit or district judge in active service shall be made without the consent of the chief judge or judicial council of the circuit from which the judge is to be designated and assigned.

“All designations and assignments of justices and judges shall be filed with the clerks and entered on the minutes of the courts from and to which made.

“The Chief Justice of the United States, a circuit justice or a chief judge of a circuit may make new designation and assignments in accordance with the provisions of this chapter and may revoke those previously made by him.”

62 Stat. 923.

SEC. 40. The analysis of chapter 51 of Title 28, United States Code, immediately preceding section 791 of such title, is amended by striking out the item “793. Reporter-commissioners; stenographers”, now appearing in such analysis.

Commissioners.

SEC. 41. (a) Subsection (a) of section 792 of Title 28, United States Code, is amended (1) by striking out where it appears in such subsection “United States”; and (2) by striking out the period at the end

of such subsection and in lieu thereof inserting "and shall devote all of their time to the duties of the office.", so that such subsection will read as follows:

"(a) The Court of Claims may appoint fifteen commissioners who shall be subject to removal by the court and shall devote all of their time to the duties of the office."

(b) Subsection (b) of section 792 of Title 28, United States Code, is amended (1) by striking out where it appears in such subsection "a salary of \$7,500 a year", and in lieu thereof inserting "basic compensation at the rate of \$14,800 a year"; (2) by striking out where it appears in such subsection "all necessary traveling expenses, and also his reasonable maintenance expenses actually incurred, not exceeding \$7 per day, while taking testimony or transacting other official business at a place other than Washington." and in lieu thereof inserting "also all necessary traveling expenses and a per diem allowance as provided in sections 835-842 of Title 5, while traveling on official business and away from Washington, District of Columbia", so that such subsection will read as follows:

"(b) Each commissioner shall receive basic compensation at the rate of \$14,800 a year, and also all necessary traveling expenses and a per diem allowance as provided in sections 835-842 of Title 5 while traveling on official business and away from Washington, District of Columbia."

(c) Subsection (c) of section 792 of Title 28, United States Code, is repealed.

(d) The concluding paragraph of section 792 of Title 28, United States Code, providing "Each commissioner shall devote all of his time to the duties of his office." is repealed.

SEC. 42. Section 1343 of Title 28, United States Code, is amended by striking out, in the two places where it appears in such section, the reference "47 of Title 8", and in lieu thereof inserting "1985 of Title 42".

62 Stat. 932.

SEC. 43. The analysis of chapter 91 of Title 28, United States Code, immediately preceding section 1491 of such title, is amended (1) by adding, immediately preceding the period at the end of item 1491 in such analysis, the following: "; actions involving Tennessee Valley Authority", so that such item will read as follows: "1491. Claims against United States generally; actions involving Tennessee Valley Authority."; and (2) by striking out the item "1493. Departmental reference cases.", now appearing in such analysis.

62 Stat. 940.

SEC. 44. (a) The catchline to section 1491 of Title 28, United States Code, is amended by adding at the end thereof the following: "; actions involving Tennessee Valley Authority", so that such catchline will read as follows: "§ 1491. Claims against United States generally; actions involving Tennessee Valley Authority".

(b) Section 1491 of Title 28, United States Code, is amended by striking out where it appears in such section the following: "The United States Court of Claims shall have jurisdiction to render judgment upon any claim against the United States:

"(1) founded upon the Constitution; or

"(2) founded upon any Act of Congress; or

"(3) founded upon any regulation of an executive department;

or

"(4) founded upon any express or implied contract with the United States; or

"(5) for liquidated or unliquidated damages in cases not sounding in tort."

and in lieu thereof inserting "The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States

founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.”, so that such section will read as follows:

“The Court of Claims shall have jurisdiction to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.

TVA.

“Nothing herein shall be construed to give the Court of Claims jurisdiction in suits against, or founded on actions of, the Tennessee Valley Authority, nor to amend or modify the provisions of the Tennessee Valley Authority Act of 1933, as amended, with respect to suits by or against the Authority.”

