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FEDERAL WORKS AGENCY



**FEDERAL LEGISLATION AND RULES
AND REGULATIONS**

RELATING TO

HIGHWAY CONSTRUCTION

ADMINISTERED BY THE PUBLIC ROADS ADMINISTRATION
FEDERAL WORKS AGENCY

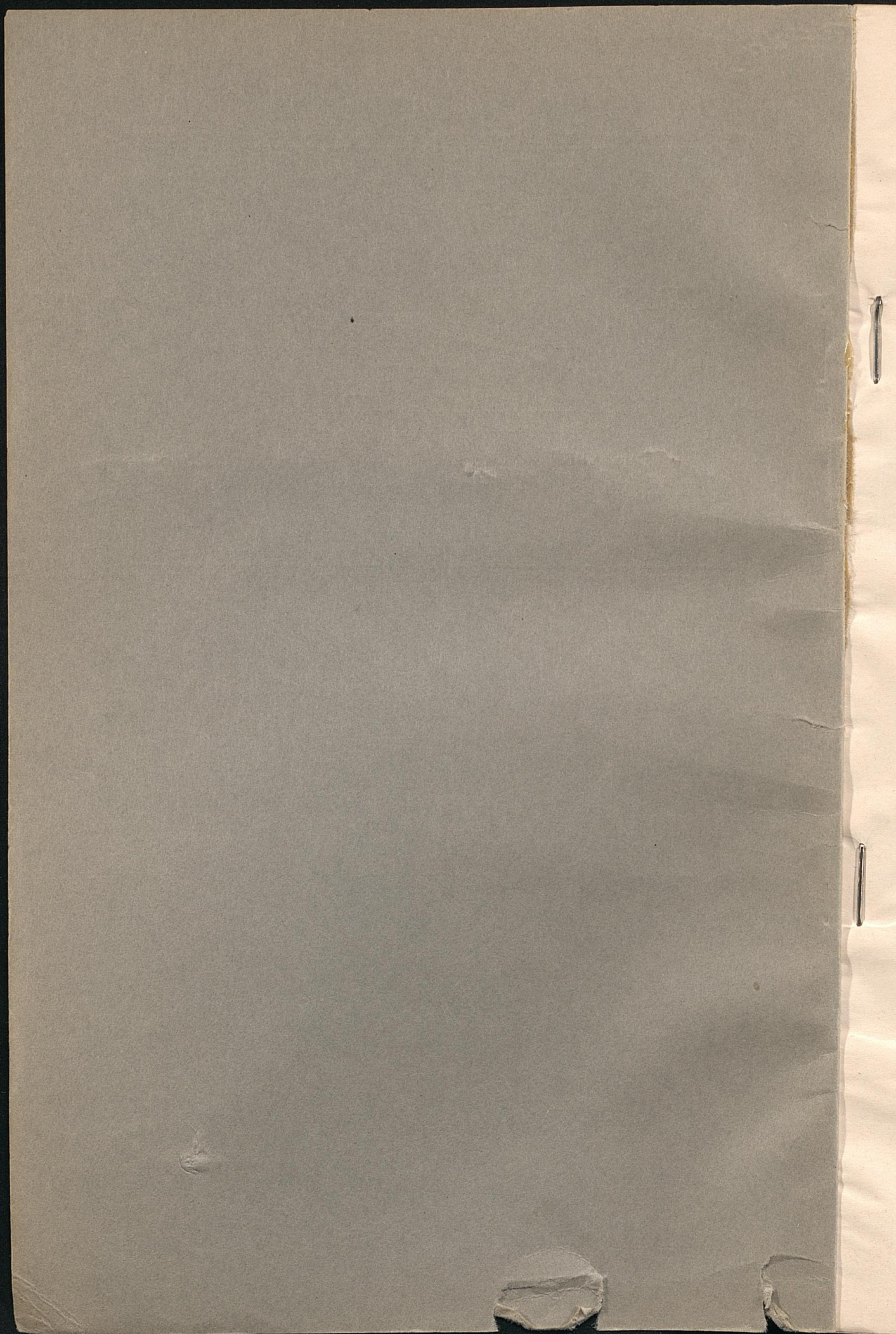
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Compiled by the Public Roads Administration

UNITED STATES

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LEGISLATION AND RULES AND REGULATIONS RELATING TO FEDERAL-AID, FEDERAL LANDS, NATIONAL FOREST, AND EMERGENCY HIGHWAY WORK

THE FEDERAL-AID ROAD ACT

[39 STAT. 355]

An Act To provide that the United States shall aid the States in the construction of rural post roads, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is authorized to cooperate with the States, through their respective State highway departments, in the construction of rural post roads; but no money apportioned under this act to any State shall be expended therein until its legislature shall have assented to the provisions of this act, except that, until the final adjournment of the first regular session of the legislature held after the passage of this act, the assent of the governor of the State shall be sufficient. The Secretary of Agriculture and the State highway department of each State shall agree upon the roads to be constructed therein and the character and method of construction: *Provided*, That all roads constructed under the provisions of this act shall be free from tolls of all kinds.

SEC. 2. That for the purpose of this act the term "rural post road"¹ shall be construed to mean any public road over which the United States mails now are or may hereafter be transported, excluding every street and road in a place having a population, as shown by the latest available Federal census, of two thousand five hundred or more, except that portion of any such street or road along which the houses average more than two hundred feet apart; the term "State highway department" shall be construed to include any department of another name, or commission, or official or officials, of a State empowered, under its laws, to exercise the functions ordinarily exercised by a State highway department; the term "construction" shall be construed to include reconstruction and improvement of roads; "properly maintained" as used herein shall be construed to mean the making of needed repairs and the preservation of a reasonably smooth surface considering the type of the road, but shall not be held to include extraordinary repairs, nor reconstruction; necessary bridges and culverts shall be deemed parts of the respective roads covered by the provisions of this act.

SEC. 3. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June thirtieth, nineteen hundred and seventeen, the sum of \$5,000,000; for the fiscal year ending June thirtieth, nineteen hundred and eighteen, the sum of \$10,000,000; for the fiscal year ending June thirtieth, nineteen hundred and nineteen, the sum of \$15,000,000; for the fiscal year ending June thirtieth, nineteen hundred and twenty, the sum of \$20,000,000; and for the fiscal year ending June thirtieth, nineteen hundred and twenty-one, the sum of \$25,000,000. So much of the appropriation apportioned to any State for any fiscal year as remains unexpended at the close thereof shall be available for expenditure in that State until the close of the succeeding fiscal year, except that amounts apportioned for any fiscal year to any State which has not a State highway department shall be available for expenditure in that State until the close of the third fiscal year succeeding the close of the fiscal year for which such apportionment was made. Any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned, within sixty days thereafter, to

¹ Amended by section 5 of the act approved Feb. 28, 1919, 40 Stat. 1200.

all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and to the State highway departments and to the governors of States having no State highway departments in the same way as if it were being apportioned under this act for the first time: *Provided*, That in States where the constitution prohibits the State from engaging in any work of internal improvements, then the amount of the appropriation under this act apportioned to any such State shall be turned over to the highway department of the State or to the governor of said State to be expended under the provisions of this act and under the rules and regulations of the Department of Agriculture, when any number of counties in any such State shall appropriate or provide the proportion or share needed to be raised in order to entitle such State to its part of the appropriation apportioned under this act.

SEC. 4. That so much, not to exceed three per centum, of the appropriation for any fiscal year made by or under this act as the Secretary of Agriculture may estimate to be necessary for administering the provisions of this act shall be deducted for that purpose, available until expended. Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for administering the provisions of this act will not be needed for that purpose and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis, and certify it to the Secretary of the Treasury and to the State highway departments, and to the governors of States having no State highway departments, in the same way as other amounts authorized by this act to be apportioned among all the States for such current fiscal year. The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States, as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery routes and star routes in all the States, at the close of the next preceding fiscal year, as shown by the certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture.

