

AMENDING CERTAIN TITLES OF THE UNITED STATES CODE, AND FOR OTHER PURPOSES

OCTOBER 16 (legislative day, OCTOBER 1), 1951.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 3899]

The Committee on the Judiciary, to which was referred the bill (H. R. 3899) to amend certain titles of the United States Code, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

AMENDMENTS

1. On page 11 of the bill, immediately following section 17a, insert section 17b to read as follows:

SEC. 17b. Section 2 of Title 18, United States Code, is amended to read as follows:

“§ 2. Principals

“(a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

“(b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.”

2. On page 13 of the bill, immediately following section 21, insert section 21a to read as follows:

SEC. 21a. Section 708 of Title 18, United States Code, is amended by adding at the end thereof the following new paragraph:

“This section shall not make unlawful the use of any such design or insignia which was lawful on August 31, 1948.”

3. Following the comma in the fourth line of the second paragraph on page 15, insert the following:

or for or on behalf of any government or any person or persons purporting to act as a government within a foreign country,

4. On page 17, strike all of section 28 and insert in lieu thereof the following:

Sec. 28. Section 1114 of Title 18, United States Code, is amended by striking out the words "the field service of the Division of Grazing of the Department of the Interior", appearing in such section, and in lieu thereof inserting "the field service of the Bureau of Land Management", so that such section will read as follows:

"§ 1114. Protection of officers and employees of the United States

"Whoever kills any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any post-office inspector, any officer or employee of the secret service or of the Bureau of Narcotics, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Bureau of Land Management, any employee of the Bureau of Animal Industry of the Department of Agriculture, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title."

5. On page 20, strike all of section 36a and insert in lieu thereof the following:

Sec. 36a. Subsection (c) (6) of section 90 of title 28, United States Code, is amended by striking out the word "Washington", so that the subsection will read as follows:

"(6) The Swainsboro Division comprises the counties of Bullock, Candler, Emanuel, Jefferson, Jenkins, and Toombs.

"Court for the Swainsboro Division shall be held at Swainsboro."

6. On page 24, strike all of section 48 and insert in lieu thereof the following:

Sec. 48. Section 1291 of title 28, United States Code, is amended by inserting immediately after "Canal Zone" in such section, the words "the District Court of Guam", so that such section will read as follows:

"The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court."

7. On page 26 of the bill immediately following section 53, insert a new section 53a to read as follows:

Sec. 53a. (a) Upon the filing of a complaint in the United States District Court for the District of Columbia wherein remedy is sought under section 4915 or section 4918 of the Revised Statutes, as amended (35 U. S. C., secs. 63 and 66), without seeking other remedy, if it shall appear that there is an adverse party residing in a foreign country, or adverse parties residing in a plurality of districts not embraced within the same State, the court shall have jurisdiction thereof and process shall, unless the adverse party or parties voluntarily make appearance, be issued against all of the adverse parties and served anywhere within the United States, except that process issued against parties residing in foreign countries pursuant to this section may be served by publication or otherwise as the court may direct.

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

The purpose of these proposed amendments is contained in the section-by-section analysis below.

PURPOSE

The purpose of the proposed legislation, as amended, is to make a few improvements of a minor character in certain titles of the United States Code, which titles have been previously enacted into law, in the interest of clarity, uniformity, and accuracy, and to incorporate in some of these titles, where they properly belong, the provisions of separate legislation and of Reorganization Plans which affect such titles. An example of such separate legislation is the Organic Act of Guam (1950) (48 U. S. C., sec. 1421 et seq.) which, in creating the District Court of Guam, and in prescribing its jurisdiction and for appeals therefrom, affected a number of sections in title 28 of the United States Code. Other sections in these titles are amended by the bill to harmonize their provisions with later legislation.

In addition, the bill repeals a number of acts or parts of acts because (1) upon enactment of the bill, they will be covered by provisions thereof, or (2) they are already covered by other laws, or (3) they are obsolete.

A section-by-section analysis follows.

SECTION 1 OF BILL

Corrects a typographical error in section 1 of title 1, United States Code, which title was enacted into law in 1947.

SECTION 2 OF BILL

Subsection (a) amends the analysis of chapter 2 of title 1, United States Code, by inserting two new items corresponding with the catchlines to two new sections inserted in such title by subsection (b) of this section.

Subsection (b) amends title 1, United States Code, to incorporate in that title two sections (106a and 106b) which are presently set out in such title but which were not included in title 1 when it was enacted into law in 1947. They were derived from R. S. §§ 204, 205, and Act Dec. 28, 1874, ch. 9, § 2, 18 Stat. 294, and were originally classified to title 5, United States Code, in a chapter of that title relating to the Department of State. The duties prescribed under them were originally performed by the Secretary of State. However, 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. —, transferred such duties to the Administrator of General Services. Consequently, the two sections were reworded to reflect this change, and were transferred from the Department of State chapter in said title 5, United States Code, to title 1 of such Code, but, inasmuch as the latter title was, as stated, enacted into law 1947, only by amendment of that title, as provided for in this bill, can such sections be made an actual part thereof.

Such amendment makes the retention of R. S. §§ 204, 205, and the above mentioned 1874 Act, as existing laws, unnecessary, hence they are scheduled for repeal in this bill.

SECTION 3 OF BILL

This amendment eliminates, in section 112 of title 1, United States Code, the reference to section 205 of the Revised Statutes, and in lieu thereof inserts a reference to section 106b of such title 1, which incorporates provisions heretofore contained in section 205 of the Revised Statutes. Such section 205 is scheduled for repeal in this bill. See, also, section 2 (b) of the bill, and the explanation thereof in this report.

SECTION 4 OF BILL

Inserts a new item (4) in the analysis of title 3, United States Code, in view of the insertion in such title, by another section of this bill, of a new chapter (comprising sections 301-303) headed: "Chapter 4.—DELEGATION OF FUNCTIONS".

SECTION 5 OF BILL

Amends items 6 and 12 in the analysis of chapter 1 of title 3, United States Code (which title was enacted into law in 1948), to conform such items with the catchlines to sections 6 and 12 of such title, as amended by other sections of this bill.

SECTION 6 OF BILL

Amends section 6 of title 3, United States Code, to reflect changes made by 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. —, which transferred the functions prescribed by such section 6 for the Secretary of State and Department of State to the Administrator of General Services.

In addition, "executive" is substituted for "executives" in the first line of the text to conform with the style of the remainder of the text.

SECTION 7 OF BILL

Amends section 11 of title 3, United States Code, to reflect changes made by 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. —, which transferred the functions prescribed by such section 11 for the Secretary of State and Department of State to the Administrator of General Services.

SECTION 8 OF BILL

Amends section 12 of title 3, United States Code, to reflect changes made by 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. —, which transferred the functions prescribed by such section 12 for the Secretary of State and Department of State to the Administrator of General Services. Also, the amendment corrects an error in the spelling of the word "received".

SECTION 9 OF BILL

Amends section 13 of title 3, United States Code, to reflect changes made by 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. —, which transferred the functions prescribed by such section

13 for the Secretary of State and Department of State to the Administrator of General Services.

SECTION 10 OF BILL

Incorporates in title 3, United States Code, a new chapter 4 (§§ 301-303), derived from Act Aug. 8, 1950, ch. 646, 64 Stat. 419. Such chapter 4 is already set out in title 3, but it can be made an actual part of that title only by amendment, as title 3 was enacted into law in 1948. In view of this amendment, said Act of Aug. 8, 1950, ch. 646, is scheduled for repeal in this bill.

SECTION 11 OF BILL

Inserts a new item in the analysis of title 4, United States Code, in view of the incorporation in such title, by another section of this bill, of a new chapter (chapter 5), to be composed of sections 141-146 thereof.

SECTION 12 OF BILL

Incorporates in title 4, United States Code, a new chapter 5 (§§ 141-146), derived from Acts Mar. 3, 1925, ch. 419, §§ 1, 2, 43 Stat. 1104; Feb. 28, 1929, ch. 385, 45 Stat. 1412, 1413; Mar. 22, 1935, ch. 39, § 1, 49 Stat. 69; Feb. 14, 1936, ch. 70, 49 Stat. 1139; May 15, 1936, ch. 405, § 1, 49 Stat. 1311; June 16, 1937, ch. 359, title I, § 1, 50 Stat. 262; June 28, 1937, ch. 386, 50 Stat. 323, 324; Apr. 27, 1938, ch. 180, title I, § 1, 52 Stat. 249; June 29, 1939, ch. 248, title I, 53 Stat. 886; July 31, 1945, ch. 336, 59 Stat. 510, 511; Proc. No. 2714, Dec. 31, 1946, 12 F. R. 1; Acts Oct. 28, 1949, ch. 782, title XI, § 1106 (a), 63 Stat. 972; July 7, 1950, ch. 452, 64 Stat. 320; and 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. —. Such provisions were originally classified to sections 167-168d of title 5, United States Code, in a chapter relating to the Department of State. They were transferred to title 4 of such Code because of 1950 Reorg. Plan No. 20, § 1, cited above, which transferred all functions of the Secretary of State and Department of State, prescribed by such sections, to the Administrator of General Services. However, as such title 4 of the Code was enacted into law in 1947, they can be made an actual part of that title only by amendment.

In view of this amendment, all of the basic statutes from which such provisions were derived, and specific amendments thereof, are scheduled for repeal in this bill.

The provisions, which, as indicated, were derived from a number of enactments, have been revised in this amendment to harmonize, insofar as possible, those which appeared to be in conflict, and to eliminate what was deemed obsolete matter.

SECTION 13 OF BILL

Omits from section 1 of title 6, Official and Penal Bonds, of the United States Code, relating to custody of official bonds of certain Government officers, the reference to collectors of internal revenue. Provisions relating to the custody and filing of bonds of such collectors are now contained in section 3943 of the Internal Revenue Code

(26 U. S. C., sec. 3943). Section 1 of such title 6 was derived from act Mar. 2, 1895, ch. 177, § 5, 28 Stat. 807, which act, insofar as it related to internal revenue, was repealed by section 4 of the act that enacted the Internal Revenue Code (Feb. 10, 1939, ch. 2, § 4, 53 Stat. 1). Therefore, when title 6, U. S. C., was enacted into law in 1947, the reference in section 1 to collectors of internal revenue should have been deleted.

SECTION 14 OF BILL

Amends section 7 of title 9, Arbitration, of the United States Code, by correcting the sentence relating to the compulsion of persons to appear and testify in arbitration matters, when summoned, or the punishment thereof for contempt in refusing or neglecting to obey such summonses. Title 9, U. S. C., was enacted into law in 1947, and the provision that such persons might be so compelled or punished "in the same manner provided on February 12, 1925, for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the United States", was retained in such section 7, the date of February 12, 1925, being the date of enactment of the original Arbitration Act. This amendment strikes out "on February 12, 1925, for securing", and in lieu thereof inserts "by law for securing", so that this part of the sentence reads "in the same manner provided by law for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the United States". This change is for the purpose of eliminating ambiguity and, further, it is in recognition of later developments in the law. Title 18, Crimes and Criminal Procedure, and title 28, Judiciary and Judicial Procedure, of the United States Code have since been revised and enacted into law. Further, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure became effective in 1938 and 1946, respectively. Present general provisions on summoning or compelling witnesses to appear and testify, and punishment for contempt in failing, refusing, or neglecting to appear or testify, are contained in sections 401 and 402 of such title 18, section 547 (b) of such title 28 (duty of United States marshal to execute all lawful writs, process, and orders issued under authority of the United States), and rules 17 and 45 of the Federal Rules of Criminal Procedure and Federal Rules of Civil Procedure, respectively.

In addition, this section changes phraseology in the sentence referred to above by substituting "United States district court for the district" for "United States court in and for the district".

SECTION 15 OF BILL

Amends section 760 of title 14, United States Code (which title was enacted into law in 1949), to reflect changes made by 1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 15 F. R. 3178, 64 Stat. —. That Plan transferred the Bureau of Employees' Compensation from the Federal Security Agency to the Department of Labor, transferred the functions thereof to such Department, transferred the functions of the Federal Security Administrator and the Federal Security Agency, with respect to such Bureau, to the Secretary of Labor, and provided that all functions so transferred should be performed by the Secretary of Labor or, subject to his direction and control, by such officers,

agencies, and employees of the Department of Labor as he might designate.

SECTION 16 OF BILL

Subsection (a) corrects a typographical error in the first sentence of section 3 of title 17, United States Code, Copyrights, which title was enacted into law in 1947.

Subsection (b) corrects a typographical error in the first paragraph of section 8 of title 17, United States Code.

Subsection (c) corrects a reference in section 112 of title 17, United States Code. The reference "such court" referred to courts mentioned in former section 110 of that title which was repealed by Act June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948. The provisions of such section 110 are now covered by section 1338 of title 28, United States Code, and this amendment substitutes a reference thereto.

SECTION 17 OF BILL

Amends section 114 of title 17, United States Code, to substitute a reference to section 1338 of title 28 (of such Code) for the reference to section 110 of such title 17. Section 110 of title 17 was repealed by Act June 25, 1948, ch. 646, § 39, 62 Stat. 992, eff. Sept. 1, 1948, and is now covered by said section 1338 of title 28.

SECTION 17A OF BILL

Subsequent to the revision and enactment of title 17 United States Code §§ 101 (f), 102, 103, 110 and 111 were repealed by the act of June 25, 1948, chapter 646, § 39, 62 Stat. 992. The catch lines preceding these sections appeared in the analysis for chapter 2 of title 17 and were not specifically repealed. These catch lines are now repealed for the sake of uniformity and since the analysis, as well as text was enacted as positive law.

SECTION 17B OF BILL

This section is intended to clarify and make certain the intent to punish aiders and abettors regardless of the fact that they may be incapable of committing the specific violation which they are charged to have aided and abetted. Some criminal statutes of title 18 are limited in terms to officers and employees of the Government,¹ judges,² judicial officers,³ witnesses,⁴ officers or employees or persons connected with national banks or member banks.⁵

Section 2 (b) of title 18 is limited by the phrase, "which if directly performed by him would be an offense against the United States," to persons capable of committing the specific offense. Section 2 (a) of such title, while not containing that language, is open to the inference that it also is limited in application to persons who could commit the substantive offense. If regarded as a definitive section, the section makes the aider and abetter a "principal." It has been argued that one who is not a bank officer or employee cannot be a

¹ See for example secs. 202, 203, 205, 213, 222.

² Sec. 207.

³ Sec. 208.

⁴ Sec. 209.

⁵ See for example secs. 217, 218, 220, 221, 656, 657, 1004, 1005.

principal offender in violations of section 656 or 657 of title 18 and that, therefore, persons not bank officers or employees cannot be prosecuted as principals under section 2 (a).

Criminal statutes should be definite and certain.

SECTIONS 18 AND 19 OF BILL

These sections correct the catchline to section 431 of title 18 of the United States Code (which title was enacted into law in 1948), as it appears in the section analysis under the heading of Chapter 23 of such title, and as it reads over such section 431 itself, by striking out the word "exceptions". Section 431 relates to contracts by Members of Congress, and it does not contain any "exceptions".

SECTION 20 OF BILL

Subsection (a) substitutes "five years after 12 o'clock noon of December 31, 1946" for "five years after the termination of hostilities in the present war [meaning World War II] as proclaimed by the President or by a concurrent resolution of the two Houses of Congress" where the latter words appear in section 443 of title 18 of the United States Code, relating to certain offenses in connection with war contracts. The amendment conforms with Presidential Proclamation No. 2714, 12 F. R. 1, which terminated hostilities in World War II as of 12 o'clock noon of December 31, 1946.

Further, subsection (a) substitutes "Administrator of General Services" for "Director of Contract Settlement" where the latter term appears in such section 443. Exec. Order No. 9809, § 8, Dec. 12, 1946, 11 F. R. 14281, transferred the functions of the Director of Contract Settlement to the Secretary of the Treasury, and transferred the functions of the Office of Contract Settlement to the Department of the Treasury. 1947 Reorganization Plan No. 1, § 201, eff. July 1, 1947, 12 F. R. 4534, 61 Stat. 951 made these transfers permanent, except that it transferred the functions of both the Director and the Office of Contract Settlement, to the Secretary of the Treasury. It abolished the Office of Contract Settlement. Later, Act June 30, 1949, ch. 288, title I, § 102 (b), 63 Stat. 380 (41 U. S. C., sec. 212 (b)), transferred all of these functions from the Secretary of the Treasury to the Administrator of General Services.