48 Stat. 58.
16 USC 831.

(c) Section 1494 of Title 28, United States Code, is amended by striking out “United States Court of Claims” and inserting in lieu thereof “Court of Claims” so that such section will read:

“§ 1494. Accounts of Officers, Agents or Contractors

“The Court of Claims shall have jurisdiction to determine the amount, if any, due to or from the United States by reason of any unsettled account of any officer or agent of, or contractor with, the United States, or a guarantor, surety or personal representative of any such officer, agent or contractor, and to render judgment thereof where—

“(1) claimant or the person he represents has applied to the proper department of the Government for settlement of the account;

“(2) three years have elapsed from the date of such application without settlement; and

“(3) no suit upon the same has been brought by the United States.”

Sec. 45. Section 1821 of Title 28, United States Code, as amended by the Act approved May 10, 1949 (ch. 96, 63 Stat. 65), the Act approved May 24, 1949 (ch. 139, sec. 94, 63 Stat. 103), and the Act approved Oct. 31, 1951 (ch. 655, sec. 51 (a), 65 Stat. 727), is amended by striking out, in the first sentence thereof, the words “or before a United States commissioner or person taking his deposition pursuant to any order of a court of the United States,” and in lieu thereof inserting “, or before a United States commissioner, or before any person authorized to take his deposition pursuant to any rule or order of a court of the United States,”, so that such section will read as follows:

“§ 1821. Per Diem and Mileage Generally; Subsistence

“A witness attending in any court of the United States, or before a United States commissioner, or before any person authorized to take his deposition pursuant to any rule or order of a court of the United States, shall receive \$4 for each day’s attendance and for the time necessarily occupied in going to and returning from the same, and 7 cents per mile for going from and returning to his place of residence. Witnesses who are not salaried employees of the Government and who are not in custody and who attend at points so far removed from their respective residences as to prohibit return there-to from day to day shall be entitled to an additional allowance of \$5 per day for expenses of subsistence including the time necessarily occupied in going to and returning from the place of attendance: *Provided*, That in lieu of the mileage allowance provided for herein,

witnesses who are required to travel between the Territories, possessions, or to and from the continental United States, shall be entitled to the actual expenses of travel at the lowest first-class rate available at the time of reservation for passage, by means of transportation employed: *Provided further*, That this section shall not apply to Alaska.

"When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation of \$1 per day."

SEC. 46. The analysis of chapter 165 of Title 28, United States Code, immediately preceding section 2501 of such title, is amended by striking out of item 2510, in such analysis, the words "Departmental reference cases", and in lieu thereof inserting "Referral of cases by Comptroller General", so that such item will read as follows: "2510. Referral of cases by Comptroller General."

62 Stat. 975.

SEC. 47. (a) The first paragraph of section 2508 of Title 28, United States Code is amended by striking out "United States Court of Claims" and inserting in lieu thereof "Court of Claims" so that such paragraph will read:

"Upon the trial of any suit in the Court of Claims in which any setoff, counterclaim, claim for damages, or other demand is set up on the part of the United States against any plaintiff making claim against the United States in said court, the court shall hear and determine such claim or demand both for and against the United States and plaintiff."

(b) The catchline to section 2510 of title 28, United States Code, is amended by striking out the words "Departmental reference cases", appearing in such catchline, and in lieu thereof inserting "Referral of cases by Comptroller General", so that such catchline will read as follows: "§ 2510. Referral of cases by Comptroller General".

