

(2) who died before May 1, 1952, and

(3) who was at the time of his death (A) subject to an Act under which annuities granted before May 1, 1952, were or are now payable from the District of Columbia teachers retirement and annuity fund or (B) retired under such Act,

shall be entitled to receive an annuity. In order to qualify for such annuity, the widow or widower shall have been married to the employee for at least five years immediately prior to his death and must be not entitled to any other annuity from the District of Columbia teachers retirement and annuity fund based on the service of such employee. Such annuity shall be equal to one-half of the annuity which the employee was receiving on the date of his death if retired, or would have been receiving if he had been retired for disability on the date of his death, but shall not exceed \$750 per annum and shall not be increased by the provisions of this or any other prior law. Any annuity granted under this section shall cease upon the death or remarriage of the widow or widower.

"SEC. 3. (a) An increase in annuity provided by subsection (a), or clause (1) of subsection (b), of the first section of this Act shall take effect on August 1, 1958. An increase in annuity provided by clause (2) of such subsection (b) shall take effect on the commencing date of the survivor annuity.

"(b) An annuity provided by section 2 of this Act shall commence on August 1, 1958, or on the first day of the month in which application for such annuity is received by the Commissioners of the District of Columbia or their designated agent, whichever occurs later.

"(c) The monthly installment of each annuity increased or provided by this Act shall be fixed at the nearest dollar.

"SEC. 4. The annuities and increases in annuities provided by the preceding sections of this Act shall be paid from the District of Columbia teachers retirement and annuity fund. Such annuities and increases in annuities shall terminate for each fiscal year beginning on or after July 1, 1960, for which the Congress has failed to make provision for the payment of like annuities and increases in annuities under the Act approved June 25, 1958 (72 Stat. 218), for such fiscal year. For any fiscal year for which such annuities and increases in annuities shall terminate for the reason set forth in this section, the preceding sections of this Act shall not be in effect and annuities and increases in annuities shall be determined and paid as though such sections had not been enacted. Nothing contained in this section shall be held or considered to prevent the payment of annuities and increases in annuities provided by the preceding sections of this Act for any fiscal year for which the Congress shall have made provisions for the payment of like annuities and increases in annuities under such Act approved June 25, 1958 (72 Stat. 218)."

Approved September 2, 1958.

Public Law 85-918

JOINT RESOLUTION

To amend the Act of September 7, 1957 (71 Stat. 626), providing for the establishment of a Civil War Centennial Commission.

September 2, 1958
[H. J. Res. 557]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the joint resolution of September 7, 1957 (71 Stat. 626), entitled "Joint resolution to establish a commission to commemorate the one hundredth anniversary of the Civil War, and for other purposes", is hereby amended to read as follows:

36 USC 749.

"SEC. 9. There is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this joint resolution, not to exceed \$100,000 in any one fiscal year."

Approved September 2, 1958.

Public Law 85-919

September 2, 1958
[H. R. 6238]

AN ACT

To amend section 1292 of title 28 of the United States Code relating to appeals from interlocutory orders.

Courts.
Interlocutory
orders, relief.
62 Stat. 929.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1292 of title 28 of the United States Code is hereby amended by insertion of the letter (a) at the beginning of the section and adding at the end thereof an additional subparagraph lettered (b) to read as follows:

"(b) When a district judge, in making in a civil action an order not otherwise appealable under this section, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation, he shall so state in writing in such order. The Court of Appeals may thereupon, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: *Provided, however,* That application for an appeal hereunder shall not stay proceedings in the district court unless the district judge or the Court of Appeals or a judge thereof shall so order."

Approved September 2, 1958.

Public Law 85-920

September 2, 1958
[H. R. 9817]

AN ACT

Relating to venue in tax refund suits by corporations.

Corporations.
Tax refund suits.
62 Stat. 937, 933.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1402

(a) of title 28, United States Code, is amended to read as follows: "(a) Any civil action against the United States under subsection (a) of section 1346 of this title may be prosecuted only:

"(1) Except as provided in paragraph (2), in the judicial district where the plaintiff resides;

"(2) In the case of a civil action by a corporation under paragraph (1) of subsection (a) of section 1346, in the judicial district in which is located the principal place of business or principal office or agency of the corporation; or if it has no principal place of business or principal office or agency in any judicial district (A) in the judicial district in which is located the office to which was made the return of the tax in respect of which the claim is made, or (B) if no return was made, in the judicial district in which lies the District of Columbia. Notwithstanding the foregoing provisions of this paragraph a district court, for the convenience of the parties and witnesses, in the interest of justice, may transfer any such action to any other district or division."

Approved September 2, 1958.