Subsection (b) strikes out of section 603 of title 18, United States Code, the words "from any such person". These words were not contained in former section 209 of title 18 U. S. C., from which such section 603, except for the penalty, was derived.

Subsection (c), in amending section 610 of title 18, United States Code, to provide a penalty for accepting or receiving a political contribution in violation of that section, and to provide, also, a penalty for *willful* violation of that provision and of other provisions of the section merely restores penalties provided for by former section 252 of title 2, United States Code, with respect to former section 251 of such title, from which such section 610 was derived.

SECTION 21 OF BILL

Substitutes, in section 658 of title 18, Crimes and Criminal Procedure, of the United States Code, "any production credit association

organized under sections 1131-1134m of title 12, or in which a Production Credit Corporation holds stock" for "any production credit corporation or corporation in which a production credit corporation holds stock", so that such section 658 will cover all production credit associations instead of only those in which a production credit corporation holds stock. The amendment is in accord with former section 1138d of title 12, United States Code, from which such section 658 of title 18 was partly derived.

SECTION 21A OF BILL

This section restores, in substance, provisions that were contained in section 248 of title 22, United States Code, from which section 708 of title 18 was derived.

SECTION 22 OF BILL

In the eighth paragraph of section 709 of title 18, United States Code, this amendment substitutes "Public Housing Administration" for "United States Housing Authority", and, in another place in such paragraph, inserts "Public Housing Administration", such section 709 relating to false advertising or misuse of names to indicate Federal agencies. 1947 Reorg. Plan No. 3, eff. July 27, 1947, 12 F. R. 4981, 61 Stat. 954, transferred the United States Housing Authority to the Housing and Home Finance Agency, and changed its name to the "Public Housing Administration".

SECTIONS 23 AND 24 (a) OF BILL

These sections amend title 18 of the United States Code by incorporating therein, as section 798 thereof (sec. 24 (a) of bill), the provisions of act May 13, 1950, ch. 185 (Public Law 513, 81st Cong.), 64 Stat. 159, 160, relating to unlawful disclosure of classified information. These provisions, which were an independent enactment, should have been enacted by amendment to such title 18, which is the title containing most of the Federal criminal laws. Said act of May 13, 1950, following passage, was temporarily classified to title 50, U. S. C., War and National Defense, as sections 46-46b thereof, pending the incorporation of similar provisions in such title 18. This can be done only by amendment to the latter title, in view of its enactment into law in 1948. Section 23 amends the analysis at the beginning of chapter 37 of title 18 by inserting an item relating to the new section (798). Section 24 (a) adds, at the end of such chapter, new section 798, which, with changes in phraseology and arrangement, but with no change in substance, incorporates the provisions of the 1950 act. The 1950 act is scheduled for repeal in this bill because, upon enactment of this amendment to title 18, it will no longer be necessary.

Section 24 (a), as passed by the House of Representatives, has been amended so as to reinstate language which was contained in Public Law 513, Eighty-first Congress and which was unintentionally omitted in the proposed codification amendment.

SECTION 24 (b) OF BILL

This section makes changes in the punctuation of section 872 of title 18, United States Code, to make it clear that the section applies not only to persons falsely representing themselves as federal officers or employees at the time of the act of extortion or the attempt thereof, but also to federal officers and employees who attempt or commit extortion under color of office or employment.

SECTION 25 OF BILL

Amends item 1012 in the analysis of chapter 47 of title 18, United States Code, to conform with the catchline to such section as amended by another section of this bill.

SECTION 26 OF BILL

Amends section 1012 of title 18, United States Code, to conform with 1947 Reorg. Plan No. 3, eff. July 27, 1947, 12 F. R. 4981, 61 Stat. 954, which transferred the United States Housing Authority to the Housing and Home Finance Agency, and changed its name to the "Public Housing Administration".

SECTION 27 OF BILL

This amendment substitutes "Secretary of Commerce" for "Secretary of Agriculture" in the two places where the latter term appears in section 1020 of title 18, United States Code. Principal road-building operations of the Federal Government are now under the jurisdiction of the Secretary of Commerce. See 1949 Reorganization Plan No. 7, eff. Aug. 19, 1949, 14 F. R. 5228, 63 Stat. 1070.

SECTION 28 OF BILL

This section, as amended, amends section 1114 of title 18, United States Code, to reflect the changes made by 1946 Reorgan. Plan No. 3, section 403, eff. July 16, 1946, 11 F. R. 7876, 60 Stat. 1100. That plan abolished the Grazing Service, and the General Land Office, both in the Department of the Interior, and consolidated their functions to form the present Bureau of Land Management within such Department. However, the House amendment proposed limits the protection afforded to members of the field service of the Department of the Interior with respect to grazing on public lands. The Department of the Interior, in a letter addressed to the committee, states that the protection afforded members of the field service of the Bureau of Land Management should be available not only in respect to grazing on public lands but also on other lands on which the Bureau operates. The protection is not so limited under the present law, and no reason has been presented to the committee for the limitation.

SECTION 29 OF BILL

This section corrects a typographical error in section 1302 of title 18, United States Code.

SECTION 30 OF BILL

Amends section 3113 of title 18, United States Code, by substituting "Department of the Army" for "War Department". This is in conformity with Act July 26, 1947, ch. 343, Title II, § 205 (a), 61 Stat. 501, which redesignated the Department of War as the "Department of the Army".

SECTION 31 OF BILL

Substitutes, in section 4122 of title 18, United States Code, as amended, "Department of Defense" for "National Military Establishment". See Acts July 26, 1947, ch. 343, Title II, § 201 (a) (b), 61 Stat. 499; Aug. 10, 1949, ch. 412, § 4, 63 Stat. 579, 591 (5 U. S. C., sec. 171).

SECTION 32 OF BILL

Substitutes, in section 4124 of title 18, United States Code, the words "Administrator of General Services" for "Director of the Bureau of Federal Supply, Department of the Treasury". Act June 30, 1949, ch. 288, Title I, § 102 (a), 63 Stat. 380 (41 U. S. C., sec. 212 (a)), abolished the Bureau of Federal Supply in the Treasury Department, and the office of Director of such Bureau, and transferred their functions, along with the functions of the personnel of such Bureau, and of the Secretary of the Treasury with respect to such Bureau, to the Administrator of General Services.

SECTION 33 OF BILL

Amends item 4243 in the analysis of chapter 313 of title 18, United States Code, as amended, so that such item will conform with the catchline to section 4243 of such title.

SECTION 34 OF BILL

Inserts "Guam," in that part of section 41 of title 28, United States Code (which title was enacted into law in 1948), relating to the composition of the Ninth judicial circuit. This amendment is in conformity with section 23 (a) of the Organic Act of Guam (Aug. 1, 1950, ch. 512, 64 Stat. 390; 48 U. S. C., sec. 1424a (a)), providing for appeals from the District Court of Guam to the United States Court of Appeals for the Ninth Circuit. All provisions of such section 23 of such Act are incorporated in title 28, United States Code, by this bill, hence it is scheduled for repeal.

SECTION 35 OF BILL

The purpose of this amendment to section 45 (a) of title 28, United States Code, is to eliminate an ambiguity with respect to retired circuit judges. A corresponding amendment, with respect to retired district judges, is made to section 136 (a) of title 28, United States Code, by another section of this bill, and harmonizing amendments to section 371 of such title, relating to retired judges, are made by still another section of the bill. These amendments were recommended by the Committee on Revision of Criminal and Judicial Codes of the Judicial Conference of the United States and approved

by the Conference at its special session on March 19, 1951. The reasons for the amendments to the three sections are given in the following excerpts from that Committee's interim report of January 9, 1951 to the Judicial Conference (see, also, the explanation of section 39 of this bill): "The amendments are intended to eliminate an ambiguity. Under the revision of title 28 the administrative powers and duties which under the [former] Judicial Code of 1911 were formerly conferred upon the senior circuit and district judges are now attached to the office of chief judge of the circuit or district court and are to be exercised and performed by the circuit or district judge who at the time holds that office pursuant to section 45 or 136 even though he is not actually senior in commission. It was never intended that a retired judge should hold the office of chief judge or be required to perform the administrative duties incident to it. * * * But subsection (a) of each of these sections is wholly silent on the point, referring only to seniority of commission as the requirement for holding the office of chief judge. Section 371, which was intended to deal with this point by carrying forward the provisions above quoted of section 260 of the Judicial Code of 1911 is ambiguous in that it merely provides that a retired judge shall be junior in precedence to his active colleagues and does not expressly state that he shall be treated as if junior in commission to them for purposes of serving as a chief judge and, therefore, gives up the office when he retires. The ambiguity will be corrected by * * * [the amendment to such section 371 proposed by section 39 of this bill]."

SECTION 36 OF BILL

Adds a new paragraph to section 48 of title 28, United States Code, providing that any court of appeals may, with the consent of the Judicial Conference of the United States, pretermitt any regular term or session of the court at any place for insufficient business or other good cause. This amendment was recommended by the Committee on Criminal and Judicial Codes of the Judicial Conference of the United States. In its report of September 11, 1950 to the Conference, such Committee gave the following reasons for recommending the amendment: "Section 140 (a) [of title 28 U. S. C.] contains a similar provision applicable to the district courts. The Court of Appeals for the Eighth Circuit has called attention to the fact that no such provision was included in title 28 with respect to the courts of appeals and has informed your Committee that such a provision is needed in that circuit in order to provide authority to pretermitt terms of court when the public interest does not require them. For example, at Omaha there has been no need for sessions of the court in recent years, there are no proper accommodations for holding sessions of the court there and to provide them in the proposed new federal building would involve a large unwarranted expense. Your Committee is of the opinion that such a provision as is proposed above would be in complete harmony with the plan of title 28 as indicated by section 140 (a) * * *."

The amendment was approved by the Judicial Conference of the United States at its annual meeting in September 1950. See report of its proceedings, pp. 16, 17.

SECTION 36 (A) OF BILL

The act of August 16, 1949, chapter 444, 63 Stat. 610, amended section 90 of title 28 to create a Swainsboro division. The county of Washington was included within the new division but it was also retained in the Macon division. The committee has been informed that the members of the bar of Washington County prefer that Washington County be left in the Macon division. For this reason "Washington" is now being deleted from the enumeration of counties within the Swainsboro division.

SECTION 37 OF BILL

The reason for the amendment made by this section to section 136 (a) of title 28, United States Code, is given in the explanation of section 35 of the bill, amending section 45 (a) of such title.

SECTION 38 OF BILL

Inserts in the first paragraph of section 333 of title 28, United States Code, as amended, relating to judicial conferences of circuit and district judges, a reference to the District Court of Guam, in view of the creation of such court by the Organic Act of Guam, (see Act Aug. 1, 1950, ch. 512, §§ 22-24, 64 Stat. 389, 390; 48 U. S. C., secs. 1424-1424b). By such insertion, judges of that court will be included.

SECTION 39 OF BILL

The amendments to the first, second, and fourth paragraphs of section 371 of title 28, United States Code, are intended to facilitate reference to the section which relates to three different subjects by designating as subsections the portions of the section which relate to each. The amendment to the fifth paragraph harmonizes with those amendments to sections 45 and 136 of such title made by other sections of this bill. It was recommended by the Committee on Revision of Criminal and Judicial Codes of the Judicial Conference of the United States, and approved by the Conference at its special session on March 19, 1951. The Committee stated in its report:

The amendment is intended to [limit] * * * the provisions of the final paragraph of section 371 to judges who remain on the active list but whose disabilities cause the appointment of additional judges as authorized by the fourth paragraph of the section. As enacted in the revision [of title 28 in 1948] the paragraph also applies to retired judges. The original purpose of the provision in section 260 of the Judicial Code of 1911 * * * as enacted by the Act of Feb. 25, 1919, ch. 29, §6, 40 Stat. 1157, upon which this paragraph was based was, as the legislative history indicates, to make sure that such disabled and retired judges should not have the administrative duties and appointing powers which the Judicial Code of 1911 vested in senior circuit and district judges. By the revision of title 28, however, those duties have been vested in the office of chief judge. Under sections 45 and 136 that office may be held by any judge in active service if those judges who are senior to him in the court request to be relieved of the duties of the office. It was thus intended that the office of chief judge should never be held by a retired judge but always by a judge in active service and the proposed amendments to sections 45 and 136 are intended to make this perfectly clear. It was, therefore, unnecessary and ambiguous to continue to apply to retired judges the provisions of the final paragraph of section 371 which make disabled judges who remain in active service junior to their colleagues in all matters of precedence even though wholly unconnected with administrative

duties or appointing powers. As to disabled judges who do not retire, however, the provisions must be retained and should be amplified, as proposed, to deal expressly with the office of chief judge and with their seniority of commission, since otherwise such a disabled judge who remains technically in active service might retain, or succeed to, the office of chief judge the duties of which he was not able to perform. This was the intent of the paragraph but the proposed additional language will make it entirely clear by amplifying the ambiguous word "precedence."

SECTION 40 OF BILL

Inserts in section 373 of title 28, United States Code, relating to resignation, retirement, removal, and failure of reappointment of judges in the Territories and Possessions, a reference to the District Court of Guam, so that judges of that court will receive the benefits of such section. This is in accord with the provisions of subsection (a) of section 24 of the Organic Act of Guam (Aug. 1, 1950, ch. 512, 64 Stat. 390; 48 U. S. C., sec. 1424b (a)), as enacted, which contained a clause that the judges of such court "shall be entitled to the benefits of retirement provided in section 373 of title 28, United States Code". However, in view of this amendment to section 373 of title 28, such clause in section 24 (a) of said Act is eliminated by another amendment in this bill.

SECTION 41 OF BILL

This amendment substitutes "Secretary of the Army" for "Secretary of War" in the second paragraph of section 411 (c) of title 28, United States Code, in view of such redesignation by act July 26, 1947, ch. 343, title II, § 205 (a), 61 Stat. 501.

SECTION 42 OF BILL

Inserts a reference to Guam in item 460 in the analysis of chapter 21 of title 28, United States Code, so that such item will conform with the catchline to section 460 of title 28, as amended by another section of this bill.

SECTION 43 OF BILL

Subsection (a) inserts a reference to the District Court of Guam in section 460 of title 28, United States Code, inasmuch as section 24 (c) of the Organic Act of Guam (Act Aug. 1, 1950, ch. 512, § 24 (c), 64 Stat. 390; 48 U. S. C., sec. 1424b (c)), as enacted, made chapter 21 of title 28 applicable to such court. Section 460 of title 28 is in said chapter 21, and is a section extending all other provisions of that chapter, except section 451 thereof (a definitive section), to territorial courts not otherwise covered by that chapter. In view of this amendment, another section of this bill eliminates, as no longer necessary, the reference to chapter 21 of title 28, United States Code, contained in said section 24 (c) of such 1950 Act.

Also, subsection (a) amends the catchline to section 460 of title 28, United States Code, to conform with the change described in the preceding paragraph.

Subsection (b) substitutes, in section 603 of title 28, United States Code, a reference to the Classification Act of 1949 for the reference to sections 661-673 and 674 of title 5, United States Code. Such former sections of title 5, which were derived from the Classification Act of 1923, were repealed and superseded by the Classification Act of 1949 (5 U. S. C. § 1071 et seq.).

SECTION 44 OF BILL

This section inserts a reference to the District Court of Guam in section 610 of title 28, United States Code, inasmuch as section 24 (c) of the Organic Act of Guam (Act Aug. 1, 1950, ch. 512, § 24 (c), 64 Stat. 390; 48 U. S. C., sec. 1424b (c)), as enacted, made chapter 41 of title 28 applicable to such court. Section 610 of title 28 is in said chapter 41, and is a section which, in defining "courts" as used in that chapter, extends the provisions of that chapter to territorial courts not otherwise covered thereby. In view of this amendment, another section of this bill eliminates, as no longer necessary, the reference to chapter 41 of title 28, United States Code, contained in said section 24 (c) of such 1950 Act.

SECTION 45 OF BILL

Inserts "of this title" in two places in section 676 (b) of title 28, United States Code, to complete the references in such subsection to certain other sections of title 28.