SEC. 48. Section 2 of the Act approved August 7, 1888 (ch. 772, 25 Stat. 383; 47 U. S. C., sec. 10) is amended by striking out, after "provision of" near the beginning of such section, the reference "title sixty-five of the Revised Statutes", and in lieu thereof inserting "sections 5263 to 5269, inclusive, of the Revised Statutes, prior to the effective date of the repeal of such sections," so that such section will read as follows:

"SEC. 2. That whenever any telegraph company which shall have accepted the provisions of sections 5263 to 5269, inclusive, of the Revised Statutes, prior to the effective date of the repeal of such sections, shall extend its line to any station or office of a telegraph line belonging to any one of said railroad or telegraph companies, referred to in the first section of this Act, said telegraph company so extending its line shall have the right and said railroad or telegraph company shall allow the line of said telegraph company so extending its line to connect with the telegraph line of said railroad or telegraph company to which it is extended at the place where their lines may meet, for the prompt and convenient interchange of telegraph business between said companies; and such railroad and telegraph companies, referred to in the first section of this act, shall so operate their respective telegraph lines as to afford equal facilities to all, without discrimination in favor of or against any person, company, or corporation whatever, and shall receive, deliver, and exchange business with connecting telegraph lines on equal terms, and affording equal facilities, and without discrimination for or against any one of such connecting lines; and such exchange of business shall be on terms just and equitable."

Telegraphs.

SEC. 49. Section 7 of the Act approved August 7, 1888 (ch. 772, 25 Stat. 385; 47 U. S. C., sec. 15) is amended by striking out, after "premises", the words "now existing in the United States, or any authority that the Postmaster-General now has under title sixty-five of the Revised Statutes to fix rates, or, of the Government, to purchase lines as provided under said title, or to have its messages given precedence in transmission", and in lieu thereof inserting "now or hereafter existing in the United States, or the authority of the Federal Communications Commission under the provisions of the Communications Act of 1934, as amended, to prescribe charges, classifications, regulations, and practices, including priorities, applicable to Government communications", so that such section will read as follows:

48 Stat. 1064.
47 USC 609.

"SEC. 7. That nothing in this Act shall be construed to affect or impair the right of Congress, at any time hereafter, to alter, amend, or repeal the said Acts hereinbefore mentioned; and this Act shall be subject to alteration, amendment, or repeal as, in the opinion of Congress, justice or the public welfare may require; and nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now or hereafter existing in the United States, or the authority of the Federal Communications Commission under the provisions of the Communications Act of 1934, as amended, to prescribe charges, classifications, regulations, and practices, including priorities, applicable to Government communications."

Office of Defense
Mobilization.

SEC. 50. Section 103 of the Act approved July 26, 1947 (ch. 343, title I, 61 Stat. 499; 50 U. S. C., sec. 404) is amended (1) by striking out subsection (a) thereof; (2) by redesignating present subsections (b), (c), and (d) as "(a)", "(b)", and "(c)", respectively; (3) by striking out, in subsection (a), as so redesignated by clause (2) of this section, "Chairman of the Board", and in lieu thereof inserting "Director of the Office of Defense Mobilization"; (4) by striking out, in subsection (a), as so redesignated by clause (2) of this section, "Classification Act of 1923, as amended", and in lieu thereof inserting "Classification Act of 1949"; (5) by striking out, in subsection (a), as so redesignated, "Board in carrying out its", and in lieu thereof inserting "Director in carrying out his"; (6) by striking out, in subsection (b), as so redesignated by clause (2) of this section, the term "Board", and in lieu thereof inserting "Director of the Office of Defense Mobilization"; and (7) by striking out, in subsection (c), as so redesignated by clause (2) of this section, "its functions, the Board", and in lieu thereof inserting "his functions, the Director of the Office of Defense Mobilization", so that such section will read as follows:

63 Stat. 954.
5 USC 1071 note.

"SEC. 103. (a) The Director of the Office of Defense Mobilization, subject to the direction of the President, is authorized, subject to the civil-service laws and the Classification Act of 1949, to appoint and fix the compensation of such personnel as may be necessary to assist the Director in carrying out his functions.