SEC. 5. That within sixty days after the approval of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each State highway department and to the governor of each State having no State highway department the sum which he has estimated to be deducted for administering the provisions of this act and the sum which he has apportioned to each State for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and on or before January twentieth next preceding the commencement of each succeeding fiscal year shall make like certificates for such fiscal year.

SEC. 6. That any State desiring to avail itself of the benefits of this act shall, by its State highway department, submit to the Secretary of Agriculture project statements setting forth proposed construction of any rural post road or roads therein. If the Secretary of Agriculture approve a project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require: *Provided, however*, That the Secretary of Agriculture shall approve only such projects as may be substantial in character and the expenditure of funds hereby authorized shall be applied only to such improvements. Items included for engineering, inspection, and unforeseen contingencies shall not exceed ten per centum of the total estimated cost of the work. If the Secretary of Agriculture approve the plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such project, which shall not exceed fifty per centum of the total estimated cost thereof. No payment of any money apportioned under this act shall be made on any project until such statement of the project, and the plans, specifications, and estimates therefor, shall have been submitted to and approved by the Secretary of Agriculture.

When the Secretary of Agriculture shall find that any project so approved by him has been constructed in compliance with said plans and specifications he shall cause to be paid to the proper authority of said State the amount set

aside for said project: *Provided*, That the Secretary of Agriculture may, in his discretion, from time to time, make payments on said construction as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata part of the value of the labor and materials which have been actually put into said construction in conformity to said plans and specifications; nor shall any such payment be in excess of \$10,000 per mile, exclusive of the cost of bridges of more than twenty feet clear span. The construction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations made pursuant to this act.

The Secretary of Agriculture and the State highway department of each State may jointly determine at what times and in what amounts payments, as work progresses, shall be made under this act. Such payments shall be made by the Secretary of the Treasury on warrants drawn by the Secretary of Agriculture, to such official, or officials, or depository, as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State or county.

SEC. 7. To maintain the roads constructed under the provisions of this act shall be the duty of the States, or their civil subdivisions, according to the laws of the several States. If at any time the Secretary of Agriculture shall find that any road in any State constructed under the provisions of this act is not being properly maintained he shall give notice of such fact to the highway department of such State; and if within four months from the receipt of said notice said road has not been put in a proper condition of maintenance, then the Secretary of Agriculture shall thereafter refuse to approve any project for road construction in said State, or the civil subdivision thereof, as the fact may be, whose duty is to maintain said road, until it has been put in a condition of proper maintenance.

SEC. 8. That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of \$1,000,000 for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and each fiscal year thereafter up to and including the fiscal year ending June thirtieth, nineteen hundred and twenty-six, in all \$10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*, That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county, and the United States: *And provided also*, That the aggregate expenditures in any State, Territory, or county shall not exceed ten per centum of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest ten per centum thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forest.

SEC. 9. That out of the appropriations made by or under this act the Secretary of Agriculture is authorized to employ such assistants, clerks, and other persons in the city of Washington and elsewhere, to be taken from the eligible lists of the Civil Service Commission, to rent buildings outside of the city of Washington, to purchase such supplies, material, equipment, office fixtures,

and apparatus, and to incur such travel and other expense as he may deem necessary for carrying out the purposes of this act.

SEC. 10. That the Secretary of Agriculture is authorized to make rules and regulations for carrying out the provisions of this act.

SEC. 11. That this act shall be in force from the date of its passage.

Approved, July 11, 1916.

POST OFFICE APPROPRIATION ACT OF FEBRUARY 28, 1919

[40 STAT. 1200]

An Act Making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes

SEC. 5. That the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, is hereby amended to provide that the term "rural post roads," as used in section 2 of said act, shall be construed to mean any public road a major portion of which is now used, or can be used, or forms a connecting link not to exceed ten miles in length of any road or roads now or hereafter used for the transportation of the United States mails, excluding every street and road in a place having a population, as shown by the latest available Federal census, of two thousand five hundred or more, except that portion of any such street or road along which the houses average more than two hundred feet apart: *Provided*, That section 6 of said act be further amended so that the limitation of payments not to exceed \$10,000 per mile, exclusive of the cost of bridges of more than twenty feet clear span, which the Secretary of Agriculture may make, be, and the same is, increased to \$20,000 per mile.

SEC. 6. That for the purpose of carrying out the provisions of said act, as herein amended, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums: The sum of \$50,000,000 for the fiscal year ending June 30, 1919, and available immediately; the sum of \$75,000,000 for the fiscal year ending June 30, 1920; and the sum of \$75,000,000 for the fiscal year ending June 30, 1921; said additional sums to be expended in accordance with the provisions of said act: *Provided*, That where the constitution of any State prohibits the same from engaging upon internal improvements or from contracting public debts for extraordinary purposes in an amount sufficient to meet the monetary requirements of the act of July 11, 1916, or any act amendatory thereof, or restricts annual tax levies for the purpose of constructing and improving roads and bridges, and where a constitutional alteration or amendment to overcome either or all of such prohibitions must be submitted to a referendum at a general election, the sum to which such State is entitled under the method of apportionment provided in the act of July 11, 1916, or any act amendatory thereof, shall be withdrawn by the Secretary of the Treasury from the principal fund appropriated by the act of July 11, 1916, or any act amendatory thereof, upon receipt of the certification of the governor of such State to the existence of either or all of said prohibitions, and such sum shall be carried by the Secretary of the Treasury as a separate fund for future disbursement as hereinafter provided: *Provided further*, That when, by referendum, the constitutional alterations or amendments necessary to the enjoyment of the sum so withdrawn have been approved and ratified by any State, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, shall immediately make available to such State for the purposes set forth in the act of July 11, 1916, or any act amendatory thereof, the sum withdrawn as hereinbefore provided: *Provided further*, That nothing herein shall be deemed to prevent any State from receiving such portion of said principal sum as is available under its existing constitution and laws: *Provided further*, That in the expenditure of this fund for labor preference shall be given, other conditions being equal, to honorably discharged soldiers, sailors, and marines, but any other preference or discrimination among citizens of the United States in connection with the expenditure of this appropriation is hereby declared to be unlawful.

SEC. 7. That the Secretary of War be, and he is hereby, authorized in his discretion to transfer to the Secretary of Agriculture all available war material, equipment, and supplies not needed for the purposes of the War Department, but suitable for use in the improvement of highways, and that the same be distributed among the highway departments of the several States to be used on roads constructed in whole or in part by Federal aid, such distribution to be made upon a value basis of distribution the same as provided by the Federal aid road act, approved July 11, 1916: *Provided*, That the Secretary of Agriculture, at his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction of national forest roads or other roads constructed under his direct supervision.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1919, the sum of \$3,000,000, for the fiscal year ending June 30, 1920, the sum of \$3,000,000, and for the fiscal year ending June 30, 1921, the sum of \$3,000,000, available until expended by the Secretary of Agriculture in cooperation with the proper officials of the State, Territory, insular possession, or county, in the survey, construction, and maintenance of roads and trails within or partly within the national forests, when necessary for the use and development of resources of the same or desirable for the proper administration, protection, and improvement of any such forest. Out of the sums so appropriated the Secretary of Agriculture may, without the cooperation of such officials, survey, construct, and maintain any road or trail within a national forest which he finds necessary for the proper administration, protection, and improvement of such forest, or which in his opinion is of national importance. In the expenditure of this fund for labor preference shall be given, other conditions being equal, to honorably discharged soldiers, sailors, and marines.