SECTION 46 OF BILL

Amends the first paragraph of section 753 (a) of title 28, United States Code, relating to the appointment of court reporters, by inserting a reference to the District Court of Guam. Even without such amendment, section 753 applies to such court, for section 24 (c) of the Organic Act of Guam (Act Aug. 1, 1950, ch. 512, § 24 (c), 64 Stat. 390; 48 U. S. C., sec. 1424b (c)) makes chapter 49 of title 28, which embraces such section 753, applicable to that court. However, for purposes of completeness, it was deemed advisable to insert the reference, as section 753 enumerates other territorial courts.

SECTION 47 OF BILL

Inserts a reference to the District Court of Guam in the first paragraph of section 1252 of title 28, United States Code, relating to direct appeals to the Supreme Court from decisions invalidating Acts of Congress. By the insertion with respect to the District Court of Guam, all provisions of section 23 (b) of the Organic Act of Guam (Aug. 1, 1950, ch. 512, 64 Stat. 390; 48 U. S. C., sec. 1424a (b)) are completely covered, hence it is scheduled for repeal in this bill. Such section 23 (b) of such Act was patterned after said section 1252 of title 28.

SECTION 48 OF BILL

Section 48 of H. R. 3899 gives a right of appeal from final decisions of the District Court of Guam to the Court of Appeals for the Ninth Circuit in cases involving the Constitution, laws or treaties of the United States, in all habeas corpus proceedings and in all other civil cases where the amount in controversy exceeds \$5,000. Pursuant to the authority given them in the Organic Act of Guam (64 Stat. 384), the Legislature of Guam conferred original jurisdiction on the District Court of Guam of felony cases arising under the laws of Guam and of civil cases arising under the laws of Guam involving more than \$2,000. Thus, if section 48 is not amended, the District Court of Guam will

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decide felony cases and some civil cases from which there will be no appeal. The amendment of the committee will correct that situation.

SECTION 49 OF BILL

Inserts in section 1292 of title 28, United States Code, relating to appeals to courts of appeals from certain interlocutory orders and decrees, a reference to the District Court of Guam. This was not provided for in the Organic Act of Guam (Act Aug. 1, 1950, ch. 512, 64 Stat. 384; 48 U. S. C., sec. 1421 et seq.), but the amendment is deemed advisable, inasmuch as the District Court of Guam would otherwise be the only Federal territorial court excluded from the coverage of section 1292. Further, it should be noted that the District of Hawaii embraces a number of island possessions of the United States (see 28 U. S. C., sec. 91), and that the United States District Court for that district is covered by such section 1292 (see 28 U. S. C., secs. 91, 451, 1292). There appears to be no reason why an interlocutory order, of the type described in section 1292 and entered by the District Court of Guam, should not be appealable to the court of appeals, when such an order entered, for example, by the United States District Court of Hawaii in a case arising in Wake Island (which is in the District of Hawaii), may be appealed to such court under section 1292.

SECTION 50 OF BILL

Subsection (a) inserts a clause (clause (7)) in section 1294 of title 28, United States Code, providing that appeals from reviewable decisions of the District Court of Guam shall be taken to the Court of Appeals for the Ninth Circuit. This is in accord with sections 41 and 1291 of such title, as amended by other sections of this bill, and is in conformity with section 23 (a) of the Organic Act of Guam (Aug. 1, 1950, ch. 512, 64 Stat. 390; 48 U. S. C., sec. 1424a (a)). All provisions of that section are incorporated in sections 41, 1252, 1291 and 1294 of title 28, United States Code, by this bill, hence it is scheduled for repeal.

Subsection (b) amends section 1346 (d) (2) of title 28, United States Code, to make it more clearly appear that the jurisdiction of the district courts does not include actions or claims for fees, salary, or compensation of federal officers or employees.

Subsection (c) transfers to section 1498 of title 28, United States Code, where they are more appropriate, certain provisions now set out in act Oct. 31, 1942, ch. 634, § 6, 56 Stat. 1014; 35 U. S. C. § 94. That act and section thereof are amended by another section of this bill to omit the provisions so transferred by this section. Section 1498 of title 28, United States Code, relates to jurisdiction of the Court of Claims in patent cases.

The provisions herein transferred from the 1942 act, did not refer to such section 1498 of title 28, but, rather, to the "the Act of June 25, 1910, as amended (40 Stat. 705; 35 U. S. C. 68)". However, the latter was repealed by Act June 25, 1948, ch. 646, § 39, 62 Stat. 992, effective September 1, 1948, and its provisions are now covered by such section 1498 of title 28. See *Drexler v. Koza*, D. C. Pa. 1950, 88 F. Supp. 298.

SECTION 51 OF BILL

Subsection (a) corrects a typographical error in the second sentence in the first paragraph of section 1821 of title 28, United States Code.

Subsection (b) strikes from section 1915 (b) of title 28, United States Code, the words "furnishing a stenographic record and". This is a duplicating provision, being covered by section 753 (f) of such title.

Subsection (c) amends section 1915 (e) of title 28, United States Code, to make it clear that the United States shall not be liable for costs incurred in proceedings in forma pauperis. The amendment restores a provision contained in former section 836 of title 28, United States Code (act July 20, 1892, ch. 209, § 5, 27 Stat. 252), from which such section 1915 (e) was partly derived.

SECTION 52 OF BILL

The amendment proposed by this section was adapted from the draft of an amendment recommended by the Committee on Revision of Criminal and Judicial Codes of the Judicial Conference of the United States and approved by that Conference. See report of the proceedings of the September 1950 meeting of that Conference, pp. 16, 17. While the present provisions of the second paragraph of section 2253 of title 28, United States Code, have been construed as applicable to all removal proceedings (see *Wright v. Cartier*, D. C. Mass. 1950, 10 F. R. D. 21, opinion of Sweeney, J.), they are not entirely clear. Without this amendment, they might permit of an unintended construction that removal proceedings under the Federal Rules of Criminal Procedure (see Rule 40) may be tested by appeal from an order on habeas corpus.

SECTION 53 OF BILL

In the revision of title 18, United States Code, which was subsequently enacted into law, effective September 1, 1948, certain criminal provisions theretofore contained in 10 U. S. C. § 1393, were transferred to such title 18, and incorporated in section 702 of that title. However, in eliminating such provisions from section 125 of the act of June 3, 1916, ch. 134, 39 Stat. 216, as amended, from which 10 U. S. C. § 1393 was derived, the wrong provisions were repealed. This was caused by an intervening act which had inserted an additional paragraph in the section, thus changing the order of the paragraphs. Section 15 (b) of act May 24, 1949, ch. 139, 63 Stat. 91 (which was an act containing largely a number of amendments to revised titles 18 and 28, United States Code), corrected this situation by an amendment to 10 U. S. C. § 1393, in which it properly eliminated the provisions transferred to title 18, and restored the repealed paragraph. However, in restoring such paragraph, which, in its second proviso, provided for the issuance of civilian clothing, to certain discharged enlisted men, that act failed to take into consideration a certain paragraph in section 101 of the act approved December 23, 1943, chapter 380, title I, 57 Stat. 628 (top of page). Such paragraph of the 1943 act, which was classified to section 197a of title 34, U. S. C., Navy,

increased the limitation on the cost of such clothing, including an overcoat, to \$30, insofar as the Navy and Marine Corps were concerned. As originally enacted, the 1943 act also related to the Coast Guard, but the reference to that branch of the armed services was deleted when the provision was amended by section 17 of the act approved August 4, 1949, ch. 393, 63 Stat. 560. Section 482 of title 14, U. S. C., Coast Guard, which title was enacted into law in 1949, now provides for the issuance of civilian clothing to such discharged enlisted men of the Coast Guard.

Section 53 of this bill amends the second proviso in the third paragraph of said section 125 of the act of June 3, 1916 (10 U. S. C., sec. 1393, third par.), to incorporate the paragraph of the act of 1943 (34 U. S. C., sec. 197a), as amended in 1949, mentioned above, and to make it clear that the proviso, with respect to the issuance of such clothing, does not relate to the Coast Guard.

It will be noted that the increase (from \$15 to \$30) in the limitation on the cost of civilian clothing issued to enlisted personnel discharged under the conditions described, and the inclusion of an overcoat when necessary, are, by this amendment, extended to the Army. This is in the interest of equitable treatment.

In view of the incorporation by this amendment, in said section 125 of the act of June 3, 1916 (10 U. S. C., sec. 1393), of the provisions of said paragraph of the 1943 act (34 U. S. C., sec. 197a), the latter is repealed by section 56 (a) of this bill. Said section 125 contains the basic authority, with respect to the Army, Navy, and Marine Corps, to issue such clothing, the paragraph in the 1943 act, as amended, having merely provided for an increase in the limitation on the cost thereof, with respect to the Navy and Marine Corps. Therefore, the provisions should be consolidated in the former.

The first part of the amended proviso, relating to the retention for military use of all uniform outer clothing in the possession of an enlisted man so discharged, and all other provisions of section 1393 of title 10, U. S. C., relating to protection of the uniform, include the Coast Guard within their purview, in view of section 484 of title 14, U. S. C. No doubt the entire section should be revised to include, also, the Air Force within its scope. However, such additional amendment is not attempted at this time in view of the recodification of all laws relating to the Army and Air Force now under way.

SECTION 53 (A) OF BILL

The purpose of this section is to restore provisions similar to those which were contained in the second paragraph of former section 52 of the Judicial Code of 1911, as added by the act of March 3, 1927, ch. 364, 44 Stat. 1394 (35 U. S. C., former sec. 72a). Such section 52 of the Judicial Code of 1911 was repealed by Act of June 25, 1948, ch. 646, sec. 39, 62 Stat. 992, effective September 1, 1948, whereas the intent was to repeal only the first paragraph thereof.

This amendment, in restoring such provisions, rewords them to conform with the correct name of the district court in the District of Columbia. (*See* 28 U. S. C., secs. 88 and 132, and Act May 24, 1949, ch. 139, sec. 127, 63 Stat. 107), and with the Federal Rules of Civil Procedure.) (*See* Rules 2, 3, and 4.)

Subsection (b) makes the provisions retroactive to September 1, 1948, which was, as stated, the effective date of the unintended repeal of the second paragraph of section 52 of the Judicial Code of 1911.

SECTION 54 OF BILL

Amends section 6 of Act Oct. 31, 1942, ch. 634, 56 Stat. 1014, (35 U. S. C., sec. 94), to strike out provisions transferred to section 1498 of title 28, United States Code, by another section of this bill.

SECTION 55 OF BILL

Subsection (a) amends section 24 (a) of the Organic Act of Guam (Aug. 1, 1950, ch. 512, § 24, 64 Stat. 390; 48 U. S. C., sec. 1424b (a)) by striking out the clause making the provisions of section 373 of title 28, United States Code, relating to retirement benefits, applicable to judges of the District Court of Guam. This is now covered by such section 373 of title 28, as amended by another section of this bill.

Also, subsection (a) amends section 24 (c) of such Act (48 U. S. C., sec. 1424b (c)) by substituting a reference to chapters 43 and 49, only, of title 28, United States Code, for the present reference to chapters "21, 41, 43, 49, and 57" of such title. The reference to chapters 21, 41, and 57 of such title will no longer be necessary because of amendments in this bill to sections 460 and 610 of title 28, which are in chapters 21 and 41, respectively, of such title. Section 963 of title 28, which is in said chapter 57, makes the provisions of said section 610 applicable to that chapter.

Subsection (b) strikes out an obsolete reference to section 261 of title 18, United States Code (repealed in 1948) in paragraph (f) of Act Aug. 9, 1939, ch. 618, § 7 (f), 53 Stat. 1292 (1293) (49 U. S. C., sec. 787 (f)), and substitutes therefor the corresponding reference in present title 18, United States Code, which was enacted into law in 1948.

SECTION 56 OF BILL

Subsection (a) repeals a certain paragraph in section 101 of the Act of December 23, 1943, ch. 380, title I, 57 Stat. 628 (top of page), as amended, which was classified to section 197a of title 34, U. S. C., Navy. The reason for such repeal is given in the explanation of section 53 of this bill.

Subsection (b) repeals the second proviso in section 10 of the Act of March 4, 1925, ch. 536, 43 Stat. 1274, which proviso was classified to section 722 of title 34, U. S. C., Navy. It provided that the "appropriation, 'General expenses, Marine Corps,' shall be available for the purchase of civilian outer clothing, not to exceed \$15 per man, to be issued when necessary to marines discharged for bad conduct, undesirability, unfitness, or inaptitude". The provisions are obsolete. Current appropriations specifically provide for such purchase, and the limitation per man is now \$30. See Act Oct. 29, 1949, ch. 787, title IV, par. headed "General expenses", 63 Stat. 1013. See, also, the amendment made by section 53 of this bill, and the explanation of such section 53 in this report.

Subsection (c) repeals the Act of May 13, 1950, ch. 185 (Public Law 513, 81st Cong.), 64 Stat. 159, 160, relating to the unlawful disclosure

of classified information. The reason for such repeal is given in the explanation of sections 23 and 24 (a) of this bill.

Subsection (d) repeals, as obsolete, sections 6, 7, 8 and 9 of the Act of March 8, 1902, ch. 140, 32 Stat. 55, which were formerly classified to sections 152a, 152b and 577 of title 19, and section 1009 of title 48, respectively, of the United States Code. They all related to the Philippines and were omitted from such Code some time ago in view of the independence of the Philippine Islands under the Philippine Independence Act (see section 1240 of title 48, U. S. C., Territories and Insular Possessions), and Proc. No. 2695, July 4, 1946, 11 F. R. 7517, 60 Stat. 1352, and, also (in the case of the first three sections named), in view of the Philippine Trade Act of 1946 (sections 1251-1386, of title 22 U. S. C., Foreign Relations and Intercourse). That part of section 6 of said Act of March 8, 1902, ch. 140, which was not classified to 19 U. S. C., former sec. 152a, is repealed for the same reason.

Subsection (e) repeals section 23 of the Organic Act of Guam (Act Aug. 1, 1950, ch. 512, § 23, 64 Stat. 390; 48 U. S. C., sec. 1424a), as its provisions have been carried into sections 41, 1252, 1291 and 1294 of title 28, United States Code, as amended by other sections of this bill.

Subsection (f) repeals section 3051 of title 18, United States Code, as that section is a duplicate of section 3193 of such title, which contains substantially identical language. It also repeals item 3051 in the analysis of chapter 203 of such title, which is the item corresponding with the catchline to such section 3051.

Subsection (g) repeals a paragraph in Act Mar. 4, 1911, ch. 237, § 1, 36 Stat. 1170 (1234), to carry out the manifest intent of Act Sept. 12, 1950, ch. 946, title III, sec. 301 (82), 64 Stat. 843. The latter Act repealed that part of section 1 of the 1911 Act which is set out as the second paragraph under the heading "United States Commerce Court" on page 1234 of 36 Statutes at Large. However, the apparent intent was to repeal the third paragraph under the heading "United States Court of Customs Appeals" on the same page, from which section 687 of title 31, United States Code, was derived, particularly since the repealing Act of Sept. 12, 1950 cited such section 687 of title 31 U. S. C. as a parallel reference. The two paragraphs are identical, except that the one repealed by the Act of Sept. 12, 1950 refers to the United States Commerce Court, and the one repealed by this section of the bill refers to the United States Court of Customs Appeals. The Commerce Court was abolished in 1913.

Subsection (h) repeals R. S. § 204, as amended by Act Dec. 28, 1874, ch. 9 § 2, 18 Stat. 294, and R. S. § 205, because the provisions of these statutes are covered by sections 106a and 106b of title 1, United States Code, as added to that title by section 2 (b) of this bill. They had been tentatively classified to such sections in title 1, but can be made an actual part of that title by amendment only, as such title was enacted into law in 1947.

Subsection (i) repeals provisions in section 73 of Act Jan. 12, 1895, ch. 23, 28 Stat. 615, as amended (44 U. S. C., sec. 196), relating to the compilation, editing, indexing, and publication of the United States Statutes at Large. Such provisions are covered by sections 112 and 112a of title 1, United States Code.

Subsection (j) repeals the Act of Aug. 8, 1950, ch. 646, 64 Stat. 419, because the provisions of that statute are covered by sections 301-303 of title 3, United States Code, as added to that title by another section

of this bill. The Act had been tentatively classified to such sections in title 3, but can be made an actual part of that title by amendment only, as such title was enacted into law in 1948.