"(b) It shall be the function of the Director of the Office of Defense Mobilization to advise the President concerning the coordination of military, industrial, and civilian mobilization, including—

"(1) policies concerning industrial and civilian mobilization in order to assure the most effective mobilization and maximum utilization of the Nation's manpower in the event of war;

"(2) programs for the effective use in time of war of the Nation's natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy in time of war, and for the adjustment of such economy to war needs and conditions;

“(3) policies for unifying, in time of war, the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution, or transportation of military or civilian supplies, materials, and products;

“(4) the relationship between potential supplies of, and potential requirements for, manpower, resources, and productive facilities in time of war;

“(5) policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

“(6) the strategic relocation of industries, services, government, and economic activities, the continuous operation of which is essential to the Nation's security;

“(c) In performing his functions, the Director of the Office of Defense Mobilization shall utilize to the maximum extent the facilities and resources of the departments and agencies of the Government.”.

SEC. 51. (a) Subsection (a) of section 2 of the Act approved June 25, 1948 (ch. 646, 62 Stat. 985) is amended by inserting at the end thereof the following: “The Chief Justice of the United States Court of Appeals for the District of Columbia and the Associate Justices thereof, the Chief Justice of the District Court of the United States for the District of Columbia (formerly named the Supreme Court of the District of Columbia) and the Associate Justices thereof, the Chief Justice of the Court of Claims, and the presiding judge of the Court of Customs and Patent Appeals, in office on the effective date of this Act, shall be judges of the United States within the meaning of section 451 of Title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this Act. The Chief Justice of the United States Court of Appeals for the District of Columbia and the Associate Justices thereof in office on the effective date of this Act, shall be circuit judges of the District of Columbia Circuit and vested with all the rights, powers, and duties thereof, and the said Chief Justice of the United States Court of Appeals for the District of Columbia shall be the Chief Judge of said Circuit. The Chief Justice of the District Court of the United States for the District of Columbia (formerly named the Supreme Court of the District of Columbia) and the Associate Justices thereof, in office on the effective date of this Act, shall be district judges for the District of Columbia and vested with all the rights, powers and duties thereof.”

so that such subsection will read as follows:

“(a) The Chief Justices of the United States Court of Appeals for the District of Columbia, the District Court of the United States for the District of Columbia, and the Court of Claims, and the presiding judge of the Court of Customs and Patent Appeals, in office on the effective date of this Act shall be the chief judges of their respective courts. The Chief Justice of the United States Court of Appeals for the District of Columbia and the Associate Justices thereof, the Chief Justice of the District Court of the United States for the District of Columbia (formerly named the Supreme Court of the District of Columbia) and the Associate Justices thereof, the Chief Justice of the Court of Claims, and the presiding judge of the Court of Customs and Patent Appeals, in office on the effective date of this Act, shall be judges of the United States within the meaning of Section 451 of Title 28, Judiciary and Judicial Procedure, of the United States Code, set out in Section 1 of this Act. The Chief Justice of the United States Court of Appeals for the District of Columbia and the Associate Justices thereof, in office on the effective date of this Act, shall be circuit judges of the District of Columbia Circuit and vested with all the rights, powers, and duties thereof, and the said

Status of certain
judges.
28 USC 136, 172
notes.

62 Stat. 907.

Chief Justice of the United States Court of Appeals for the District of Columbia shall be Chief Judge of said Circuit. The Chief Justice of the District Court of the United States for the District of Columbia (formerly named the Supreme Court of the District of Columbia) and the Associate Justices thereof, in office on the effective date of this Act, shall be district judges for the District of Columbia and vested with all the rights, powers, and duties thereof."

Effective date.

(b) The amendment made by subsection (a) of this section shall be deemed to be in effect as of September 1, 1948.

Claims referrals.
62 Stat. 976.