The Secretary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

SEC. 9. That no officer or enlisted man of the Army, Navy, or Marine Corps shall be detailed for work on the roads which come within the provisions of this act except by his own consent: *And provided further*, That the Secretary of Agriculture, through the War Department, shall ascertain the number of days any such soldiers, sailors, and marines have worked on the public roads in the several States (other than roads within the limits of cantonments or military reservations in the several States) during the existing war, and also the location where they worked and their names and rank, and report to Congress at the beginning of its next regular session: *Provided further*, That when any officer or enlisted man in the Army, the Navy, or the Marine Corps shall have been or may be in the future detailed for labor in the building of roads or other highway construction or repair work (other than roads within the limits of cantonments or military reservations in the several States), during the existing war, the pay of such officer or enlisted man shall be equalized to conform to the compensation paid to civilian employees in the same or like employment and the amount found to be due such officers, soldiers, sailors, and marines, less the amount of his pay as such officer, soldier, sailor, or marine, shall be paid to him from the 1920 appropriation herein allotted to the States wherein such highway construction or repair work was or will be performed.

* * * * *

Approved February 28, 1919.

THE FEDERAL HIGHWAY ACT

[42 STAT. 212]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the Federal highway act.

SEC. 2. That, when used in this act, unless the context indicates otherwise—

The term "Federal aid act" means the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads,

and for other purposes," approved July 11, 1916, as amended by sections 5 and 6 of an act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, and all other acts amendatory thereof or supplementary thereto.

The term "highway" includes rights of way, bridges, drainage structures, signs, guard rails, and protective structures in connection with highways, but shall not include any highway or street in a municipality having a population of two thousand five hundred or more as shown by the last available census, except that portion of any such highway or street along which within a distance of one mile the houses average more than two hundred feet apart.

The term "State highway department" includes any State department, commission, board, or official having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary of Agriculture the duties herein required.

The term "maintenance" means the constant making of needed repairs to preserve a smooth surfaced highway.

The term "construction" means the supervising, inspecting, actual building, and all expenses incidental to the construction of a highway, except locating, surveying, mapping, and costs of rights of way.

The term "reconstruction" means a widening or a rebuilding of the highway or any portion thereof to make it a continuous road, and of sufficient width and strength to care adequately for traffic needs.

The term "forest roads" means roads wholly or partly within or adjacent to and serving the national forests.

The term "State funds" includes for the purposes of this act funds raised under the authority of the State, or any political or other subdivision thereof, and made available for expenditure under the direct control of the State highway department.

SEC. 3. All powers and duties of the Council of National Defense under the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916, in relation to highway or highway transport, are hereby transferred to the Secretary of Agriculture, and the Council of National Defense is directed to turn over to the Secretary of Agriculture the equipment, material, supplies, papers, maps, and documents utilized in the exercise of such powers. The powers and duties of agencies dealing with highways in the national parks or in military or naval reservations under the control of the United States Army or Navy, or with highways used principally for military or naval purposes, shall not be taken over by the Secretary of Agriculture, but such highways shall remain under the control and jurisdiction of such agencies.

The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this act to the State wherein the reservation is located.

SEC. 4. That the Secretary of Agriculture shall establish an accounting division, which shall devise and install a proper method of keeping the accounts.

SEC. 5. That the Secretary of War be, and he is hereby, authorized and directed to transfer to the Secretary of Agriculture, upon his request, all war material, equipment, and supplies now or hereafter declared surplus from stock now on hand and not needed for the purposes of the War Department but suitable for use in the improvement of highways, and that the same shall be distributed among the highway departments of the several States to be used in the construction, reconstruction, and maintenance of highways, such distribution to be upon the same basis as that hereinafter provided for in this act in the distribution of Federal-aid fund: *Provided*, That the Secretary of Agriculture, in his discretion, may reserve from such distribution not to exceed 10 per centum of such material, equipment, and supplies for use in the construction, reconstruction, and maintenance of national-forest roads or other roads constructed, reconstructed, or maintained under his direct supervision.

SEC. 6. That in approving projects to receive Federal aid under the provisions of this act the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate and connected system of highways interstate in character.

Before any projects are approved in any State, such State, through its State highway department, shall select or designate a system of highways not to exceed 7 per centum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of this act.

Upon this system all Federal-aid apportionments shall be expended.

Highways which may receive Federal aid shall be divided into two classes, one of which shall be known as primary or interstate highways, and shall not exceed three-sevenths of the total mileage which may receive Federal aid, and the other which shall connect or correlate therewith and be known as secondary or intercounty highways, and shall consist of the remainder of the mileage which may receive Federal aid.

The Secretary of Agriculture shall have authority to approve in whole or in part the systems as designated or to require modifications or revisions thereof: *Provided*, That the States shall submit to the Secretary of Agriculture for his approval any proposed revisions of the designated systems of highways above provided for.

Not more than 60 per centum of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided*, That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per centum of the Federal aid apportioned to such State upon the primary or interstate highways in such State.

The Secretary of Agriculture may approve projects submitted by the State highway departments prior to the selection, designation, and approval of the system of Federal-aid highways herein provided for if he may reasonably anticipate that such projects will become a part of such system.

Whenever provision has been made by any State for the completion and maintenance of a system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this act, said State, through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to add to the mileage of primary or interstate and secondary or intercounty systems as funds become available for the construction and maintenance of such additional mileage.

SEC. 7. That before any project shall be approved by the Secretary of Agriculture for any State such State shall make provisions for State funds required each year of such States by this act for construction, reconstruction, and maintenance of Federal-aid highways within the State, which funds shall be under the direct control of the State highway department.

SEC. 8. That only such durable types of surface and kinds of materials shall be adopted for the construction and reconstruction of any highway which is a part of the primary or interstate and secondary or intercounty systems as will adequately meet the existing and probable future traffic needs and conditions thereon. The Secretary of Agriculture shall approve the types and width of construction and reconstruction and the character of improvement, repair, and maintenance of each case, consideration being given to the type and character which shall be best suited for each locality and to the probable character and extent of the future traffic.

SEC. 9. That all highways constructed or reconstructed under the provisions of this act shall be free from tolls of all kinds.

That all highways in the primary or interstate system constructed after the passage of this act shall have a right of way of ample width and a wearing surface of an adequate width which shall not be less than eighteen feet, unless, in the opinion of the Secretary of Agriculture, it is rendered impracticable by physical conditions, excessive costs, probable traffic requirements, or legal obstacles.

SEC. 10. That when any State shall have met the requirements of this act, the Secretary of the Treasury, upon receipt of certification from the governor of such State to such effect, approved by the Secretary of Agriculture, shall immediately make available to such State, for the purpose set forth in this act, the sum apportioned to such State as herein provided.

SEC. 11. That any State having complied with the provisions of this act, and desiring to avail itself of the benefits thereof, shall by its State highway department submit to the Secretary of Agriculture project statements setting forth proposed construction or reconstruction of any primary or interstate, or second-

ary or intercounty highway therein. If the Secretary of Agriculture approve the project, the State highway department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require; items included for engineering, inspection, and unforeseen contingencies shall not exceed 10 per centum of the total estimated costs of its construction.

That when the Secretary of Agriculture approves such surveys, plans, specifications, and estimates, he shall notify the State highway department and immediately certify the fact to the Secretary of the Treasury. The Secretary of the Treasury shall thereupon set aside the share of the United States payable under this act on account of such projects, which shall not exceed 50 per centum of the total estimated cost thereof, except that in the case of any State containing unappropriated public lands exceeding 5 per centum of the total area of all lands in the State, the share of the United States payable under this act on account of such projects shall not exceed 50 per centum of the total estimated cost thereof plus a percentage of such estimated cost equal to one-half of the percentage which the area of the unappropriated public lands in such State bears to the total area of such State: *Provided*, That the limitation of payments not to exceed \$20,000 per mile, under existing law, which the Secretary of Agriculture may make be, and the same is hereby, increased in proportion of the increased percentage of Federal aid authorized by this section: *Provided further*, That these provisions relative to the public land States shall apply to all unobligated or unmatched funds appropriated by the Federal aid act and payment for approved projects upon which actual building construction work had not begun on the 30th day of June, 1921.