Subsection (k) repeals the various basic Acts and parts of Acts from which were derived the provisions relating to the collecting, compiling, editing and publication of the official territorial papers. For explanation of such repeal, see the explanation of section 12 of this bill, set out elsewhere in this report.

Subsection (l) preserves rights and liabilities existing under the statutes and parts of statutes repealed by subsections (a)-(k) at the time of the effective date of this proposed Act.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of Rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 1 OF BILL

Amends section 1 of title 1, United States Code.

Comparative text.—

§ 1. Words denoting number, gender, and so forth

In determining the meaning of any Act of Congress, unless the context indicates otherwise—

words importing the singular include and apply to several persons, parties, or things;

words importing the plural include the singular;

words importing the masculine gender include the feminine as well;

words [use] used in the present tense include the future as well as the present; the words "insane" and "insane person" and "lunatic" shall include every idiot, lunatic, insane person, and person non compos mentis;

the words "person" and "whoever" include corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals;

"officer" includes any person authorized by law to perform the duties of the office;

"signature" or "subscription" includes a mark when the person making the same intended it as such;

"oath" includes affirmation, and "sworn" includes affirmed;

"writing" includes printing and typewriting and reproductions of visual symbols by photographing, multigraphing, mimeographing, manifolding, or otherwise.

SECTION 2 (a) OF BILL

Amends the analysis of chapter 2 of title 1, United States Code, by inserting new items relating to sections 106a and 106b, which sections are inserted in such chapter by subsection (b) of this section.

Comparative text.—

Chapter 2.—ACTS AND RESOLUTIONS; FORMALITIES OF ENACTMENT; REPEALS; SEALING OF INSTRUMENTS

Sec.

101. Enacting clause.

102. Resolving clause.

103. Enacting or resolving words after first section.

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104. Numbering of sections; single proposition.
105. Title of appropriation acts.
106. Printing bills and joint resolutions.
- 106a. *Promulgation of laws.*
- 106b. *Amendments to Constitution.*
107. Parchment or paper for printing enrolled bills or resolutions.
108. Repeal of repealing act.
109. Repeal of statutes as affecting existing liabilities.
110. Saving clause of Revised Statutes.
111. Repeals as evidence of prior effectiveness.
112. Statutes at Large; contents; admissibility in evidence.
- 112a. United States Treaties and Other International Agreements; contents; admissibility in evidence.
113. "Little and Brown's" edition of laws and treaties; admissibility in evidence.
114. Sealing of instruments.

SECTION 2 (b) OF BILL

Inserts sections 106 and 106b in title 1, United States Code, without any changes in the text (except the insertion of a comma after "effect" in the text of section 106a) as such sections are presently set out in such title. The provisions were derived from R. S. § 204, as amended by Act Dec. 28, 1874, ch. 9, § 2, 18 Stat. 294, and R. S. § 205, which this bill repeals. For the new text, see section 2 (b) of the bill.

SECTION 3 OF BILL

Amends section 112 of title 1 of the United States Code, as amended.

Comparative text.—

§ 112. Statutes at large; contents; admissibility in evidence

The Administrator of General Services shall cause to be compiled, edited, indexed, and published, the United States Statutes at Large, which shall contain all the laws and concurrent resolutions enacted during each regular session of Congress; all proclamations by the President in the numbered series issued since the date of the adjournment of the regular session of Congress next preceding; and also any amendments to the Constitution of the United States proposed or ratified pursuant to article V thereof since that date, together with the certificate of the Administrator of General Services issued in compliance with the provision contained in section [205 of the Revised Statutes] *106b of this title*. In the event of an extra session of Congress, the Administrator of General Services shall cause all the laws and concurrent resolutions enacted during said extra session to be consolidated with, and published as part of, the contents of the volume for the next regular session. The United States Statutes at Large shall be legal evidence of laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States and the Territories and insular possessions of the United States.

SECTION 4 OF BILL

Amends the analysis of title 3, United States Code.

Comparative text.—

Chap.	Sec.
1. PRESIDENTIAL ELECTIONS AND VACANCIES.....	1
2. OFFICE AND COMPENSATION OF PRESIDENT.....	101
3. PROTECTION OF THE PRESIDENT; THE WHITE HOUSE POLICE.....	201
4. DELEGATION OF FUNCTIONS.....	301

SECTION 5 OF BILL

Amends items 6 and 12 in the analysis of Chapter 1 of title 3, United States Code.

Comparative text.—

Chapter 1.—PRESIDENTIAL ELECTIONS AND VACANCIES

Sec.

1. Time of appointing electors.
2. Failure to make choice on prescribed day.
3. Number of electors.
4. Vacancies in electoral college.
5. Determination of controversy as to appointment of electors.
6. Credentials of electors; transmission to **【Secretary of State】** *Administrator of General Services* and to Congress; public inspection.
7. Meeting and vote of electors.
8. Manner of voting.
9. Certificates of votes for President and Vice President.
10. Sealing and endorsing certificates.
11. Disposition of certificates.
12. Failure of certificates of electors to reach President of Senate or **【Secretary of State】** *Administrator of General Services*; demand on State for certificate.
13. Same; demand on district judge for certificate.
14. Forfeiture for messenger's neglect of duty.
15. Counting electoral votes in Congress.
16. Same; seats for officers and Members of two Houses in joint meeting.
17. Same; limit of debate in each House.
18. Same; parliamentary procedure at joint meeting.
19. Vacancy in offices of both President and Vice President; officers eligible to act.
20. Resignation or refusal of office.

SECTION 6 OF BILL

Amends section 6 of title 3, United States Code.

Comparative text.—

§ 6. Credentials of electors; transmission to **【Secretary of State】 *Administrator of General Services* and to Congress; public inspection**

It shall be the duty of the executive **【s】** of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the **【Secretary of State of the United States】** *Administrator of General Services* a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the **【Secretary of State of the United States】** *Administrator of General Services* a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the **【Secretary of State】** *Administrator of General Services* shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the **【Secretary of State of the United States】** *Administrator of General Services* at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the **【State Department】** *General Services Administration*.

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SECTION 7 OF BILL

Amends section 11 of title 3, United States Code.

Comparative text.—

§ 11. Disposition of certificates

The electors shall dispose of the certificates so made by them and the lists attached thereto in the following manner:

First, They shall forthwith forward by registered mail one of the same to the President of the Senate at the seat of government.

Second, Two of the same shall be delivered to the secretary of state of the State, one of which shall be held subject to the order of the President of the Senate, the other to be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection.

Third, On the day thereafter they shall forward by registered mail two of such certificates and lists to the [Secretary of State] *Administrator of General Services* at the seat of government, one of which shall be held subject to the order of the President of the Senate. The other shall be preserved by the [Secretary of State] *Administrator of General Services* for one year and shall be a part of the public records of his office and shall be open to public inspection.

Fourth, They shall forthwith cause the other of the certificates and lists to be delivered to the judge of the district in which the electors shall have assembled

SECTION 8 OF BILL

Amends section 12 of title 3, United States Code.

Comparative text.—

§ 12. Failure of certificate of electors to reach President of Senate or [Secretary of State] *Administrator of General Services*; demand on State for certificate.

When no certificate of vote and list mentioned in sections 9 and 11 of this title from any State shall have been [received] *received* by the President of the Senate or by the [Secretary of State] *Administrator of General Services* by the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the [Secretary of State] *Administrator of General Services* shall request, by the most expeditious method available, the secretary of state of the State to send up the certificate and list lodged with him by the electors of such State; and it shall be his duty upon receipt of such request immediately to transmit same by registered mail to the President of the Senate at the seat of government.

SECTION 9 OF BILL

Amends section 13 of title 3, United States Code.

Comparative text.—

§ 13. Same; demand on district judge for certificate.

When no certificates of votes from any State shall have been received at the seat of government on the fourth Wednesday in December, after the meeting of the electors shall have been held, the President of the Senate or, if he be absent from the seat of government, the [Secretary of State] *Administrator of General Services* shall send a special messenger to the district judge in whose custody one certificate of votes from that State has been lodged, and such judge shall forthwith transmit that list by the hand of such messenger to the seat of government.]

SECTION 10 OF BILL

Inserts a new chapter (4) in title 3, United States Code (§§ 301-303), derived from Act Aug. 8, 1950, ch. 646, 64 Stat. 419, which this bill repeals, and which was, subsequent to enactment, tentatively classified to such title as Chapter 4 (§§ 301-303) thereof. No changes were

made in the text as heretofore set out in such title. See explanation of this section as set out elsewhere in this report, and, for the new text, see section 10 of the bill.

SECTION 11 OF BILL

Amends the analysis of title 4, United States Code.

Comparative text.—

Chap.	Sec.
1. THE FLAG-----	1
2. THE SEAL-----	41
3. SEAT OF THE GOVERNMENT-----	71
4. THE STATES-----	101
5. OFFICIAL TERRITORIAL PAPERS-----	141

SECTION 12 OF BILL

Inserts a new chapter (chapter 5) in title 4, United States Code.

New text.—

Chapter 5.—OFFICIAL TERRITORIAL PAPERS

Sec.

- 141. Collection, preparation and publication.
- 142. Appointment of experts.
- 143. Employment and utilization of other personnel; cost of copy reading and indexing.
- 144. Cooperation of departments and agencies.
- 145. Printing and distribution.
- 146. Authorization of appropriations.

§ 141. Collection, preparation and publication

The Administrator of General Services, hereinafter referred to in this chapter as the "Administrator", shall continue to completion the work of collecting, editing, copying, and suitably arranging for issuance as a Government publication, the official papers relating to the Territories from which States of the United States were formed, in the national archives, as listed in Parker's "Calendar of Papers in Washington Archives Relating to the Territories of the United States (to 1873)", being publication numbered 148 of the Carnegie Institution of Washington, together with such additional papers of like character which may be found.

§ 142. Appointment of experts

For the purpose of carrying on the work prescribed by section 141 of this title, the Administrator, without regard to the Classification Act of 1949 and the civil services laws and regulations thereunder, may engage the services, either in or outside of the District of Columbia, of not to exceed five historical experts who are especially informed on the various phases of the territorial history of the United States and are especially qualified for the editorial work necessary in arranging such territorial papers for publication.

§ 143. Employment and utilization of other personnel; cost of copy reading and indexing

(a) In carrying out his functions under this chapter, the Administrator may employ such clerical assistants as may be necessary.

(b) The work of copy reading and index making for the publication of the papers described in section 141 of this title shall be done by the regular editorial staff of the General Services Administration, and the cost of this particular phase of the work (prorated each month according to the number of hours spent and the annual salaries of the clerks employed) shall be charged against the annual appropriations made under section 146 of this title.

§ 144. Cooperation of departments and agencies

The heads of the several executive departments and independent agencies and establishments shall cooperate with the Administrator in the work prescribed by section 141 of this title by permitting access to any records deemed by him to be necessary to the completion of such work.

§ 145. Printing and distribution

(a) *The Public Printer shall print and bind each volume of the official papers relating to the Territories of the United States as provided for this chapter, of which—*

(1) *four hundred and twenty copies shall be delivered to the Superintendent of Documents, Government Printing Office, for distribution, on the basis of one copy each, and as directed by the Administrator, to those historical associations, commissions, museums, or libraries and other nondepository libraries, not to exceed eight in number within each State, Territory, or Possession, which have been or may be designated by the Governor thereof to receive such copies;*

(2) *one hundred copies shall be delivered to the General Services Administration for the use of that Administration; and*

(3) *one hundred copies shall be delivered to the Superintendent of Documents for distribution in such manner and number as may be authorized and directed by the Joint Committee on Printing.*

(b) *The historical associations, commissions, museums, or libraries and other nondepository libraries within each State, Territory, or Possession which have been or may be designated by the Governor thereof to receive the publications referred to in subsection (a) of this section, shall, during their existence, receive the succeeding volumes, the distribution of which shall be made by the Superintendent of Documents in accordance with lists of designations transmitted to him by the Administrator. A new designation may be made to the Administrator by the Governor only when a designated association, commission, museum, or library shall cease to exist, or when authorized by law.*

§ 146. Authorization of appropriations

For the purposes of this chapter, there are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, sums of not more than \$50,000 for any one fiscal year.

SECTION 13 OF BILL

Amends section 1 of title 6 of the United States Code.

Comparative text.—**§ 1. Custody**

All bonds of the Treasurer of the United States, [collectors of internal revenue,] collectors, comptrollers of customs, surveyors, and other officers of the customs, either as such officers or as disbursing officers of the Treasury, bonds of the Secretary of the Senate, Clerk of the House of Representatives, and the Sergeant at Arms of the House of Representatives, shall be placed in the custody of the Secretary of the Treasury and filed as he may direct; and the duties required by law on March 2, 1895, of the Comptroller of the Treasury in regard to such bonds, as the successor of the Commissioner of Customs and First Comptroller of the Treasury, shall be performed by the Secretary of the Treasury.

SECTION 14 OF BILL

Amends section 7 of title 9 of the United States Code.

Comparative text.—**§ 7. Witnesses before arbitrators; fees; compelling attendance**

The arbitrators selected either as prescribed in this title or otherwise, or a majority of them, may summon in writing any person to attend before them or any of them as a witness and in a proper case to bring with him or them any book, record, document, or paper which may be deemed material as evidence in the case. The fees for such attendance shall be the same as the fees of witnesses before masters of the United States courts. Said summons shall issue in the name of the arbitrator or arbitrators, or a majority of them, and shall be signed by the arbitrators, or a majority of them, and shall be directed to the said person and shall be served in the same manner as subpoenas to appear and testify before the court; if any person or persons so summoned to testify shall refuse or neglect to obey said summons, upon petition the United States district court [in and] for the district in which such arbitrators, or a majority of them, are sitting may compel the attendance of such person or persons before said arbitrator or arbitrators, or punish said person or persons for contempt in the same manner provided [on February 12, 1925, for] by law for securing the attendance of witnesses or their punishment for neglect or refusal to attend in the courts of the United States.

SECTION 15 OF BILL

Amends section 760 of title 14, United States Code.

Comparative text.—

§ 760. Disability or death benefits for temporary members

(a) In case of physical injury, or death resulting from physical injury, to any temporary member of the Reserve incurred incident to service while performing active Coast Guard duty, or engaged in authorized travel to or from such duty, the provisions of law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties, subject to this section, shall apply, and shall be administered by the [Bureau of Employees' Compensation, Federal Security Agency,] *Secretary of Labor* in the same manner and to the same extent as if such person were a civil employee of the United States and were injured in the performance of his duty. For benefit computation, regardless of pay or pay status, such person shall be deemed to have had monthly pay of \$150.

(b) This section does not apply in any case, coming within the purview of the Workmen's Compensation Law of any state, territory, or other jurisdiction because of a concurrent employment status of such temporary member; and where such temporary member or dependent would be entitled to a benefit under the provisions of law authorizing compensation for employees of the United States suffering injuries while in the performance of their duties and also to any concurrent benefit from the United States on account of the same disability or death, such temporary member or dependent shall elect which benefit he shall receive.

(c) Whenever, pursuant to this section a claim is filed with the [Bureau] *Secretary of Labor* for benefits because of an alleged injury or death, the [Bureau] *Secretary of Labor, or such officer, agency or employee of the Department of Labor as he shall designate,* shall notify the Commandant who shall cause an investigation to be made into the facts surrounding such alleged injury and make certification with respect thereto, including certification as to such injured or deceased person's temporary membership in the Reserve and his military status, and whether the injury or death occurred incident to service.

(d) Temporary members of the Reserve who incur physical disability or contract sickness or disease while performing any specific duty to which they have been assigned by competent Coast Guard authority shall be entitled to the same hospital treatment afforded officers and enlisted men of the Coast Guard.

SECTION 16 (a) OF BILL

Amends section 3 of title 17, United States Code.

Comparative text.—

§ 3. Protection of component parts of work copyrighted; composite works or periodicals

The copyright provided by this [title] *title* shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this title.

SECTION 16 (b) OF BILL

Amends section 8 of title 17, United States Code.

Comparative text.—

§ 8. Copyright not to subsist in works in public domain, or published prior to July 1, 1909, and not already copyrighted, or Government publications; publication by Government of copyrighted material

No copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to July 1, 1909, and has not been already copyrighted in the United

States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided*, That copyright may be secured by the Postmaster General on behalf of the United States in the whole or any part of the publications authorized by section 1 of the Act of [June] *January 27, 1938* (39 U. S. C. 371).

The publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgment or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor.

SECTION 16 (c) OF BILL

Amends section 112 of title 17, United States Code.

Comparative text.—

§ 112. Injunctions; service and enforcement

Any [such] court mentioned in section 1338 of Title 28 or judge thereof shall have power, upon complaint filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by this title, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this title may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants.

SECTION 17 OF BILL

Amends section 114 of title 17, United States Code.

Comparative text.—

§ 114. Review of orders, judgments, or decrees

The orders, judgments, or decrees of any court mentioned in section [110 of this title] 1338 of Title 28 arising under the copyright laws of the United States may be reviewed on appeal in the manner and to the extent not provided by law for the review of cases determined in said courts, respectively.

SECTION 17 (a) OF BILL

Amends analysis of chapter 2 of title 17, United States Code.

Comparative text.—

Chapter 2.—INFRINGEMENT PROCEEDINGS

Sec.

101. Infringement.

- (a) Injunction.
- (b) Damages and profits; amounts; other remedies.
- (c) Impounding during action.
- (d) Destruction of infringing copies and plates.
- (e) Royalties for use of mechanical reproduction of musical works.
- [(f) Rules of procedure.]

[102. Jurisdiction of courts in enforcing remedies.]

[103. Joinder of proceedings for different remedies.]

104. Willful infringement for profit.

105. Fraudulent notice of copyright, or removal or alteration of notice.

106. Importation of article bearing false notice or piratical copies of copyrighted work.

107. Importation, during existence of copyright, of piratical copies, or of copies not produced in accordance with section 16 of this title.

108. Forfeiture and destruction of articles prohibited importation.

109. Importation of prohibited articles; regulations; proof of deposit of copies by complainants.

- 110. Jurisdiction of actions under laws.]
- 111. District in which actions may be brought.]
- 112. Injunctions; service and enforcement.
- 113. Transmission of certified copies of papers for enforcement of injunction by other court.
- 114. Review of orders, judgments, or decrees.
- 115. Limitation of criminal proceedings.
- 116. Costs; attorney's fees.

SECTION 17 (b) OF BILL

Amends section 2 of title 18, United States Code.

Comparative text.—

§ 2. Principals

(a) Whoever commits an offense against the United States[,] or aids, abets, counsels, commands, induces[,] or procures its commission, is *punishable as a principal*.

(b) Whoever *willfully* causes an act to be done[,] which if directly performed by him or another would be an offense against the United States, is [also a principal and punishable as such] *punishable as a principal*.

SECTION 18 OF BILL

Amends item 431 in the analysis of chapter 23 of title 18, United States Code, to conform with amended catch-line to section 431 of such title.

Comparative text.—

Chapter 23.—CONTRACTS

- | | |
|------|---|
| Sec. | 431. Contracts by Member of Congress[; exceptions]. |
| | 432. Officer or employee contracting with Member of Congress. |
| | 433. Exemptions with respect to certain contracts. |
| | 434. Interested persons acting as Government agents. |
| | 435. Contracts in excess of specific appropriation. |
| | 436. Convict labor contracts. |
| | 437. Indian contracts for goods and supplies. |
| | 438. Indian contracts for services generally. |
| | 439. Indian enrollment contracts. |
| | 440. Mail contracts. |
| | 441. Postal supply contracts. |
| | 442. Printing contracts. |
| | 443. War contracts. |

SECTION 19 OF BILL

Amends the catchline to section 431 of title 18, United States Code.

Comparative text.—

§ 431. Contracts by Member of Congress[; exceptions].

SECTION 20 (a) OF BILL

Amends section 443 of title 18, United States Code.

Comparative text.—

§ 443. War contracts

Whoever willfully secretes, mutilates, obliterates, or destroys—

(a) any records of a war contractor relating to the negotiation, award, performance, payment, interim financing, cancellation or other termination, or settlement of a war contract of \$25,000 or more; or

(b) any records of a war contractor or purchaser relating to any disposition of termination inventory in which the consideration received by any war contractor or any government agency is \$5,000 or more, before the lapse of (1) five years after such disposition of termination inventory by such war contractor or government agency, or (2) five years after the final settlement of such war contract, or (3) five years after [the termination of hostilities in the present war as proclaimed by the President or by a concurrent resolution of the two Houses of Congress] *12 o'clock noon of December 31, 1946*, whichever applicable period is longer, shall, if a corporation, be fined not more than \$50,000, and, if a natural person, be fined not more than \$10,000 or imprisoned not more than five years, or both.

The [Director of Contract Settlement] *Administrator of General Services*, by regulation, may authorize the destruction of such records upon such terms and conditions as he deems appropriate, including the requirement for the making and retaining of photographs or microphotographs, which shall have the same force and effect as the originals thereof.

The definitions of terms in section 103 of Title 41 shall apply to similar terms used in this section.

SECTION 20 (b) OF BILL

Amends section 603 of title 18, United States Code. .

Comparative text.—

§ 603. Place of solicitation

Whoever, in any room or building occupied in the discharge of official duties by any person mentioned in section 602 of this title, or in any navy yard, fort, or arsenal, solicits or receives any contribution of money or other thing of value for any political purpose [from any such person], shall be fined not more than \$5,000 or imprisoned not more than three years, or both.

SECTION 20 (c) OF BILL

Amends section 610 of title 18, United States Code.

Comparative text.—

§ 610. Contributions or expenditures by national banks, corporations or labor organizations

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any corporation whatever, or any labor organization to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices, or for any candidate, political committee, or other person to accept or receive any contribution prohibited by this section.

Every corporation or labor organization which makes any contribution or expenditure in violation of this section shall be fined not more than \$5,000; and every officer or director of any corporation, or officer of any labor organization, who consents to any contribution or expenditure by the corporation or labor organization, as the case may be, *and any person who accepts or receives any contribution*, in violation of this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both; *and if the violation was willful, shall be fined not more than \$10,000 or imprisoned not more than two years, or both.*

For the purposes of this section "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exist for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

SECTION 21 OF BILL

Amends section 658 of title 18 of the United States Code.

Comparative text.—

§ 658. Property mortgaged or pledged to farm credit agencies

Whoever, with intent to defraud, knowingly conceals, removes, disposes of, or converts, to his own use or to that of another, any property mortgaged or pledged to, or held by, the Farm Credit Administration, any Federal intermediate credit bank, or the Federal Farm Mortgage Corporation, Federal Crop Insurance Corporation, Farmers' Home Corporation, The Secretary of Agriculture acting through the Farmers' Home Administration or [any production credit corporation or corporation in which a production credit corporation holds stock], any production credit association organized under sections 1131-1134m of Title 12, or in which a Production Credit Corporation holds stock, any regional agricultural credit corporation, or any bank for cooperatives, shall be fined not more than \$5,000 or imprisoned not more than five years, or both; but if the value of such property does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

SECTION 21 (a) OF BILL

Amends section 708 of title 18 of the United States Code.

Comparative text.—

§ 708. Swiss Confederation coat of arms

Whoever, whether a corporation, partnership, unincorporated company, association, or person within the United States, willfully uses as a trade mark, commercial label, or portion thereof, or as an advertisement or insignia for any business or organization or for any trade or commercial purpose, the coat of arms of the Swiss Confederation, consisting of an upright white cross with equal arms and lines on a red ground, or any simulation thereof, shall be fined not more than \$250 or imprisoned not more than six months or both.

This section shall not make unlawful the use of any such design or insignia which was lawful on August 31, 1948.

SECTION 22 OF BILL

Amends the eighth paragraph of section 709 of Title 18, United States Code.

Comparative text.—

§ 709. False advertising or misuse of names to indicate Federal agency

Whoever, except as permitted by the laws of the United States, uses the words "national", "Federal", "United States", "reserve", or "Deposit Insurance" as part of the business or firm name of a person, corporation, partnership, business trust, association or other business entity engaged in the banking, loan, building and loan, brokerage, factorage, insurance, indemnity, savings or trust business; or

Whoever falsely advertises or represents, or publishes or displays any sign, symbol or advertisement reasonably calculated to convey the impression that a nonmember bank, banking association, firm or partnership is a member of the Federal reserve system; or

Whoever uses the words "Federal Deposit Insurance Corporation" or a combination of any three of these four words, as the name or a part thereof under which he or it does business, or advertises or otherwise represents falsely by any device whatsoever that deposit liabilities are insured or guaranteed by the Federal Deposit Insurance Corporation, or by the United States, or any instrumentality thereof, or falsely advertises or otherwise represents the extent or manner in which such deposit liabilities are insured by the Federal Deposit Insurance Corporation; or

Whoever, not being organized under chapter 7 of Title 12, advertises or represents that it makes Federal Farm loans or advertises or offers for sale as Federal Farm loan bonds any bond not issued under chapter 7 of Title 12, or uses the

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word "Federal" or the words "United States" or any other words implying Government ownership, obligation or supervision in advertising or offering for sale any bond, note, mortgage or other security not issued by the Government of the United States under the provisions of said chapter 7 or some other Act of Congress; or

Whoever uses the words "Federal Home Loan Bank" or any combination or variation of these words alone or with other words as a business name or part of a business name, or falsely publishes, advertises or represents by any device or symbol or other means reasonably calculated to convey the impression that he or it is a Federal Home Loan Bank or member of or subscriber for the stock of a Federal Home Loan Bank; or

Whoever uses the words "National Agricultural Credit Corporation" as part of the business or firm name of a person, corporation, partnership, business trust, association or other business entity not organized under the laws of the United States as a National Agricultural Credit Corporation; or

Whoever uses the words "Federal intermediate credit bank" as part of the business or firm name for any person, corporation, partnership, business trust, association or other business entity not organized as an intermediate credit bank under the laws of the United States; or

Whoever uses as a firm or business name the words "Federal Housing", "National Housing" or ["United States Housing Authority"] "*Public Housing Administration*" or any combination or variation of those words alone or with other words reasonably calculated to convey the false impression that such name or business has some connection with, or authorization from, the Federal Housing Administration, the Government of the United States or any agency thereof, which does not in fact exist, or falsely advertises by any device whatsoever that any project, business or product has been in any way indorsed, authorized or approved by the Federal Housing Administration, the *Public Housing Administration*, the Government of the United States or any agency thereof; or

Whoever uses as a firm or business name the words "Reconstruction Finance Corporation" or any combination or variation of these words—

Shall be punished as follows: a corporation, partnership, business trust, association, or other business entity, by a fine of not more than \$1,000; an officer or member thereof participating or knowingly acquiescing in such violation or any individual violating this section, by a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

This section shall not make unlawful the use of any name or title which was lawful on the date of enactment of this title.

A violation of this section may be enjoined at the suit of the United States Attorney, upon complaint by any duly authorized representative of any department or agency of the United States.

SECTION 23 OF BILL

Amends the analysis at beginning of chapter 37 of title 18, United States Code, by inserting a new item relating to section 798, which new section is inserted in such chapter by section 24 of bill.

Comparative text.—

Chapter 37.—ESPIONAGE AND CENSORSHIP

Sec.

791. Scope of chapter.

792. Harboring or concealing persons.

793. Gathering, transmitting or losing defense information.

794. Gathering or delivering defense information to aid foreign government.

795. Photographing and sketching defense installations.

796. Use of aircraft for photographing defense installations.

797. Publication and sale of photographs of defense installations.

798. *Disclosure of classified information.*

SECTION 24 (a) OF BILL

Inserts the following new section (798) in chapter 37 of title 18, United States Code, derived from act May 13, 1950, ch. 185 (Public

Law 513, 81st Cong.), 64 Stat. 159, 160, which this bill repeals. For comparison with that act, see text below and text of such repealed act set out near end of this report.

New text.—

§ 798. Disclosure of classified information

(a) *Whoever knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information—*

(1) *concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or*

(2) *concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or*

(3) *concerning the communication intelligence activities of the United States or any foreign government; or*

(4) *obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes—*

Shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

(b) *As used in subsection (a) of this section—*

The term "classified information" means information which, at the time of a violation of this section, is, for reasons of national security, specifically designated by a United States Government Agency for limited or restricted dissemination or distribution;

The terms "code," "cipher," and "cryptographic system" include in their meanings, in addition to their usual meanings, any method of secret writing and any mechanical or electrical device or method used for the purpose of disguising or concealing the contents, significance, or meanings of communications;

The term "foreign government" includes in its meaning any person or persons, acting or purporting to act for or on behalf of any faction, party, department, agency, bureau, or military force of or within a foreign country, or for or on behalf of any government or any person or persons purporting to act as a government within a foreign country, whether or not such government is recognized by the United States;

The term "communication intelligence" means all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients;

The term "unauthorized person" means any person who, or agency which, is not authorized to receive information of the categories set forth in subsection (a) of this section, by the President, or by the head of a department or agency of the United States Government which is expressly designated by the President to engage in communication intelligence activities for the United States.

(c) *Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof.*

SECTION 24 (b) OF BILL

Amends section 872 of title 18, United States Code.

Comparative text.—

§ 872. Extortion by officers or employees of the United States

Whoever, being an officer, or employee of the United States or any department or agency thereof, or representing himself to be or assuming to act as such, under color or pretense of office or employment [,] commits or attempts an act of extortion, shall be fined not more than \$5,000 or imprisoned not more than three years, or both; but if the amount so extorted or demanded does not exceed \$100, he shall be fined not more than \$500 or imprisoned not more than one year, or both.

SECTION 25 OF BILL

Amends item 1012 in the analysis of chapter 47 of title 18, United States Code.

Comparative text.—

Chapter 47.—FRAUD AND FALSE STATEMENTS

Sec.

- 1001. Statements or entries generally.
- 1002. Possession of false papers to defraud United States.
- 1003. Demands against the United States.
- 1004. Certification of checks.
- 1005. Bank entries, reports and transactions.
- 1006. Federal credit institution entries, reports and transactions.
- 1007. Federal Deposit Insurance Corporation transactions.
- 1008. Federal Savings and Loan Insurance Corporation transactions.
- 1009. Rumors regarding Federal Savings and Loan Insurance Corporation.
- 1010. Federal Housing Administration transactions.
- 1011. Federal land bank mortgage transactions.
- 1012. [United States Housing Authority] *Public Housing Administration* transactions.
- 1013. Farm loan bonds and credit bank debentures.
- 1014. Loan and credit applications generally; renewals and discounts; crop insurance.
- 1015. Naturalization, citizenship or alien registry.
- 1016. Acknowledgment of appearance or oath.
- 1017. Government seals wrongfully used and instruments wrongfully sealed.
- 1018. Official certificates or writings.
- 1019. Certificates by consular officers.
- 1020. Highway projects.
- 1021. Title records.
- 1022. Delivery of certificate, voucher, receipt for military or naval property.
- 1023. Insufficient delivery of money or property for military or naval service.
- 1024. Purchase or receipt of military, naval, or veterans' facilities property.
- 1025. False pretenses on high seas and other waters.
- 1026. Compromise, adjustment, or cancellation of farm indebtedness.

SECTION 26 OF BILL

Amends section 1012 of title 18, United States Code.

Comparative text.—

§ 1012. [United States Housing Authority] *Public Housing Administration* transactions

Whoever, with intent to defraud, makes any false entry in any book of the [United States Housing Authority] *Public Housing Administration* or makes any false report or statement to or for such *Administration* [Authority]; or

Whoever receives any compensation, rebate, or reward, with intent to defraud such [Authority] *Administration* or with intent unlawfully to defeat its purposes; or

Whoever induces or influences such [Authority] *Administration* to purchase or acquire any property or to enter into any contract and willfully fails to disclose any interest which he has in such property or in the property to which such contract relates, or any special benefit which he expects to receive as a result of such contract—

Shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

SECTION 27 OF BILL

Amends section 1020 of title 18 of the United States Code.

Comparative text.—**§ 1020. Highway projects**

Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the costs thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction of any highway or related project submitted for approval to the Secretary of **[Agriculture]** *Commerce*; or

Whoever knowingly makes any false statement, false representation, or false report or claim for work or materials for the construction of any highway or related project approved by the Secretary of **[Agriculture]** *Commerce*; or

Whoever knowingly makes any false statement or false representation in any report required under Title 23, with intent to defraud the United States—

Shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

SECTION 28 OF BILL

Amends section 1114 of title 18, United States Code.