SEC. 52. The first paragraph of section 2501 of Title 28, United States Code, is amended by striking out where they appear in such paragraph the words "or the claim is referred by the Senate or House of Representatives, or by the head of an executive department", so that such paragraph will read as follows:

"Every claim of which the Court of Claims has jurisdiction shall be barred unless the petition thereon is filed within six years after such claim first accrues."

Proceedings before commissioners.

SEC. 53. (a) The first paragraph of section 2503 of Title 28 of United States Code, is amended (1) by lettering the paragraph as subsection (a); (2) by striking out the second sentence of such paragraph and inserting in lieu thereof "In accordance with rules and orders of the court, commissioners shall fix times for trials, administer oaths or affirmations to and examine witnesses, receive evidence and report findings of fact and, when directed by the court, their recommendations for conclusions of law in cases assigned to them. Hearings shall, if convenient, be held in the counties where the witnesses reside."; and (3) by striking out the last two sentences of such paragraph, so that such paragraph will read as follows:

"(a) Parties to any suit in the Court of Claims may appear before a commissioner in person or by attorney, produce evidence and examine witnesses. In accordance with rules and orders of the court, commissioners shall fix times for trials, administer oaths or affirmations to and examine witnesses, receive evidence and report findings of fact and, when directed by the court, their recommendations for conclusions of law in cases assigned to them. Hearings shall, if convenient, be held in the counties where the witnesses reside."

(b) The second paragraph of section 2503 of Title 28, United States Code, is amended by (1) by lettering the paragraph as subsection (b); and (2) by striking out the first sentence of such paragraph and inserting in lieu thereof "The rules of the court shall provide for the filing in court of the commissioner's report of facts and recommendations for conclusions of law, and for opportunity for the parties to file exceptions thereto, and a hearing thereon before the court within a reasonable time.", so that the paragraph will read as follows:

"(b) The rules of the court shall provide for the filing in court of the commissioner's report of facts and recommendations for conclusions of law, and for opportunity for the parties to file exceptions thereto, and a hearing thereon before the court within a reasonable time. This section shall not prevent the court from passing upon all questions and findings regardless of whether exceptions were taken before a commissioner."

SEC. 54. (a) The second paragraph of section 2505 of Title 28, United States Code, is repealed.

(b) The catchline to section 2505 of Title 28, United States Code, is amended by striking out the words "Place of taking evidence" and in lieu thereof inserting "Trial before judges", so that such catchline will read as follows:

“§ 2505. Trial before judges”.

(c) The analysis of chapter 165 of Title 28 of United States Code, immediately preceding section 2501 of such title, is amended by striking out the item “2505. Place of taking evidence.” and in lieu thereof inserting

“2505. Trial before judges.”.

SEC. 55. (a) Section 2507 of Title 28, United States Code, is amended (1) by striking out from the catchline to such section the words “Calls on departments for information” and in lieu thereof inserting “Calls and discovery”; (2) by inserting the subsection designation “(a)” immediately preceding the first word of the first paragraph of such section; (3) by inserting after the words “United States” where they appear in the first paragraph of such section the words “or upon any party”; and (4) by striking out where they appear in the first paragraph of such section the words “it deems necessary, and may use all recorded and printed reports made by the committees of the Senate and House of Representatives.” and in lieu thereof inserting “not privileged, for purposes of discovery or for use as evidence. The head of any department or agency may refuse to comply with a call issued pursuant to this subsection when, in his opinion, compliance will be injurious to the public interest.”, so that such paragraph redesignated as subsection (a) will read as follows:

Calls and discovery.

“(a) The Court of Claims may call upon any department or agency of the United States or upon any party for any information or papers, not privileged, for purposes of discovery or for use as evidence. The head of any department or agency may refuse to comply with a call issued pursuant to this subsection when, in his opinion, compliance will be injurious to the public interest.”.