SEC. 12. That the construction and reconstruction of the highways or parts of highways under the provisions of this act, and all contracts, plans, specifications, and estimates relating thereto, shall be undertaken by the State highway departments subject to the approval of the Secretary of Agriculture. The construction and reconstruction work and labor in each State shall be done in accordance with its laws and under the direct supervision of the State highway department, subject to the inspection and approval of the Secretary of Agriculture and in accordance with the rules and regulations pursuant to this act.

SEC. 13. That when the Secretary of Agriculture shall find that any project approved by him has been constructed or reconstructed in compliance with said plans and specifications, he shall cause to be paid to the proper authorities of said State the amount set aside for said project.

That the Secretary of Agriculture may, in his discretion, from time to time, make payments on such construction or reconstruction as the work progresses, but these payments, including previous payments, if any, shall not be more than the United States pro rata part of the value of the labor and materials which have been actually put into such construction or reconstruction in conformity to said plans and specifications. The Secretary of Agriculture and the State highway department of each State may jointly determine at what time and in what amounts payments as work progresses shall be made under this act.

Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of Agriculture, to such official or officials or depository as may be designated by the State highway department and authorized under the laws of the State to receive public funds of the State.

SEC. 14. That should any State fail to maintain any highway within its boundaries after construction or reconstruction under the provisions of this act, the Secretary of Agriculture shall then serve notice upon the State highway department of that fact, and if within ninety days after receipt of such notice said highway has not been placed in proper condition of maintenance, the Secretary of Agriculture shall proceed immediately to have such highway placed in a proper condition of maintenance and charge the cost thereof against the Federal funds allotted to such State, and shall refuse to approve any other project in such State, except as hereinafter provided.

Upon the reimbursement by the State of the amount expended by the Federal Government for such maintenance, said amount shall be paid into the Federal highway fund for reapportionment among all the States for the construction of roads under this act, and the Secretary of Agriculture shall then approve further projects submitted by the State as in this act provided.

Whenever it shall become necessary for the Secretary of Agriculture under the provisions of this act to place any highway in a proper condition of maintenance

nance the Secretary of Agriculture shall contract with some responsible party or parties for doing such work: *Provided, however,* That in case he is not able to secure a satisfactory contract he may purchase, lease, hire, or otherwise obtain all necessary supplies, equipment, and labor, and may operate and maintain such motor and other equipment and facilities as in his judgment are necessary for the proper and efficient performance of his functions.

SEC. 15. That within two years after this act takes effect the Secretary of Agriculture shall prepare, publish, and distribute a map showing the highways and forest roads that have been selected and approved as a part of the primary or interstate, and the secondary or intercounty systems, and at least annually thereafter shall publish supplementary maps showing his program and the progress made in selection, construction, and reconstruction.

SEC. 16. That for the purpose of this act the consent of the United States is hereby given to any railroad or canal company to convey to the highway department of any State any part of its right of way or other property in that State acquired by grant from the United States.

SEC. 17. That if the Secretary of Agriculture determines that any part of the public lands or reservations of the United States is reasonably necessary for the right of way of any highway or forest road or as a source of materials for the construction or maintenance of any such highway or forest road adjacent to such lands or reservations, the Secretary of Agriculture shall file with the Secretary of the department supervising the administration of such land or reservation a map showing the portion of such lands or reservations which it is desired to appropriate.

If within a period of four months after such filing the said Secretary shall not have certified to the Secretary of Agriculture that the proposed appropriation of such land or material is contrary to the public interest or inconsistent with the purposes for which such land or materials have been reserved, or shall have agreed to the appropriation and transfer under conditions which he deems necessary for the adequate protection and utilization of the reserve, then such land and materials may be appropriated and transferred to the State highway department for such purposes and subject to the conditions so specified.

If at any time the need for any such lands or materials for such purposes shall no longer exist, notice of the fact shall be given by the State highway department to the Secretary of Agriculture, and such lands or materials shall immediately revert to the control of the Secretary of the department from which they had been appropriated.

SEC. 18. That the Secretary of Agriculture shall prescribe and promulgate all needful rules and regulations for the carrying out of the provisions of this act, including such recommendations to the Congress and the State highway departments as he may deem necessary for preserving and protecting the highways and insuring the safety of traffic thereon.

SEC. 19. That on or before the first Monday in December of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this act, an itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this act. The Secretary of Agriculture shall also make such special reports as Congress may request.

SEC. 20. That for the purpose of carrying out the provisions of this act there is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated, \$75,000,000 for the fiscal year ending June 30, 1922, \$25,000,000 of which shall become immediately available, and \$50,000,000 of which shall become available January 1, 1922.

SEC. 21. That so much, not to exceed 2½ per centum, of all moneys hereby or hereafter appropriated for expenditure under the provisions of this act, as the Secretary of Agriculture may deem necessary for administering the provisions of this act and for carrying on necessary highway research and investigational studies independently or in cooperation with the State highway departments and other research agencies, and for publishing the results thereof shall be deducted for such purposes, available until expended.

Within sixty days after the close of each fiscal year the Secretary of Agriculture shall determine what part, if any, of the sums theretofore deducted for such purposes will not be needed and apportion such part, if any, for the fiscal year then current in the same manner and on the same basis as are other

amounts authorized by this act apportioned among all the States, and shall certify such apportionment to the Secretary of the Treasury and to the State highway departments.

The Secretary of Agriculture, after making the deduction authorized by this section, shall apportion the remainder of the appropriation made for expenditure under the provision of the act for the fiscal year among the several States in the following manner: One-third in the ratio which the area of each State bears to the total area of all the States; one-third in the ratio which the population of each State bears to the total population of all the States as shown by the latest available Federal census; one-third in the ratio which the mileage of rural delivery routes and star routes in each State bears to the total mileage of rural delivery and star routes in all the States at the close of the next preceding fiscal year, as shown by certificate of the Postmaster General, which he is directed to make and furnish annually to the Secretary of Agriculture: *Provided*, That no State shall receive less than one-half of 1 per centum of each year's allotment. All moneys herein or hereafter appropriated for expenditure under the provisions of this act shall be available until the close of the second succeeding fiscal year for which apportionment was made: *Provided further*, That any sums apportioned to any State under the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplemental thereto, shall be available for expenditure in that State for the purpose set forth in such acts until two years after the close of the respective fiscal years for which any such sums become available, and any amount so apportioned remaining unexpended at the end of the period during which it is available for expenditure under the terms of such acts shall be reapportioned according to the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916: *And provided further*, That any amount apportioned under the provisions of this act unexpended at the end of the period during which it is available for expenditure under the terms of this section shall be reapportioned within sixty days thereafter to all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and the State highway departments in the same way as if it were being apportioned under this act for the first time.

SEC. 22. That within sixty days after the approval of this act the Secretary of Agriculture shall certify to the Secretary of the Treasury and to each of the State highway departments the sum he has estimated to be deducted for administering the provisions of this act and the sums which he has apportioned to each State for the fiscal year ending June 30, 1922, and on or before January 20 next preceding the commencement of each succeeding fiscal year, and shall make like certificates for each fiscal year.

SEC. 23. That out of the moneys in the Treasury not otherwise appropriated, there is hereby appropriated for the survey, construction, reconstruction, and maintenance of forest roads and trails, the sum of \$5,000,000 for the fiscal year ending June 30, 1922, available immediately and until expended, and \$10,000,000 for the fiscal year ending June 30, 1923, available until expended.

(a) Fifty per centum, but not to exceed \$3,000,000 for any one fiscal year, of the appropriation made or that may hereafter be made for expenditures under the provisions of this section shall be expended under the direct supervision of the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of roads and trails of primary importance for the protection, administration, and utilization of the national forests, or when necessary, for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, and shall be apportioned among the several States, Alaska, and Porto Rico by the Secretary of Agriculture, according to the relative needs of the various national forests, taking into consideration the existing transportation facilities, value of timber, or other resources served, relative fire danger, and comparative difficulties of road and trail construction.