Comparative text.—**§ 1114. Protection of officers and employees of the United States**

Whoever kills any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshal or deputy marshal or person employed to assist such marshal or deputy marshal, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any post-office inspector, any officer or employee of the secret service or of the Bureau of Narcotics, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correctional institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigrant inspector or any immigration patrol inspector, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the **[Division of Grazing of the Department of the Interior]** *Bureau of Land Management*, any employee of the Bureau of Animal Industry of the Department of Agriculture, or any officer or employee of the Indian field service of the United States, while engaged in the performance of his official duties, or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title.

SECTION 29 OF BILL

Amends section 1302 of title 18, United States Code.

Comparative text.—**§ 1302. Mailing lottery tickets or related matter**

Whoever knowingly deposits in the mail, or sends or delivers by mail¹:

Any letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance;

Any lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance;

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Any check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme;

Any newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes—

Shall be fined not more than \$1,000 or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years.

SECTION 30 OF BILL

Amends section 3113 of title 18, United States Code.

Comparative text.—

§ 3113. Liquor violations in Indian country

If any superintendent of Indian Affairs, or commanding officer of a military post, or special agent of the Office of Indian Affairs for the suppression of liquor traffic among Indians and in the Indian country and any authorized deputies under his supervision has probable cause to believe that any person is about to introduce or has introduced any spirituous liquor, beer, wine, or other intoxicating liquors named in sections 1154 and 1156 of this title into the Indian country in violation of law, he may cause the places, conveyances, and packages of such person to be searched. If any such intoxicating liquor is found therein, the same, together with such conveyances and packages of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and one-half to the use of the United States. If such person be a trader, his license shall be revoked and his bond put in suit.

Any person in the Service of the United States authorized by this section to make searches and seizures, or any Indian may take and destroy any ardent spirits or wine found in the Indian country, except such as are kept or used for scientific, sacramental, medicinal, or mechanical purposes or such as may be introduced therein by the [War Department] *Department of the Army*.

In all cases arising under this section and sections 1154 and 1156 of this title, Indians shall be competent witnesses.

SECTION 31 OF BILL

Amends section 4122 of title 18, United States Code.

Comparative text.—

§ 4122. Administration of Federal Prison Industries

(a) Federal Prison Industries shall determine in what manner and to what extent industrial operations shall be carried on in Federal penal and correctional institutions for the production of commodities for consumption in such institutions or for sale to the departments or agencies of the United States, but not for sale to the public in competition with private enterprise.

(b) Its board of directors shall provide employment for all physically fit inmates in the United States penal and correctional institutions, diversify, so far as practicable, prison industrial operations and so operate the prison shops that no single private industry shall be forced to bear an undue burden of competition from the products of the prison workshops, and to reduce to a minimum competition with private industry or free labor.

(c) Its board of directors may provide for the vocational training of qualified inmates without regard to their industrial or other assignments.

(d) The provisions of this chapter shall apply to the industrial employment and training of prisoners convicted by general courts-martial and confined in any institution under the jurisdiction of any department or agency comprising the *Department of Defense* [National Military Establishment], to the extent and under terms and conditions agreed upon by the Secretary of Defense, the Attorney General and the Board of Directors of Federal Prison Industries.

(e) Any department or agency of the *Department of Defense* [National Military Establishment] may, without exchange of funds, transfer to Federal Prison Industries any property or equipment suitable for use in performing the functions and duties covered by agreement entered into under subsection (d) of this section.

SECTION 32 OF BILL

Amends section 4124 of title 18, United States Code.

Comparative text.—

§ 4142. Purchase of prison-made products by Federal departments

The several Federal departments and agencies and all other Government institutions of the United States shall purchase at not to exceed current market prices, such products of the industries authorized by this chapter as meet their requirements and may be available.

Disputes as to the price, quality, character, or suitability of such products shall be arbitrated by a board consisting of the Comptroller General of the United States, the *Administrator of General Services* [Director of the Bureau of Federal Supply, Department of the Treasury], and the Director of the Bureau of the Budget, or their representatives. Their decision shall be final and binding upon all parties.

SECTION 33 OF BILL

Amends item 4243 in the analysis of Chapter 313 of title 18, United States Code.

Comparative text.—

Chapter 313.—MENTAL DEFECTIVES

Sec.

- 4241. Examination and transfer to hospital.
- 4242. Retransfer upon recovery.
- 4243. Delivery to state authorities *on expiration of sentence*.
- 4244. Mental incompetency after arrest and before trial.
- 4245. Mental incompetency undisclosed at trial.
- 4246. Procedure upon finding of mental incompetency.
- 4247. Alternate procedure on expiration of sentence.
- 4248. Termination of custody by release or transfer.

SECTION 34 OF BILL

Amends section 41 of title 28, United States Code.

Comparative text.—

§ 41. Number and composition of circuits

The eleven judicial circuits of the United States are constituted as follows:

<i>Circuits</i>	<i>Composition</i>
District of Columbia	District of Columbia.
First	Maine, Massachusetts, New Hampshire, Puerto Rico, Rhode Island.
Second	Connecticut, New York, Vermont.
Third	Delaware, New Jersey, Pennsylvania, Virgin Islands.
Fourth	Maryland, North Carolina, South Carolina, Virginia, West Virginia.
Fifth	Alabama, Canal Zone, Florida, Georgia, Louisiana, Mississippi, Texas.
Sixth	Kentucky, Michigan, Ohio, Tennessee.
Seventh	Illinois, Indiana, Wisconsin.
Eighth	Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.
Ninth	Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, <i>Guam</i> , Hawaii.
Tenth	Colorado, Kansas, New Mexico, Oklahoma, Utah, Wyoming.

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(b) Any justice or judge of the United States appointed to hold office during good behavior may retain his office but retire from regular active service after attaining the age of seventy years and after serving at least ten years continuously or otherwise. He shall, during the remainder of his lifetime, continue to receive the salary of the office.

The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires.

(c) Whenever any circuit or district judge eligible to resign or retire under this section does neither, and the President finds that such judge is unable to discharge efficiently all the duties of his office by reason of permanent mental or physical disability and that the appointment of an additional judge is necessary for the efficient dispatch of business, the President may make such appointment by and with the advice and consent of the Senate. If such additional judge is appointed, the vacancy subsequently caused by the death, resignation, or retirement of the disabled judge shall not be filled.

Any circuit or district judge [who retires or] whose disability causes the appointment of an additional judge, shall, for purposes of precedence, *service as chief judge or temporary performance of the duties of that office*, be treated as junior *in commission* to the other judges of the circuit or district.

SECTION 40 OF BILL

Amends section 373 of title 28, United States Code.

Comparative text.—

§ 373. Judges in Territories and Possessions

Any judge of the United States District Courts for the districts of Hawaii or Puerto Rico, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, *the District Court of Guam* or the District Court of the Virgin Islands and any justice of the Supreme Court of the Territory of Hawaii who resigns, retires, or fails of reappointment or is removed by the President of the United States upon the sole ground of mental or physical disability, after attaining the age of seventy years and after serving as judge of one or more of such courts, at least sixteen years, continuously or otherwise, shall continue to receive the salary which he received when he relinquished office.

If such service aggregated less than sixteen years but not less than ten years he shall receive that proportion of such salary which the total aggregate number of years of his service bears to sixteen.

Service in any of such courts shall be included in the computation of aggregate years of service.

SECTION 41 OF BILL

Amends subsection (c) of section 411 of title 28 of the United States Code.

Comparative text.—

§ 411. Supreme Court reports and digests; printing, binding, and distribution

(a) The decisions of the Supreme Court shall be printed, bound, and issued as soon as practicable after rendition. Distribution under this section shall not be made to any place where the court is held in a building not owned by the United States unless the volumes are committed to the custody of a United States officer there.

The Attorney General shall distribute one copy of each volume to: The President; Secretary of State; Secretary of Defense; Secretary of the Treasury; Secretary of the Army; Secretary of the Navy; Secretary of the Air Force; Secretary of the Interior; Postmaster General; Attorney General; Secretary of Agriculture; Secretary of Commerce; Secretary of Labor; Solicitor General, the Assistant to the Attorney General; each Assistant Attorney General; each United States attorney; each Assistant Secretary of each executive department; each Assistant Postmaster General; Secretary of the Senate for use of Senate; Clerk of the House of Representatives for use of House; Senate Office of the Legislative Counsel; House Office of the Legislative Counsel; Governors of the Territories; Legal Adviser for Department of State; Treasurer of United States; General Counsel

for Treasury Department; Comptroller General of the United States; Assistant Comptroller General; General Counsel of General Accounting Office; each chief of divisions in the General Accounting Office; Comptroller of the Currency; Director of the Budget; Assistant Director of the Budget; Commissioner of Internal Revenue; Director of the Mint; General Counsel of Bureau of the Budget; Judge Advocate General of the Army; Chief of Finance, Department of the Army; Judge Advocate General of the Navy; Judge Advocate General of the Air Force; Paymaster General of the Navy; Commissioner of Indian Affairs; Director of the Bureau of Land Management; Administrator of Veterans' Affairs; Commissioner of Patents; Commissioner of Education; Commissioner of Customs; Commandant of the Coast Guard; Commissioner of Immigration and Naturalization; Director of the Geological Survey; Director of the Census; Chief of Forest Service, Department of Agriculture; Purchasing Agent of Post Office Department; Federal Trade Commission; Naval Academy; Military Academy; the heads of such other executive offices as may be provided by law of equal grade with any of such offices.

The Director of the Administrative Office of the United States Courts shall distribute one copy of each volume to the Clerk and one copy to the Marshal of the Supreme Court of the United States and one copy to each justice or judge of the United States and of the courts of the Territories and Possessions, and to each place where a court of appeals or district court is regularly held.

(b) Additional copies of such decisions, in the number specified shall be distributed by the Attorney General to: Interstate Commerce Commission—sixteen copies; Library of Congress for the use of the law library and for international exchange—not to exceed one hundred and fifty copies each of the bound and advance editions; Law Library of the Department of the Interior—two copies; Law Library of the Department of Justice—five copies; Law Library of the Judge Advocate General of the Army—two copies; Secretary of the Senate for the use of committees of the Senate—thirty copies; Clerk of the House of Representatives for the use of committees of the House—thirty-five copies; Secretary of the Army for military headquarters which exercise general court-martial jurisdiction—such number as the Secretary may specify, but not to exceed twenty-five copies in time of peace.

Additional copies of such decisions, in the number specified by the Chief Justice of the United States, shall be furnished by the Director of the Administrative Office of the United States Courts to the Supreme Court for use of the justices, retired justices, officers and employees, and library of the Supreme Court.

(c) The Attorney General shall distribute one set of reports and one set of digests thereof to the executive officers entitled to receive such reports who have not received them and to each United States attorney who has not received them. The Director of the Administrative Office of the United States Courts shall distribute one set of reports and one set of digests thereof to each judge of the United States and of the courts of the Territories and Possessions who has not received them and to each of the places where courts of appeals or district courts are held to which reports have not been distributed.

Reports and digests printed prior to June 12, 1926, shall not be furnished to the Secretary of **[War]** *the Army* for military headquarters.

The Public Printer or other printer designated by the Supreme Court, upon request, shall furnish to the Attorney General or to the Director of the Administrative Office of the United States Courts, as the case may be, reports required to be distributed under this section.

SECTION 42 OF BILL

Amends item 460 in the analysis of chapter 21 of title 28, United States Code.

Comparative text.—

Chapter 21.—GENERAL PROVISIONS APPLICABLE TO COURTS AND JUDGES

- Sec.
 451. Definitions.
 452. Courts always open; powers unrestricted by terms.
 453. Oath of justices and judges.
 454. Practice of law by justices and judges.

- 455. Interest of justice or judge.
- 456. Traveling expenses of justices and judges.
- 457. Records; obsolete papers.
- 458. Relative of justice or judge ineligible to appointment.
- 459. Administration of oaths and acknowledgments.
- 460. Application to Alaska, Canal Zone, *Guam* and Virgin Islands.

SECTION 43 (a) OF BILL

Amends section 460 of title 28, United States Code.

Comparative text.—

§ 460. Application to Alaska, Canal Zone, *Guam* and Virgin Islands

Sections 452–459 of this chapter shall also apply to the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, *the District Court of Guam* and the District Court of the Virgin Islands and the judges thereof.

SECTION 43 (b) OF BILL

Amends section 603 of title 28, United States Code.

Comparative text.—

§ 603. Salaries

The Director shall receive a salary of \$15,000 a year. The Assistant Director shall receive a salary of \$12,500 a year.

The Director shall fix the compensation of Administrative Office employees according to [sections 661–673 and 674 of Title 5] *the Classification Act of 1949*.

SECTION 44 OF BILL

Amends section 610 of title 28, United States Code.

Comparative text.—

§ 610. Courts defined

As used in this chapter the word “courts” includes the courts of appeals and district courts of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, *the District Court of Guam*, the District Court of the Virgin Islands, the Court of Claims, the Court of Customs and Patent Appeals, and the Customs Court.

SECTION 45 OF BILL

Amends subsection (b) of section 676 of title 28, United States Code.

Comparative text.—

§ 676. Printing and binding

(a) The printing and binding for the Supreme Court, including the printing and binding of individual copies, advance pamphlet installments, and bound volumes, of its decisions, whether requisitioned or ordered by the Court or any of its officers or by any other office or agency, and whether paid for by, or charged to the appropriation for, the Court or any other office or agency, shall be done by the printer or printers whom the Court or the Chief Justice of the United States may select, unless it shall otherwise order.

(b) Whenever advance pamphlet installments and bound volumes of the Court’s decisions are printed by a private printer, an adequate number of copies for distribution in accordance with the requirements of section 411 of *this title* and for sale to the public shall be provided and made available for these purposes in such manner and at such prices as may be determined from time to time by the Supreme Court or the Chief Justice of the United States, in lieu of compliance by the Public Printer and the Superintendent of Documents with the require-

ments of sections 411 and 412 of *this title* with respect to such copies. Pending distribution or sale, such copies shall be the property of the United States and shall be held in the custody of the marshal or such other person, organization, or agency, as the Supreme Court or the Chief Justice of the United States may designate.

SECTION 46 OF BILL

Amends section 753 (a) of title 28, United States Code.

Comparative text.—

§ 753. Reporters

(a) Each district court of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands shall appoint one or more court reporters.

The number of reporters shall be determined by the Judicial Conference of the United States.

The qualifications of such reporters shall be determined by standards formulated by the Judicial Conference. Each reporter shall take an oath faithfully to perform the duties of his office.

Each such court, with the approval of the Director of the Administrative Office of the United States Courts, may appoint additional reporters for temporary service not exceeding three months, when there is more reporting work in the district than can be performed promptly by the authorized number of reporters and the urgency is so great as to render it impracticable to obtain the approval of the Judicial Conference.

If any such court and the Judicial Conference are of the opinion that it is in the public interest that the duties of reporter should be combined with those of any other employee of the court, the Judicial Conference may authorize such a combination and fix the salary for the performance of the duties combined.

(b) One of the reporters appointed for each such court shall attend at each session of the court and at every other proceeding designated by rule or order of court or by one of the judges, and shall record verbatim by shorthand or by mechanical means: (1) all proceedings in criminal cases had in open court; (2) all proceedings in other cases had in open court unless the parties with the approval of the judge shall specifically agree to the contrary; and (3) such other proceedings as a judge of the court may direct or as may be required by rule or order of court or as may be requested by any party to the proceeding.

The reporter shall attach his official certificate to the original shorthand notes or other original records so taken and promptly file them with the clerk who shall preserve them in the public records of the court for not less than ten years.

Upon the request of any party to any proceeding which has been so recorded who has agreed to pay the fee therefor, or of a judge of the court, the reporter shall promptly transcribe the original records of the requested parts of the proceedings and attach to the transcript his official certificate, and deliver the same to the party or judge making the request. He shall also transcribe and certify all pleas and proceedings in connection with the imposition of sentence in criminal cases and such other parts of the record of proceedings as may be required by rule or order of court.

The reporter shall promptly deliver to the clerk for the records of the court a certified copy of any transcript so made.

The transcript in any case certified by the reporter shall be deemed prima facie a correct statement of the testimony taken and proceedings had. No transcripts of the proceedings of the court shall be considered as official except those made from the records taken by the reporter.