(b) Section 2507 of Title 28, United States Code is amended by striking out the second paragraph of such section which reads “The head of any department or agency may refuse to comply when, in his opinion, compliance will be injurious to the public interest.”, and in lieu thereof inserting a new subsection to be numbered subsection “(b)” and to read as follows:

“(b) Without limitation on account of anything contained in subsection (a) of this section, the court may, in accordance with its rules, provide additional means for the discovery of any relevant facts, books, papers, documents or tangible things, not privileged.”.

(c) Section 2507 of Title 28, United States Code, is amended by adding at the end thereof a new subsection to be numbered subsection “(c)” and to read as follows:

“(c) The Court of Claims may use all recorded and printed reports made by the committees of the Senate or House of Representatives.”.

(d) The analysis to chapter 165 of Title 28, United States Code, immediately preceding section 2501 of such title is amended by striking out therefrom the catchline to item 2507 reading “Calls on departments for information.” and in lieu thereof inserting “Calls and discovery.”, so that the item will read:

“2507. Calls and discovery.”.

SEC. 56. Subsection (c) of section 2513 of Title 28, United States Code, is amended by striking out where it appears in such subsection the words “filed with” and in lieu thereof inserting “considered by” so that such subsection will read as follows:

Pardons.

“(c) No pardon or certified copy of a pardon shall be considered by the Court of Claims unless it contains recitals that the pardon was granted after applicant had exhausted all recourse to the courts and that the time for any court to exercise its jurisdiction had expired.”.

Interest on judgments.

SEC. 57. The last sentence of subsection (b) of section 2516 of Title 28, United States Code, is amended by inserting immediately after the word "allowed" where it appears in such sentence the words "for any period", so that such subsection will read as follows:

"(b) Interest on judgments against the United States affirmed by the Supreme Court after review on petition of the United States shall be paid at the rate of four percent per annum from the date of the filing of the transcript of the judgment in the Treasury Department to the date of the mandate of affirmance. Such interest shall not be allowed for any period after the term of the Supreme Court at which the judgment was affirmed."

Fees.

SEC. 58. Subsection (a) of section 2520 of Title 28, United States Code, is amended by striking out where it appears in such subsection the words "and the hearing of any case before the court, a judge, or a commissioner", so that such subsection will read as follows:

"(a) The Court of Claims shall by rules impose a fee not exceeding \$10, for the filing of any petition."

SEC. 59. (a) Chapter 165 of Title 28, United States Code, is amended by adding at the end thereof a new section to be designated as section 2521 entitled "Subpoenas" and to read as follows:

§ 2521. Subpoenas

"Subpoenas requiring the attendance of parties or witnesses and subpoenas requiring the production of books, papers, documents or tangible things by any party or witness having custody or control thereof, may be issued for purposes of discovery or for use of the things produced as evidence in accordance with the rules and orders of the court. Such subpoenas shall be issued and served and compliance therewith shall be compelled as provided in the rules and orders of the court."

(b) The analysis to chapter 165 of Title 28, United States Code, immediately preceding section 2501 of such title, is amended by adding at the end thereof a new item 2521 to read as follows:

"2521. Subpoenas."

Approved September 3, 1954.

Public Law 780

CHAPTER 1264

AN ACT

September 3, 1954
[H. R. 9859]

Authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

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

River and Harbor
Act of 1954.

TITLE I—RIVERS AND HARBORS

SEC. 101. That the following works of improvement of rivers and harbors and other waterways for navigation, flood control, and other purposes are hereby adopted and authorized to be prosecuted under the direction of the Secretary of the Army and supervision of the Chief of Engineers, in accordance with the plans and subject to the conditions recommended by the Chief of Engineers in the respective reports hereinafter designated: *Provided*, That the provisions of section 1 of the River and Harbor Act approved March 2, 1945 (Public, Numbered 14, Seventy-ninth Congress, first session), shall govern with respect to projects authorized in this title; and the procedures therein set forth with respect to plans, proposals, or reports for works of improvement for navigation or flood control and for irrigation and purposes incidental thereto, shall apply as if herein set forth in full:

59 Stat. 10.