The balance of such appropriations shall be expended by the Secretary of Agriculture in the survey, construction, reconstruction, and maintenance of forest roads, of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, and shall be prorated and apportioned by the Secretary of Agriculture for expenditures in the several States, Alaska, and Porto Rico, according to the area and value of the land

owned by the Government within the national forests therein as determined by the Secretary of Agriculture from such information, investigation, sources, and departments as the Secretary of Agriculture may deem most accurate.

(b) Cooperation of Territories, States, and civil subdivisions thereof may be accepted but shall not be required by the Secretary of Agriculture.

(c) The Secretary of Agriculture may enter into contracts with any Territory, State, or civil subdivision thereof for the construction, reconstruction, or maintenance of any forest road or trail or part thereof.

(d) Construction work on forest roads or trails estimated to cost \$5,000 or more per mile, exclusive of bridges, shall be advertised and let to contract.

If such estimated cost is less than \$5,000 per mile, or if, after proper advertising, no acceptable bid is received, or the bids are deemed excessive, the work may be done by the Secretary of Agriculture on his own account; and for such purpose the Secretary of Agriculture may purchase, lease, hire, rent, or otherwise obtain all necessary supplies, materials, tools, equipment, and facilities required to perform the work.

The appropriation made in this section or that may hereafter be made for expenditure under the provision of this section may be expended for the purpose herein authorized and for the payment of wages, salaries, and other expenses for help employed in connection with such work.

SEC. 24. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this act, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit.

SEC. 25. That if any provision of this act, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the act and of the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 26. That all acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, November 9, 1921.

POST OFFICE APPROPRIATION ACT OF JUNE 19, 1922

[42 Stat. 660]

An Act Making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes

* * * * *

SEC. 4. That for the purpose of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved June 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, all such sums to be expended in accordance with the provisions of such act:

The sum of \$50,000,000 for the fiscal year ending June 30, 1923.

The sum of \$65,000,000 for the fiscal year ending June 30, 1924.

The sum of \$75,000,000 for the fiscal year ending June 30, 1925.

The Secretary of Agriculture is hereby authorized, immediately upon the passage of this act, to apportion the \$50,000,000 herein authorized to be appropriated for the fiscal year ending June 30, 1923, among the several States as provided in section 21 of the Federal highway act approved November 9, 1921: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

PAR. 2. For the purpose of carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized

to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended, in accordance with the provisions of said section 23:

The sum of \$6,500,000 for the fiscal year ending June 30, 1924.

The sum of \$6,500,000 for the fiscal year ending June 30, 1925.

PAR. 3. For the purposes of this section and of the acts heretofore making appropriations to aid the States in the construction of rural post roads the term "bridges" includes railroad grade separations, whether by means of overhead or underpass crossings.

PAR. 4. The provision of section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," approved February 28, 1919, fixing the limitation of \$20,000 per mile which the Secretary of Agriculture may make, is hereby amended to read as follows:

"That the payments which the Secretary of Agriculture may make from sums appropriated under this act or any act amendatory thereof or supplementary thereto for the fiscal year ending June 30, 1923, shall not exceed \$16,250 per mile exclusive of the cost of bridges of more than twenty feet of clear span; and that the payments which the Secretary of Agriculture may make from any sums appropriated under the provisions of this act or any act amendatory thereof or supplementary thereto, after the fiscal year ending June 30, 1923, shall not exceed \$15,000 per mile, exclusive of the cost of bridges of more than twenty feet of clear span: *Provided*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,"' approved November 9, 1921."

PAR. 5. Section 24 of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved November 9, 1921, is amended to read as follows: "That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until five years after November 9, 1921, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit."

PAR. 6. If any officer, agent, or employee of the United States, or any officer, agent, or employee of any State or Territory, or any person, association, firm, or corporation, or any officer or agent of any person, association, firm, or corporation shall knowingly make 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 project submitted for approval to the Secretary of Agriculture under the provisions of the Federal highway act, or shall knowingly make any false statement, false representation, or false report or claim for work or materials for the construction of any project approved by the Secretary of Agriculture under said Federal highway act and all amendments thereto, or shall knowingly make any false statement or false representation in any report required to be made under said Federal highway act or acts supplementary thereto with the intent to defraud the United States shall, upon conviction thereof, be punished by imprisonment not to exceed five years or by a fine not to exceed \$10,000, or by both fine and imprisonment within said limits.

PAR. 7. If any provision of this section, or the application thereof to any person or circumstances, shall be held invalid, the validity of the remainder of the section and the application of such provision to other persons or circumstances shall not be affected thereby.

PAR. 8. All acts or parts of acts in any way inconsistent with the provisions of this section are hereby repealed.

* * * * *

Approved, June 19, 1922.

DEFICIENCY APPROPRIATION ACT OF JANUARY 22, 1923

[42 STAT. 1157]

An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1923, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1923, and for other purposes

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COOPERATIVE CONSTRUCTION OF RURAL POST ROADS

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of such act as amended, \$25,000,000, to remain available until expended, being part of the sum of \$50,000,000 authorized to be appropriated for the fiscal year ending June 30, 1923, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of such authorization of \$50,000,000, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto: *Provided further*, That the appropriations heretofore and hereafter made for the purpose of carrying out the provisions of such act of July 11, 1916, and the acts amendatory thereof and supplemental thereto shall be considered available for the purpose of discharging the obligations created by the approval of projects.

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Approved, January 22, 1923.

AGRICULTURAL APPROPRIATION ACT OF FEBRUARY 26, 1923

[42 STAT. 1321]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1924, and for other purposes

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SPECIAL ITEMS

Forest roads and trails: For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, \$3,000,000, to be available until expended, being part of the sum of \$6,500,000 authorized to be appropriated for the fiscal year ending June 30, 1924, by paragraph 2 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the approval of this act, also to apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$3,500,000, constituting the remainder of the said authorization of \$6,500,000: *Provided further*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

Cooperative construction of rural post roads: For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, \$29,300,000, to be available until expended, being part of the sum of \$65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the passage of this act, to apportion among the several States, as provided in section 21 of the Federal highway act approved November 9, 1921, the sum of \$65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924, by said paragraph 1 of section 4 of the act approved June 19, 1922: *Provided further*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

Total, Department of Agriculture, \$69,536,653.

Approved, February 26, 1923.

ACT EXTENDING FEDERAL AID TO HAWAII

[43 STAT. 17]

An Act To extend the provisions of certain laws to the Territory of Hawaii

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That beginning with the fiscal year ending June 30, 1925, the Territory of Hawaii shall be entitled to share in appropriations now or which may hereafter become available for apportionment under the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, known as the Federal highway act, and any act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States, and such Territory shall be included in the calculations to determine the basis of apportionment of such funds: *Provided*, That in approving road projects in such Territory to receive Federal aid, the Secretary of Agriculture shall give preference to such projects as will expedite the completion of an adequate system of highways for the national defense or which will connect seaports with units of the national parks.

* * * * *

Approved, March 10, 1924.

AGRICULTURAL APPROPRIATION ACT OF JUNE 5, 1924

[43 STAT. 460]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1925, and for other purposes

* * * * *

SPECIAL ITEMS

Forest roads and trails: For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, \$6,000,000 to be available until expended, being the remainder of the sum of \$6,500,000 authorized to be appropriated for the fiscal year ending June 30, 1924, and part of the

sum authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 2 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the approval of this act, also to apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$4,000,000, constituting the remainder of the sum authorized to be appropriated for the fiscal year ending June 30, 1925: *Provided further*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

Cooperative construction of the Federal aid highway system: For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, \$13,000,000, to be available until expended, being part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the Secretary of Agriculture is hereby authorized, immediately upon the passage of this act, to apportion among the several States, as provided in section 21 of the Federal highway act, approved November 9, 1921, the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by said paragraph 1 of section 4 of the act approved June 19, 1922: *Provided further*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

Total, Department of Agriculture, \$58,575,274.