The original notes or other original records and the copy of the transcript in the office of the clerk shall be open during office hours to inspection by any person without charge.

(c) The reporters shall be subject to the supervision of the appointing court and the Judicial Conference in the performance of their duties, including dealings with parties requesting transcripts.

(d) The Judicial Conference shall prescribe records which shall be maintained and reports which shall be filed by the reporters. Such records shall be inspected and audited in the same manner as the records and accounts of clerks of the district courts, and may include records showing:

- (1) the quantity of transcripts prepared;

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- (2) the fees charged and the fees collected for transcripts;
 - (3) any expenses incurred by the reporters in connection with transcripts;
 - (4) the amount of time the reporters are in attendance upon the courts for the purpose of recording proceedings; and
 - (5) such other information as the Judicial Conference may require.
- (e) Each reporter shall receive an annual salary to be fixed from time to time by the Judicial Conference of the United States at not less than \$3,000 nor more than \$6,000 per annum. All supplies shall be furnished by the reporter at his own expense.
- (f) Each reporter may charge and collect fees for transcripts requested by the parties, including the United States, at rates prescribed by the court subject to the approval of the Judicial Conference. He shall not charge a fee for any copy of a transcript delivered to the clerk for the records of court. Fees for transcripts furnished in criminal or habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose. Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous but presents a substantial question. The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States.

SECTION 47 OF BILL

Amends section 1252 of title 28, United States Code.

Comparative text.—

§ 1252. Direct appeals from decisions invalidating Acts of Congress

Any party may appeal to the Supreme Court from an interlocutory or final judgment, decree or order of any court of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, *the District Court of Guam*, and the District Court of the Virgin Islands and any court of record of Alaska, Hawaii and Puerto Rico, holding an Act of Congress unconstitutional in any civil action, suit, or proceeding to which the United States or any of its agencies, or any officer or employee thereof, as such officer or employee, is a party.

A party who has received notice of appeal under this section shall take any subsequent appeal or cross appeal to the Supreme Court. All appeals or cross appeals taken to other courts prior to such notice shall be treated as taken directly to the Supreme Court.

SECTION 48 OF BILL

Amends section 1291 of title 28, United States Code.

Comparative text.—

§ 1291. Final decisions of district courts

The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, *the District Court of Guam*, and the District Court of the Virgin Islands, except where a direct review may be had in the Supreme Court.

SECTION 49 OF BILL

Amends section 1292 of title 28, United States Code.

Comparative text.—

§ 1292. Interlocutory decisions

The courts of appeals shall have jurisdiction of appeals from:

(1) Interlocutory orders of the district courts of the United States, the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone, *the District Court of Guam*, and the District Court of the Virgin Islands, or of the judges thereof, granting, continuing, modifying, refusing

or dissolving injunctions, or refusing to dissolve or modify injunctions, except where a direct review may be had in the Supreme Court;

(2) Interlocutory orders appointing receivers, or refusing orders to wind up receiverships or to take steps to accomplish the purposes thereof, such as directing sales or other disposals of property;

(3) Interlocutory decrees of such district courts or the judges thereof determining the rights and liabilities of the parties to admiralty cases in which appeals from final decrees are allowed;

(4) Judgments in civil actions for patent infringement which are final except for accounting.

SECTION 50 (a) OF BILL

Amends section 1294 of title 28, United States Code.

Comparative text.—

§ 1294. Circuits in which decisions reviewable

Appeals from reviewable decisions of the district and territorial courts shall be taken to the courts of appeals as follows:

(1) From a district court of the United States to the court of appeals for the circuit embracing the district;

(2) From the District Court for the Territory of Alaska or any division thereof, to the Court of Appeals for the Ninth Circuit;

(3) From the United States District Court for the District of the Canal Zone, to the Court of Appeals for the Fifth Circuit;

(4) From the District Court of the Virgin Islands, to the Court of Appeals for the Third Circuit;

(5) From the Supreme Court of Hawaii, to the Court of Appeals for the Ninth Circuit;

(6) From the Supreme Court of Puerto Rico, to the Court of Appeals for the First Circuit **[I]**;

(7) *From the District Court of Guam, to the Court of Appeals for the Ninth Circuit.*

SECTION 50 (b) OF BILL

Amends section 1346 of title 28, United States Code.

Comparative text.—

§ 1346. United States as defendant

(a) The district courts shall have original jurisdiction, concurrent with the Court of Claims, of:

(1) Any civil action against the United States for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal-revenue laws, (i) if the claim does not exceed \$10,000 or (ii) even if the claim exceeds \$10,000 if the collector of internal revenue by whom such tax, penalty or sum was collected is dead or is not in office as collector of internal revenue when such action is commenced;

(2) Any other civil action or claim against the United States, not exceeding \$10,000 in amount, 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.

(b) Subject to the provisions of chapter 171 of this title, the district courts, together with the District Court for the Territory of Alaska, the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on and after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(c) The jurisdiction conferred by this section includes jurisdiction of any set-off, counterclaim, or other claim or demand whatever on the part of the United States against any plaintiff commencing an action under this section.

(d) The district courts shall not have jurisdiction under this section of:

- (1) Any civil action or claim for a pension;
- (2) Any civil action or claim to recover fees, salary, or compensation for official services of officers or employees of the United States.

SECTION 50 (c) OF BILL

Amends section 1498 of title 28, United States Code.

Comparative text.—

§ 1498. Patent cases

Whenever an invention described in and covered by a patent of the United States is used or manufactured by or for the United States without license of the owner thereof or lawful right to use or manufacture the same, the owner's remedy shall be by action against the United States in the Court of Claims for the recovery of his reasonable and entire compensation for such use and manufacture.

For the purposes of this section, the use or manufacture of an invention described in and covered by a patent of the United States by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government, shall be construed as use or manufacture for the United States.

The court shall not award compensation under this section if the claim is based on the use or manufacture by or for the United States of any article owned, leased, used by, or in the possession of the United States prior to July 1, 1918.

This section shall not confer a right of action on any patentee who, when he makes such a claim, is in the employment or service of the United States, or any assignee of such patentee, and shall not apply to any device discovered or invented by an employee during the time of such employment or service.

SECTION 51 (a) OF BILL

Amends the second sentence in the first paragraph of section 1821 of title 28, United States Code.

Comparative text.—

§ 1821. Per diem and mileage generally; subsistence

A witness attending in any court of the United States or before a United States commissioner or person taking his deposition pursuant to any 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 [residence] residences as to prohibit return thereto 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.

SECTIONS 51 (b) AND 51 (c) OF BILL

Amend section 1915 of title 28, United States Code.

Comparative text.—

§ 1915. Proceedings in forma pauperis

(a) Any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees and costs or security therefor, by a citizen who makes affidavit that he is unable to pay such costs or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that he is entitled to redress.

An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.

(b) In any civil or criminal case the court may, upon the filing of a like affidavit, direct that the expense of [furnishing a stenographic transcript and] printing the record on appeal, if such printing is required by the appellate court, be paid by the United States, and the same shall be paid when authorized by the Director of the Administrative Office of the United States Courts.

(c) The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases.

(d) The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious.

(e) Judgment may be rendered for costs at the conclusion of the suit or action as in other cases, *but the United States shall not be liable for any of the costs incurred. If [and if] the United States has paid the cost of a stenographic transcript or printed record for the prevailing party, the same shall be taxed in favor of the United States.*

SECTION 52 OF BILL

Amends section 2253 of title 28, United States Code.

Comparative text.—

§ 2253. Appeal

In a habeas corpus proceeding before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant [of removal issued pursuant to section 3042 of Title 18 or the] *to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.*

An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, unless the justice or judge who rendered the order or a circuit justice or judge issues a certificate of probable cause.

SECTION 53 OF BILL

Amends third paragraph of section 125 of act June 3, 1916 (ch. 134, 39 Stat. 216; 10 U. S. C., sec. 1393), as amended.

Comparative text (third par.).—

Hereafter, upon the discharge or furlough to the reserve of an enlisted man, all uniform outer clothing then in his possession, except such articles as he may be permitted to wear from the place of termination of his active service to his home, as authorized by this section, will be retained for military use: *Provided, That upon the release from Federal service of an enlisted man of the National Guard called as such into the service of the United States, all uniform outer clothing then in his possession shall be taken up and accounted for as property issued to the National Guard of the State to which the enlisted man belongs, in the manner*

prescribed by section sixty-seven of this Act: *Provided further*, That when an enlisted man is discharged for *bad conduct, undesirability, unsuitability, inaptitude* or otherwise than honorably, all uniform outer clothing in his possession shall be retained for military use, and, when authorized by regulations prescribed by the Secretary of the Army or the Secretary of the Navy, a suit of [citizen's outer clothing to cost not exceeding \$15 may] *civilian outer clothing, and a civilian overcoat when necessary, the total cost not to exceed \$30, may be issued to such discharged enlisted man of the Army, Navy or Marine Corps: And provided further*, That officers and members of any national home for veterans administered by the Veterans' Administration may wear such uniforms as the Secretary of the Army or the Secretary of the Navy may authorize.

SECTION 53 (a) OF BILL

Restoration of provisions repealed September 1, 1948, when title 28 was enacted into positive law.

(a) *Upon the filing of a complaint in the United States District Court for the District of Columbia wherein remedy is sought under section 4915 or section 4918 of the Revised Statutes, as amended (35 U. S. C., secs. 63 and 66), without seeking other remedy, if it shall appear that there is an adverse party residing in a foreign country, or adverse parties residing in a plurality of districts not embraced within the same State, the court shall have jurisdiction thereof and process shall, unless the adverse party or parties voluntarily make appearance, be issued against all of the adverse parties and served anywhere within the United States, except that process issued against parties residing in foreign countries pursuant to this section may be served by publication or otherwise as the court may direct.*

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

SECTION 54 OF BILL

Amends section 6 of Act Oct. 31, 1942, ch. 634, 56 Stat. 1014 (35 U. S. C., sec. 94).

Comparative text.—

SEC. 6. For the purposes of this Act, the manufacture, use, sale, or other disposition of an invention, whether patented or unpatented, by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government shall be construed as manufacture, use, sale, or other disposition for the United States [and for the purposes of the Act of June 25, 1910, as amended (40 Stat. 705; 35 U. S. C. 68), the use or manufacture of an invention described in and covered by a patent of the United States by a contractor, a subcontractor, or any person, firm, or corporation for the Government and with the authorization or consent of the Government, shall be construed as use or manufacture for the United States].

SECTION 55 (a) OF BILL

Amends section 24 of the Organic Act of Guam (Act Aug. 1, 1950, ch. 512, § 24, 64 Stat. 390; 48 U. S. C., sec. 1424b).

Comparative text.—

SEC. 24. (a) The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of Guam who shall hold office for the term of four years and until his successor is chosen and qualified unless sooner removed by the President for cause. The judge shall receive a salary payable by the United States which shall be the same as the salary of the Governor of Guam as provided by section 26 (a) of this Act], and shall be entitled to the benefits of retirement provided in section 373 of title 28, United States Code]. The Chief Justice of the United States may, with the consent of the judge so assigned, assign any United States circuit or district judge to serve as a judge in the District Court of Guam whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the court.

(b) The President shall appoint, by and with the advice and consent of the Senate, a United States attorney and United States marshal for Guam to whose

offices the provisions of chapters 31 and 33 of title 28, United States Code, respectively, shall apply.

(c) The provisions of chapters [21, 41, 43, 49, and 57] 43 and 49 of title 28, United States Code, shall apply to the District Court of Guam.

SECTION 55 (b) OF BILL

Amends act Aug. 9, 1939, ch. 618, § 7, 53 Stat. 1292, 1293; 49 U. S. C. § 787.

Comparative text.—

SEC. 7. When used in this Act—

(a) The term "vessel" includes every description of watercraft or other contrivance used, or capable of being used, as means of transportation in water, but does not include aircraft;

(b) The term "vehicle" includes every description of carriage or other contrivance used, or capable of being used, as means of transportation on, below, or above the land, but does not include aircraft;

(c) The term "aircraft" includes every description of craft or carriage or other contrivance used, or capable of being used, as means of transportation through the air;

(d) The term "narcotic drug" means any narcotic drug, as now or hereafter defined by the Narcotic Drugs Import and Export Act, the internal-revenue laws or any amendments thereof, or the regulations issued thereunder; or marihuana as now or hereafter defined by the Marihuana Tax Act of 1937 or the regulations issued thereunder;

(e) The term "firearm" means any firearm, as now or hereafter defined by the National Firearms Act, or any amendments thereof, or the regulations issued thereunder; and

(f) The words "obligation or other security of the United States" are used as now or hereafter defined in section [147 of the Criminal Code, as amended (U. S. C., title 18, sec. 261)] 8 of title 18.

TEXT OF STATUTES FOR REPEAL

R. S. § 204, as amended by Act Dec. 28, 1874, ch. 9, § 2, 18 Stat. 294

Whenever a bill, order, resolution or vote of the Senate and House of Representatives, having been approved by the President, or not having been returned by him with his objections, becomes a law or takes effect, it shall forthwith be received by the Secretary of State from the President; and whenever a bill, order, resolution or vote is returned by the President with his objections, and, on being reconsidered, is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate, or Speaker of the House of Representatives in whichsoever House it shall last have been so approved, and he shall carefully preserve the originals.

(For explanation of the above repeal, see explanations of sections 2 (b) and 56 (h) of this bill.)

R. S. § 205

Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

(For explanation of the above repeal, see explanations of sections 2 (b) and 56 (h) of this bill.)

Act Jan. 12, 1895, ch. 23 § 73 (part), as last amended by Act June 16, 1938, ch. 477, § 1, 52 Stat. 760

196. STATUTES AT LARGE; CONTENTS; ADMISSIBILITY IN EVIDENCE.—That the Secretary of State shall cause to be compiled, edited, indexed, and published, the United States Statutes at Large, which shall contain all the laws and concurrent

resolutions enacted during each regular session of Congress; all treaties to which the United States is a party that have been proclaimed since the date of the adjournment of the regular session of Congress next preceding; all international agreements other than treaties to which the United States is a party that have been signed, proclaimed, or with reference to which any other final formality has been executed, since that date; all proclamations by the President in the numbered series issued since that date; and also any amendments to the Constitution of the United States proposed or ratified pursuant to article V thereof since that date, together with the certificate of the Secretary of State issued in compliance with the provision contained in section 205 of the Revised Statutes of the United States (U. S. C., title 5, sec. 160). In the event of an extra session of Congress, the Secretary of State shall cause all the laws and concurrent resolutions enacted during said extra session to be consolidated with, and published as part of, the contents of the volume for the next regular session. The United States Statutes at Large shall be legal evidence of the laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

(For explanation of the above repeal, see explanation of section 56 (i) of this bill.)

Act Mar. 8, 1902, ch. 140, §§ 6-9, 32 Stat. 55

SEC. 6. That all articles manufactured in bonded manufacturing warehouses in whole or in part of imported materials, or of materials subject to internal-revenue tax and intended for shipment from the United States to the Philippine Islands, shall, when so shipped, under such regulations as the Secretary of the Treasury may prescribe, be exempt from internal-revenue tax, and shall not be charged with duty except the duty levied under this Act upon imports into the Philippine Islands.

That all articles subject under the laws of the United States to internal-revenue tax, or on which the internal-revenue tax has been paid, and which may under existing laws and regulations be exported to a foreign country without the payment of such tax, or with benefit of drawback, as the case may be, may also be shipped to the Philippine Islands with like privilege, under such regulations and the filing of such bonds, bills of lading, and other security as the Commissioner of Internal Revenue may, with the approval of the Secretary of the Treasury, prescribe. And all taxes paid upon such articles shipped to the Philippine Islands since November fifteenth, nineteen hundred and one, under the decision of the Secretary of the Treasury of that date, shall be refunded to the parties who have paid the same, under such rules and regulations as the Secretary of the Treasury may prescribe, and a sum sufficient to make such payment is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

That where materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the shipment of said articles to the Philippine Archipelago a drawback equal in amount to the duties paid on the materials used, less one per centum of such duties, under such rules and regulations as the Secretary of the Treasury may prescribe.