Approved, June 5, 1924.

ACT AUTHORIZING MAINTENANCE OF GALLUP-DURANGO HIGHWAY

[43 STAT. 606]

An Act Authorizing annual appropriations for the maintenance of that portion of Gallup-Durango Highway across the Navajo Indian Reservation and providing reimbursement therefor

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated annually, out of any money in the Treasury not otherwise appropriated, the sum of \$20,000 or so much thereof as may be necessary for each fiscal year, to be expended under the direction of the Secretary of the Interior, for maintenance of that portion of the Federal aid highway from Gallup, New Mexico, to Shiprock, New Mexico, across the Navajo Indian Reservation, reimbursable from the tribal funds of the Indians of said reservation: *Provided*, That Indian labor shall be employed as far as practicable: *Provided further*, That if no funds are available, no expenditure shall be made.

Approved, June 7, 1924.

AGRICULTURAL APPROPRIATION ACT OF FEBRUARY 10, 1925

[43 STAT. 852.]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1926, and for other purposes

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, \$4,000,000 to remain available until expended, and of which amount not to exceed \$3,000 may be expended for departmental personal services in the District of Columbia, being the remainder of the sum of \$6,500,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 2 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922: *Provided*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created hereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

FEDERAL AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, \$76,000,000 to remain available until expended, of which amount not to exceed \$454,971 may be expended for departmental personal services in the District of Columbia, being \$25,000,000, the remainder of the sum of \$50,000,000 authorized to be appropriated for the fiscal year ending June 30, 1923; \$35,700,000, the remainder of the sum of \$65,000,000 authorized to be appropriated for the fiscal year ending June 30, 1924; and \$15,300,000, being part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by paragraph 1 of section 4 of the act making appropriations for the Post Office Department for the fiscal year 1923, approved June 19, 1922.

The Secretary of Agriculture is authorized to enter into leases for the Bleber Building, 1358 B Street southwest, and the warehouse now under construction at the southeast corner of Linworth Place and C Street southwest, for a period not to exceed ten years, provided in his judgment it is of advantage to the Government of the United States to do so. Such leases shall have the approval of the Public Buildings Commission.

Total, Department of Agriculture, \$124,774,441.

Approved, February 10, 1925.

AMENDMENT AND AUTHORIZATION OF FEBRUARY 12, 1925

[43 STAT. 889]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other pur-

poses," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended:

The sum of \$75,000,000 for the fiscal year ending June 30, 1926;

The sum of \$75,000,000 for the fiscal year ending June 30, 1927.

Immediately upon the passage of this act and thereafter not later than January 1, of each year, the Secretary of Agriculture is authorized to apportion among the several States, as provided in section 21 of the Federal highway act approved November 9, 1921, the \$75,000,000 herein authorized to be apportioned for the fiscal year ending June 30, 1926, and on or before January 1 next preceding the commencement of each succeeding fiscal year he shall make like apportionment of the appropriation herein authorized, or which may hereafter be authorized, for each fiscal year: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project within three years shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto.

SEC. 2. For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23:

The sum of \$7,500,000, for the fiscal year ending June 30, 1926;

The sum of \$7,500,000 for the fiscal year ending June 30, 1927.

SEC. 3. That the Secretary of Agriculture may exchange deteriorated explosives or explosive components, obtained by transfer from the Secretary of War for distribution among the States and for use in the improvement of roads under his direct supervision, for explosives or explosive products in condition for immediate use. The Secretary of Agriculture is further authorized, by contract or otherwise, to reclaim by reworking, reconditioning, cartridging, or otherwise converting into usable form such deteriorated explosives or explosive components as can not be so exchanged, and to pay the cost thereof out of available administrative funds authorized by the Federal highway act approved November 9, 1921, and acts amendatory thereof or supplementary thereto. The Secretary of Agriculture, in his discretion, may transfer to any department or agency of the Federal Government such of the materials acquired from such exchanges, and also such of the explosives or explosive components as may be reworked, reconditioned, cartridged, or otherwise converted hereunder, as may be required by any such department or agency for use in its authorized activities: *Provided*, That the charges incident to the storage, handling, protection, exchange, reworking, reconditioning, cartridging, or conversion of such explosives or explosive components as may be certified by the Secretary of Agriculture to have been incurred against said administrative funds shall be reimbursed, said funds pro rata by the department or agency of the Federal Government, the State, or other agency receiving such explosives or explosive products.

SEC. 4. That section 11 of the Federal highway act approved November 9, 1921, as amended and approved by the acts of June 19, 1922, and January 22, 1923, is further amended by inserting after each place where the words "unappropriated public lands" occur the words "and nontaxable Indian lands, individual and tribal."

SEC. 5. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways, the Secretary of Agriculture shall continue to approve projects for said State until three years after the passage of this act, if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit.

SEC. 6. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed and this act shall take effect on its passage.

Approved, February 12, 1925.

DEFICIENCY APPROPRIATION ACT OF MARCH 4, 1925

[43 STAT. 1326.]

An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1925, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1925, and June 30, 1926, and for other purposes

* * * * *

Forest roads and trails: For carrying out the provisions of section 23 of the Federal Highway act approved November 9, 1921, the Secretary of Agriculture is hereby authorized, immediately upon the approval of this act, to apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$7,500,000 constituting the amount authorized to be appropriated for forest roads and trails for the fiscal year 1926 by section 2 of the act approved February 12, 1925: *Provided*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof.

* * * * *

Approved, March 4, 1925.

DEFICIENCY APPROPRIATION ACT OF MARCH 3, 1926

[44 STAT. 171]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1926, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1926, and June 30, 1927, and for other purposes

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, \$3,775,000, to remain available until expended, being part of the sum of \$7,500,000, authorized to be appropriated for the fiscal year 1926 by section 2 of the act approved February 12, 1925, and authorized to be apportioned and prorated among the States and obligated by contracts and otherwise by the act of March 4, 1925.

FEDERAL AID HIGHWAY SYSTEM

For the construction of rural post roads under the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of such act as amended, including not to exceed \$16,500 for departmental personal services in the District of Columbia, \$22,900,000, to remain available until expended, being part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year 1925 by the act approved June 19, 1922.

* * * * *

Approved, March 3, 1926.

AGRICULTURAL APPROPRIATION ACT OF MAY 11, 1926

[44 STAT. 530]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1927, and for other purposes

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, including not to exceed \$48,000 for departmental personal services in the District of Columbia, \$5,000,000, which sum is composed of \$3,725,000, the remainder of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1926 and \$1,275,000, part of the amount authorized to be appropriated for the fiscal year 1927 by the act approved February 12, 1925: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1927, by the act approved February 12, 1925: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created thereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

FEDERAL AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, including not to exceed \$445,000 for departmental personal services in the District of Columbia, \$75,000,000, to remain available until expended, which sum is composed of \$23,800,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1925, by the act approved June 19, 1922, and \$51,200,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1926, by paragraph 1 of the act approved February 12, 1925.

Total, Department of Agriculture, \$127,924,573.

Approved, May 11, 1926.

AMENDMENT AND AUTHORIZATION OF JUNE 22, 1926

[44 STAT. 760]

An Act To amend the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended:

The sum of \$75,000,000 for the fiscal year ending June 30, 1923.

The sum of \$75,000,000 for the fiscal year ending June 30, 1929.

SEC. 2. For carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23:

The sum of \$7,500,000 for the fiscal year ending June 30, 1928.

The sum of \$7,500,000 for the fiscal year ending June 30, 1929.

Not later than January 1 next preceding the commencement of each fiscal year the Secretary of Agriculture is authorized to apportion among the several States the appropriations heretofore, herein, or hereafter made or authorized to be made as provided in section 23 of the Federal highway act approved November 9, 1921.

SEC. 3. That in any State where the existing constitution or laws will not permit the State to provide revenues for the construction, reconstruction, or maintenance of highways the Secretary of Agriculture shall continue to approve projects for said State for the period covered by this act if he shall find that said State has complied with the provisions of this act in so far as its existing constitution and laws will permit.

SEC. 4. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, June 22, 1926.

AGRICULTURAL APPROPRIATION ACT OF JANUARY 18, 1927

[44 STAT. 1006]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1928, and for other purposes

SPECIAL ITEMS

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, including not to exceed \$47,000 for departmental personal services in the District of Columbia, \$6,500,000, which sum is composed of \$4,825,000, part of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1927 by the act approved February 12, 1925, and \$1,675,000, part of the amount authorized to be appropriated for the fiscal year 1928 by the act approved June 22, 1926: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1928, by the act approved June 22, 1926: *Provided further*, That the Secretary of Agriculture may incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created thereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building constructed shall not exceed \$1,500.

FEDERAL AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, including not to exceed \$420,000 for departmental personal services in the District of Columbia, \$71,000,000 to remain available until expended, which sum is composed of \$23,800,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1926, and \$47,200,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1927, by paragraph 1 of the act approved February 12, 1925.

Total, Department of Agriculture, \$128,511,739.

Approved, January 18, 1927.

DEFICIENCY APPROPRIATION ACT OF FEBRUARY 28, 1927

[44 STAT. 1252]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1927, and prior fiscal years, and to provide urgent supplemental appropriations for the fiscal year ending June 30, 1927, and for other purposes

FOREST ROADS AND TRAILS

For an additional amount for carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, \$1,400,000, to remain available until expended, being the remainder of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1927 by section 2 of the act approved February 12, 1925, and authorized to be apportioned and prorated among the States and obligated by contracts and otherwise by the act of May 11, 1926.

Approved, February 28, 1927.

FEDERAL AID FOR TOLL BRIDGES

[44 STAT. 1398]

An Act To permit the granting of Federal aid in respect of certain roads and bridges

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provision of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, or of the Federal highway act, the Secretary of Agriculture may extend, on the same basis and in the same manner as in the construction of any free bridge, Federal aid under such acts, in the construction of any toll bridge and approaches thereto, by any State or States, or political subdivision or subdivisions thereof, upon the condition that such bridge is owned and operated by such State or States, or political subdivision or subdivisions thereof, and that all tolls received from the operation thereof, less the actual cost of operation and maintenance, are applied to the repayment to the State or States, or political subdivision or subdivisions thereof, of its or their part of the cost of construction of such bridge, and upon the further condition that when the amount contributed by such State or States, or political subdivision or subdivisions thereof, in the construction of such bridge shall have been repaid from the tolls, the collection of tolls for the use of such bridge shall thereafter cease, and the same shall be maintained and operated as a free bridge.

Approved, March 3, 1927.

DEFICIENCY APPROPRIATION ACT OF DECEMBER 22, 1927

[45 Stat. 12]

An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1928, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1928, and for other purposes

* * * * *

For an additional amount for carrying out the provisions of section 23 of the Federal highway act, approved November 9, 1921, \$1,880,000, to remain available until expended, being part of \$7,500,000 authorized to be appropriated for the fiscal year 1928 by the act approved June 22, 1926, and authorized to be apportioned and prorated among the States and obligated by contracts and otherwise by the agricultural appropriation act for the fiscal year 1928.

* * * * *

Approved December 22, 1927.

AGRICULTURAL APPROPRIATION ACT OF MAY 16, 1928

[45 Stat. 569]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal highway act approved November 9, 1921, including not to exceed \$47,000 for departmental personal services in the District of Columbia, \$7,500,000, which sum is composed of \$3,945,000, part of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1928 by the act approved June 22, 1926, and \$3,555,000, part of the amount authorized to be appropriated for the fiscal year 1929 by the Act approved June 22, 1926: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal highway act, the sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1929, by the act approved June 22, 1926: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916, and of section 23 of the Federal highway act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created thereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$1,500.

FEDERAL AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act as amended, including not to exceed \$420,000 for departmental personal services in the District of Columbia, \$71,000,000, to remain available until ex-

pendent, which sum is composed of \$27,800,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1927, by paragraph 1 of the act approved February 12, 1925, and \$43,200,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1928, by paragraph 1 of the act approved June 22, 1926.

* * * * *

Approved, May 16, 1928.

AMENDMENT OF MAY 21, 1928

[45 Stat. 683]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Federal highway act, approved November 9, 1921 (Forty-second Statutes at Large, page 212), as amended or supplemented, be further amended by adding at the end of the second paragraph thereof the following:

"And provided further, That in the case of any State containing unappropriated public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per centum of the total area of all lands in the State in which the population, as shown by the latest available Federal census, does not exceed ten per square mile of area, the Secretary of Agriculture, upon request from the State highway department of such State, may increase the share payable by the United States to any percentage up to and including the whole cost on projects on the primary system of Federal-aid highways and on projects on the secondary system when the latter is a continuation of a route on the primary system or directly connects with a route on the primary system of an adjoining State, but such State shall allocate and expend during the same fiscal year upon some other project or projects on the Federal-aid system, under the direction of the Secretary of Agriculture, the amount it would have been required to expend upon such project."

SEC. 2. In every case in which, in the judgment of the Secretary of Agriculture and the highway department of the State in question, it shall be practicable to plant and maintain shade trees along the highways authorized by said act of November 9, 1921, and by this act, the planting of such trees shall be included in the specifications provided in section 8 of said act of November 9, 1921.

SEC. 3. The system of Federal-aid highways on which Federal funds may be expended in any State may exceed 7 per centum of the total highway mileage of such State by the mileage of roads on said system within national forest, Indian, or other Federal reservations therein.

SEC. 4. Federal funds may be expended on that portion of a highway or street within a municipality having a population of two thousand five hundred or more, along which from a point on the corporate limits inwardly the houses average more than two hundred feet apart: *Provided*, That no Federal funds shall be expended for the construction of any bridge within or partly within any municipality having a population of more than thirty thousand, as shown by the latest available Federal or State census; but this limitation shall not apply in the case of an interstate bridge, including approaches, connecting such municipality in one State with a point in an adjoining State which may be within a municipality having a population of not more than ten thousand.

SEC. 5. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, May 21, 1928.

AUTHORIZATION OF MAY 26, 1928

[45 Stat. 750]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended:

The sum of \$75,000,000 for the fiscal year ending June 30, 1930.

The sum of \$75,000,000 for the fiscal year ending June 30, 1931.

SEC. 2. For carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23:

The sum of \$7,500,000 for the fiscal year ending June 30, 1930.

The sum of \$7,500,000 for the fiscal year ending June 30, 1931.

SEC. 3. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, May 26, 1928.

APPROPRIATION OF FEBRUARY 16, 1929

[45 Stat. 1220]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1930, and for other purposes

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., p. 668, sec. 23), including not to exceed \$52,400 for departmental personal services in the District of Columbia, \$8,000,000, which sum is composed of \$3,945,000, part of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1929 by the act approved June 22, 1926 (U. S. C., supp. I, p. 117, sec. 23), and \$4,055,000, part of the amount authorized to be appropriated for the fiscal year 1930 by the act approved May 26, 1928 (45 Stat., p. 750): *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal Highway Act, the sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1930, by the act approved May 26, 1928: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the appropriations heretofore, herein, and hereafter made for the purpose of carrying out the provisions of section 8 of the act of July 11, 1916 (U. S. C., pp. 422, 423, sec. 503), and of section 23 of the Federal Highway Act of November 9, 1921, and acts amendatory thereof and supplemental thereto, shall be considered available for the purpose of discharging the obligations created thereunder in any State or Territory: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$1,500.

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (U. S. C., pp. 422, 423, sec. 503), and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act, as amended, including not to exceed \$454,900 for departmental personal services in the District of Columbia, \$74,000,000, to remain available until expended which sum is composed of \$31,800,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1928, and \$42,200,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1929, by paragraph 1 of the act approved June 22, 1926.