SEC. 7. That merchandise in bonded warehouse or otherwise in the custody and control of the officers of the customs, upon which duties have been paid, shall be entitled, on shipment to the Philippine Islands within three years from the date of the original arrival, to a return of the duties paid less one per centum, and merchandise upon which duties have not been paid may be shipped without the payment of duties to the Philippine Islands within said period, under such rules and regulations as may be prescribed by the Secretary of the Treasury.

SEC. 8. That the provisions of the Act entitled "An Act to simplify the laws in relation to the collection of revenues," approved June tenth, eighteen hundred and ninety, as amended by an Act entitled "An Act to provide for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, shall apply to all articles coming into the United States from the Philippine Archipelago.

SEC. 9. That no person in the Philippine Islands shall, under the authority of the United States, be convicted of treason by any tribunal, civil or military, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

(For explanation of the above repeal, see explanation of section 56 (d) of this bill.)

Act Mar. 4, 1911, ch. 237, § 1 (part), 36 Stat. 1234

A detailed statement of the expenditure of the appropriations for the United States Court of Customs Appeals shall be submitted to Congress at the beginning of each regular session thereof.

(For explanation of the above repeal, see explanation of section 56 (g) of this bill.)

Act Mar. 3, 1925, ch. 419, §§ 1, 2, 43 Stat. 1104

That the Chief of Division of Publications of the Department of State (hereinafter referred to as the editor), under the direction of the Secretary of State, and upon the request of the Governor of any State or of any organization duly authorized by him, is authorized and directed to have collected, edited, copied, and suitably arranged for publication, the official papers of the Territory from which such State was formed, now in the national archives, as listed in Parker's "Calendar of Papers in Washington Archives Relating to the Territories of the United States (to 1873)," being publication numbered 148 of the Carnegie Institution of Washington, together with such additional papers of like character that may be found. The heads of the several executive departments and independent establishments are directed to cooperate with the editor in such work by giving access to the records and by providing facilities for having them copied. The editor is authorized to employ such clerical assistants as may be necessary, and, under the direction of the Secretary of State and without regard to the Classification Act of 1923 and the civil service laws and regulations made thereunder, to engage the services of not more than five persons who are specially qualified for the editorial work necessary in arranging such Territorial papers for publication. For the salaries of such persons and assistants and all other expenses incurred in connection with such work, there is hereby authorized to be appropriated the sum of \$20,000 for the fiscal year ending June 30, 1926, and the same sum for each of the two succeeding fiscal years.

Sec. 2. The Secretary of State shall, upon application, furnish without charge to the proper authorities of the several States for publication, a copy of such papers, or any part thereof, as arranged by the editor.

(For explanation of the above repeal, see explanations of sections 12 and 56 (k) of this bill.)

Act Mar. 4, 1925, ch. 536, § 10, second proviso, 43 Stat. 1274

Provided further, That hereafter the appropriation, "General expenses, Marine Corps," shall be available for the purchase of civilian outer clothing, not to exceed \$15 per man, to be issued when necessary to marines discharged for bad conduct, undesirability, unfitness, or inaptitude.

(For explanation of the above repeal, see explanations of sections 53 and 56 (b) of this bill.)

Act Feb. 28, 1929, ch. 385, 45 Stat. 1412, 1413

That section 2 of the Act entitled "An Act to authorize the collection and editing of official papers of the Territories of the United States, now in the national archives," approved March 3, 1925, be, and the same is hereby, amended to read as follows:

"Sec. 2. That the Secretary of State be ordered to continue the work of collecting, copying, arranging, and editing of the official papers relating to the Territories of the United States and to have them issued as a Government publication."

Sec. 3. For defraying the expenses to be incurred in carrying out the provisions of section 2 of this Act, including the employment, either in or outside of the District of Columbia, of not to exceed five historical experts, especially informed on the various phases of the territorial history of the United States, without regard to the Classification Act of 1923 and the civil service rules, and for the printing and binding of an edition of 1,950 copies for the Department of State, of which 6 copies shall be delivered to each Senator and 2 copies to each Representative, and 8 copies for each State or Territory to be distributed to historical associations, commissions, museums or libraries and to other nondepository libraries therein designated by the Governor of each State or Territory, 4 copies for the library of the Department of the Interior, and the remainder of said 1,950 shall be for the use of the Department of State, and a sufficient number of copies for distribution by the Superintendent of Documents to depository libraries, and for all other purposes relevant to the carrying out of the provisions of section 2 of this Act, salaries for personnel, printing and binding, contingent expenses and traveling

expenses, there is hereby authorized to be appropriated, out of the money in the Treasury not otherwise appropriated, not more than the sum of \$125,000, and under this authorization not more than \$50,000 shall be appropriated for any one year.

SEC. 4. The work of copy reading and index making for this publication shall be done by the regular editorial staff of the Department of State, and the cost of this work (prorated each month according to the number of hours spent and the annual salaries of the clerks employed, shall be charged against such annual appropriations as may be made under the provisions of section 3.

(For explanation of the above repeal, see explanations of sections 12 and 56 (k) of this bill.)

Act Mar. 22, 1935, ch. 39, § 1 (part), 49 Stat. 69

Provided, That the total number of copies of any volume to be printed and bound under this or any other appropriation for printing and binding of these papers shall not exceed one thousand two hundred and twenty-seven, which shall be distributed as provided in section 3 of such Act, except that each Senator shall receive not to exceed three copies and each Representative not to exceed one. (For explanation of the above repeal, see explanations of sections 12 and 56 (k) of this bill.)

Act Feb. 14, 1936, ch. 70, 49 Stat. 1139

That section 3 of the Act entitled "An Act to authorize the collection and editing of official papers of the Territories of the United States now in the National Archives", approved March 3, 1925, as amended by the Act approved February 28, 1929 (U. S. C., Supp. 7, title V, sec. 168a), be, and the same is hereby, amended to read as follows:

"168a. The Public Printer shall print, bind, and deliver to the Superintendent of Documents, for distribution as may be directed by the Secretary of State, one thousand two hundred and twenty-seven copies of each volume of the Official Papers Relating to the Territories of the United States, of which not to exceed three copies shall be furnished to the Vice President and each Senator and one copy to each Representative, Delegate, and Resident Commissioner; four copies to the library of the Department of the Interior; and one copy of each volume to those historical associations, commissions, museums, or libraries and other nondepository libraries, which shall not exceed eight in number within each State, Territory, or insular possession, and which have been or hereafter may be designated by the Governor thereof to the Secretary of State of the United States, and the residue of the said one thousand two hundred and twenty-seven copies shall be for the Department of State for such use as the Secretary of State may deem appropriate.

"168b. In addition to the foregoing there shall be furnished to the Superintendent of Documents a sufficient number of copies of each volume for distribution to such depository libraries as may make written application therefor; and

"To the Library of Congress for international exchange and for official use in Washington, District of Columbia, not to exceed one hundred and fifty copies.

"The 'usual number' shall not be printed.

"168c. The historical associations, commissions, museums, or libraries and other nondepository libraries within each State, Territory, or insular possession which have been or hereafter may be designated by the Governor thereof to receive these publications shall, during their existence, receive the succeeding volumes, the distribution of which shall be made by the Superintendent of Documents in accordance with the lists of designations transmitted to him by the Secretary of State, and a new designation may be made by the Governor only when a designated association, commission, museum, or library shall cease to exist or other designation may be authorized by law.

"168d. For defraying the expenses to be incurred in carrying out the provisions of this Act, including the employment, either in or outside of the District of Columbia, of not to exceed five historical experts, especially informed on the various phases of the territorial history of the United States, without regard to the Classification Act of 1923, as amended, and the civil-service rules, and for all other purposes, including salaries for personnel, printing and binding, contingent expenses and traveling expenses, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not more than the sum of \$125,000, and under this authorization not more than \$50,000 shall be appropriated for any one year."

(For explanation of the above repeal, see explanations of sections 12 and 56 (k) of this bill.)

Act May 15, 1936, ch. 405, § 1 (part), 49 Stat. 1411

Provided, That the total number of copies of any volume to be printed and bound under this or any other appropriation for printing and binding of these papers shall not exceed one thousand two hundred and twenty-seven, which shall be distributed as provided in section 3 of such Act, except that each Senator shall receive not to exceed three copies and each Representative not to exceed one.

(For explanation of the above repeal, see explanations of sections 12 and 56 (k) of this bill.)

Act June 16, 1937, ch. 359, § 1 (part), 50 Stat. 262, 263

Provided, That the total number of copies of any volume to be printed and bound for congressional allocation shall not exceed one thousand two hundred copies, which shall be distributed by the Superintendent of Documents under such rules and regulations as may be authorized and directed by the Joint Committee on Printing.

(For explanation of the above repeal, see explanations of sections 12 and 56 (k) of this bill.)

Act June 28, 1937, ch. 386, 50 Stat. 323, 324

That section 168d of the Act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in national archives", approved March 3, 1925, as amended by the Act approved February 28, 1929 (U. S. C., Supp. 7, title V, sec. 168a), and by the Act approved February 14, 1936 (49 Stat. 1139), be, and the same is hereby, amended by striking out the words "there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not more than the sum of \$125,000, and under this authorization not more than \$50,000 shall be appropriated for any one year" and inserting in lieu thereof the following: "there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not more than the sum of \$250,000, and under this authorization not more than \$25,000 shall be appropriated for any one year."

(For explanation of the above repeal, see explanations of sections 12 and 56 (k) of this bill.)

Act Apr. 27, 1938, ch. 180, § 1 (part), 52 Stat. 249

Provided, That hereafter not more than one thousand two hundred copies of any volume of this publication shall be printed, bound, and delivered to the Superintendent of Documents for distribution in manner and number as may be authorized and directed by the Joint Committee on Printing.

(For explanation of the above repeal, see explanations of sections 12 and 56 (k) of this bill.)

Act June 29, 1939, ch. 248, title I (part), 53 Stat. 886

Provided, That hereafter not more than one thousand two hundred copies of any volume of this publication shall be printed, bound, and delivered to the Superintendent of Documents for distribution in such manner and number as may be authorized and directed by the Joint Committee on Printing.

(For explanation of the above repeal, see explanations of sections 12 and 56 (k) of this bill.)

Act Dec. 23, 1943, ch. 380, Title I, § 101 (part), 57 Stat. 628, par. at top of page as amended

On and after July 1, 1943, the limitation on the cost of civilian clothing per person, including an overcoat when necessary, for enlisted personnel of the Navy and Marine Corps given discharges for bad conduct, undesirability, unsuitability, or inaptitude is hereby increased to \$30.

(For explanation of the above repeal, see explanations of sections 53 and 56 (a) of this bill.)

Act July 31, 1945, ch. 336, 59 Stat. 510, 511

That the Secretary of State is authorized to continue to completion the work of collecting, copying, arranging, editing, copy reading, and index making of the official papers relating to the Territories of the United States as initiated and carried on under the Act approved March 3, 1925, as amended to date (5 U. S. C.

167-168C), and to have them issued as a Government publication, of which four hundred and twenty copies shall be delivered to the Superintendent of Documents, Government Printing Office, for distribution to the libraries heretofore designated by the Governors of the various States, one hundred copies for the use of the Department of State, and one hundred copies for distribution by the Joint Committee on Printing, and for this purpose there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, sums of not more than \$30,000 for any one year: *Provided*, That no expenditure shall be made for printing authorized hereunder until six months after the end of hostilities in the present war.

(For explanation of the above repeal, see explanations of sections 12 and 56 (k) of this bill.)

Act May 13, 1950, ch. 185, 64 Stat. 159, 160

That whoever shall knowingly and willfully communicate, furnish, transmit, or otherwise make available to an unauthorized person, or publish, or use in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information (1) concerning the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or (2) concerning the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or (3) concerning the communication intelligence activities of the United States or any foreign government; or (4) obtained by the processes of communication intelligence from the communications of any foreign government knowing the same to have been obtained by such processes, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both.

Sec. 2. (a) The term "classified information" as used herein shall be construed to mean information which, at the time of a violation under this Act, is, for reasons of national security, specifically designated by a United States Government agency for limited or restricted dissemination or distribution.

(b) The terms "code", "cipher", and "cryptographic system" as used herein shall be construed to include in their meanings, in addition to their usual meanings, any method of secret writing and any mechanical or electrical device or method used for the purpose of disguising or concealing the contents, significance, or meanings of communications.

(c) The terms "foreign government" as used herein shall be construed to include in its meaning any person or persons acting or purporting to act for or on behalf of any faction, party, department, agency, bureau, or military force of or within a foreign country, or for or on behalf of any government or any person or persons purporting to act as a government within a foreign country, whether or not such government is recognized by the United States.

(d) The term "communication intelligence" as used herein shall be construed to mean all procedures and methods used in the interception of communications and the obtaining of information from such communications by other than the intended recipients.

(e) The term "unauthorized person" as used herein shall be construed to mean any person who, or agency which, is not authorized to receive information of the categories set forth in section 1 of this Act, by the President, or by the head of a department or agency of the United States Government which is expressly designated by the President to engage in communication intelligence activities for the United States.

Sec. 3. Nothing in this Act shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives of the United States of America, or joint committee thereof.

(For explanation of the above repeal, see explanations of sections 23, 24 and 56 (c) of this bill.)

Act July 7, 1950, ch. 452, 64 Stat. 320

That the Act of July 31, 1945 (59 Stat. 510; 5 U. S. C. 168d), is hereby amended by deleting the amount of "\$30,000" contained therein and inserting in lieu thereof "\$50,000".

(For explanation of the above repeal, see explanations of sections 12 and 56 (k) of this bill.)

Act Aug. 1, 1950, ch. 512, § 23, 64 Stat. 390

(a) The United States Court of Appeals for the Ninth Circuit shall have jurisdiction of appeals from all final decisions of the District Court of Guam in all cases involving the Constitution, laws, or treaties of the United States or any authority exercised thereunder, in all habeas corpus proceedings, and in all other civil cases where the value in controversy exceeds \$5,000, exclusive of interest and costs.

(b) Any party may appeal to the Supreme Court of the United States from an interlocutory or final judgment, or order of the District Court of Guam, holding an Act of Congress unconstitutional in any civil action, suit, or proceeding to which the United States or any of its agencies or any officer or employee thereof, as such officer or employee, is a party. A party who has received notice of appeal under this section shall take any subsequent appeal or cross appeal to the Supreme Court. All appeals or cross appeals taken to other courts prior to such notice shall be treated as taken directly to the Supreme Court.

(For explanation of the above repeal, see explanations of sections 34, 47, 48, 50 (a) and 56 (e) of this bill.)

Act Aug. 8, 1950, ch. 646, 64 Stat. 419

That the President of the United States is hereby authorized to designate and empower the head of any department or agency in the executive branch, or any official thereof who is required to be appointed by and with the advice and consent of the Senate, to perform without approval, ratification, or other action by the President (1) any function which is vested in the President by law, or (2) any function which such officer is required or authorized by law to perform only with or subject to the approval, ratification, or other action of the President: *Provided*, That nothing contained herein shall relieve the President of his responsibility in office for the acts of any such head or other official designated by him to perform such functions. Such designation and authorization shall be in writing, shall be published in the Federal Register, shall be subject to such terms, conditions, and limitations as the President may deem advisable, and shall be revocable at any time by the President in whole or in part.

SEC. 2. The authority conferred by this Act shall apply to any function vested in the President by law if such law does not affirmatively prohibit delegation of the performance of such function as herein provided for, or specifically designate the officer or officers to whom it may be delegated. This Act shall not be deemed to limit or derogate from any existing or inherent right of the President to delegate the performance of functions vested in him by law, and nothing herein shall be deemed to require express authorization in any case in which such an official would be presumed in law to have acted by authority or direction of the President.

SEC. 3. As used in this Act, the term "function" embraces any duty, power, responsibility, authority, or discretion vested in the President or other officer concerned, and the terms "perform" and "performance" may be construed to mean "exercise".

(For explanation of the above repeal, see explanations of sections 10 and 56 (j) of this bill.)

Section 3051 of title 18, United States Code

§ 3051. Extradition agent's powers

Any appointed agent to receive, in behalf of the United States, the delivery, by a foreign government, of any person accused of crime committed within the jurisdiction of the United States, and to convey him to the place of his trial, shall have all the powers of a marshal of the United States, in the several districts through which it may be necessary for him to pass with such prisoner, so far as such power is requisite for the prisoner's safekeeping.

(For explanation of the above repeal, see explanation of section 56 (f) of this bill.)