* * * * *
Approved, February 16, 1929.

APPROPRIATION OF FEBRUARY 7, 1930

[46 Stat. 67]

Joint Resolution Making an additional appropriation for the fiscal year 1930 for the cooperative construction of rural post roads

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$31,400,000, to remain available until expended, for carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (United States Code, title 16, Section 503), and all acts amendatory thereof and supplementary thereto, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1930, such sum being part of the amount authorized to be appropriated for the fiscal year 1930 by the act approved May 26, 1928 (Forty-fifth Statutes, page 750).

Approved, February 7, 1930.

APPROPRIATION FOR FOREST ROADS AND TRAILS OF MARCH 26, 1930

[46 Stat. 99]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes

* * * * *
Forest roads and trails: For an additional amount for carrying out the provisions of section 23, of the Federal Highway Act, approved November 9, 1921, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1930, \$2,000,000.

* * * * *
Approved, March 26, 1930.

AUTHORIZATION AND AMENDMENT OF APRIL 4, 1930

[46 Stat. 141]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purposes of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States

in the construction of rural post roads, and for other purposes", approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be expended according to the provisions of such act as amended: The sum of \$125,000,000 for the fiscal year ending June 30, 1932; the sum of \$125,000,000 for the fiscal year ending June 30, 1933.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in addition to the authorization approved in section 1 of the act of May 26, 1928, the additional sum of \$50,000,000 for the fiscal year ending June 30, 1931, to be expended in accordance with the provisions of the Federal Highway Acts and all amendments thereof, and supplementary thereto.

SEC. 3. Section 6 of such act of July 11, 1916, as amended and supplemented, is further amended so that the limitation of payments which the Secretary of Agriculture may make is increased to \$25,000 per mile, exclusive of the cost of bridges of more than twenty feet clear span: *Provided*, That the Federal participation shall be limited to \$15,000 per mile until the original certified seven percent system of such State shall have been surfaced: *Provided further*, That any such increase above \$15,000 per mile shall be certified by the Director of the Bureau of Public Roads and the Secretary of Agriculture as securing actual extension of the highway system or economy in its construction: *Provided further*, That the limitation of payments herein provided shall apply to the public-land States, except that the same is hereby increased in proportion to the increased percentage of Federal aid authorized by section 11 of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes', approved July 11, 1916, as amended and supplemented, and for other purposes", approved November 9, 1921, as amended. The provisions of this section relating to the limitation of payments per mile which the Secretary of Agriculture may make shall apply to all funds heretofore appropriated and available for payment to the States on the date of approval of this amendatory act and to all sums hereafter appropriated for carrying out the provisions of such act of July 11, 1916, as amended and supplemented.

SEC. 4. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, April 4, 1930.

AUTHORIZATION FOR FOREST ROADS AND AMENDMENT OF MAY 5, 1930

[46 Stat. 261]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, there is hereby authorized to be appropriated for forest roads and trails, out of any money in the Treasury not otherwise appropriated, the following additional sums, to be available until expended in accordance with the provisions of said section 23: The sum of \$12,500,000 for the fiscal year ending June 30, 1932; the sum of \$12,500,000 for the fiscal year ending June 30, 1933.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in addition to the authorization approved in section 2 of the act of May 26, 1928, the additional sum of \$5,000,000 for the fiscal year ending June 30, 1931, to be expended in accordance with the provisions of section 23 of the Federal Highway Act and acts amendatory thereof or supplementary thereto.

SEC. 3. In the expenditure of any amount in excess of \$7,500,000 from appropriations under the authorization made for each of the fiscal years ending June 30, 1931, June 30, 1932, and June 30, 1933, for carrying out the provisions of section 23 of the Federal Highway Act, the Secretary of Agriculture shall give preference to those projects, which he shall determine are not otherwise satisfactorily financed or provided for, which are located on the Federal-aid highway system

as the same is now or hereafter many be designated: *Provided*, That the projects so preferred on the Federal-aid highway system shall be constructed of the same standard as to width and character of construction as the Federal Government requires of the States under like conditions: *And provided further*, That the Secretary of Agriculture shall prepare, publish, and distribute a map and other information, at least annually, showing the progress made in the expenditure of the funds authorized under this section.

SEC. 4. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, May 5, 1930.

APPROPRIATIONS FOR FEDERAL-AID AND FOREST ROADS AND TRAILS OF MAY 27, 1930

[46 Stat. 426]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1931, and for other purposes

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$53,563 for departmental personal services in the District of Columbia, \$7,500,000, which sum is composed of \$1,445,000, part of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1930 by the act approved May 26, 1928 (45 Stat., p. 750), and \$6,055,000, part of the amount authorized to be appropriated for the fiscal year 1931 by the act approved May 26, 1928: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal Highway Act, the sum of \$7,500,000 authorized to be appropriated for the fiscal year ending June 30, 1931, by the act approved May 26, 1928: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such buildings purchased or constructed under this authorization shall not exceed \$1,500: *Provided further*, That there shall be available from this appropriation not to exceed \$15,000 for the acquisition by purchase, condemnation, gift, grant, dedication, or otherwise of land and not to exceed \$120,000 for the acquisition by purchase or construction of a building or buildings for the storage and repair of Government equipment for use in the construction and maintenance of roads.

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (39 Stat., pp. 355-359), and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act, as amended, including not to exceed \$454,900 for departmental personal services in the District of Columbia, \$75,000,000, to remain available until expended, which sum is composed of \$32,800,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1929, by paragraph 1 of the act approved June 22, 1926, and \$42,200,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1930, by paragraph 1 of the act approved May 26, 1928 (45 Stat., p. 750), and for the erection of a laboratory building in the District of Columbia or elsewhere for permanent quarters for the testing and research work of the Bureau of Public Roads, and for the acquisition, by purchase, condemnation, gift, grant, dedication, or otherwise, of such lands as he may

deem necessary to provide a suitable site for such laboratory not to exceed \$300,000, to be paid from the administrative funds authorized by the act approved November 9, 1921, and acts amendatory thereof or supplemental thereto, appropriated herein. On and after the passage of this act the unexpended balance of the appropriation of \$75,000 made by the act approved March 4, 1917 (U. S. Stat. L., vol. 39, p. 1161), for such a laboratory on the Arlington farm property of the United States Department of Agriculture shall cease to be available and shall be covered into the Treasury.

* * * * *

Approved, May 27, 1930.

AMENDMENT RELATIVE TO CONSTRUCTION OF ROADS THROUGH PUBLIC LANDS AND FEDERAL RESERVATIONS

[46 Stat. 805]

An Act To amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Highway Act, approved November 9, 1921 (Forty-second Statutes at Large, page 212), as amended or supplemented, be further amended by amending the second paragraph of section 3 of said Federal Highway Act to read as follows:

"The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior, in the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations. Such sums as the Congress may hereafter authorize to be appropriated under the provisions of this section shall be apportioned among those States having more than 5 per centum of their area in the lands hereinbefore described and shall be prorated and apportioned to said States in the proportion that said lands in each of said States is to the total area of said lands in the States eligible under the provisions of this section, and no contribution from the States shall be required in the expenditure thereof: *Provided*, That in the allocation of any such funds authorized to be appropriated under this section or any subsequent act preference shall be given to those projects which are located on the Federal-aid highway system as the same are now or may hereafter be designated.

"The Secretary of Agriculture shall prepare, publish, and distribute a map and other information, at least annually, showing the progress made in the expenditures of the funds authorized under this section."

SEC. 2. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, June 24, 1930.

APPROPRIATION FOR FOREST ROADS AND TRAILS OF JULY 3, 1930

[46 Stat. 872]

An Act Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes

* * * * *

Forest roads and trails: For an additional amount for carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1931, and including not to exceed \$24,500 for departmental personal services in the District of Columbia, \$3,500,000, which sum is composed of \$1,445,000, part of the sum of \$7,500,000 authorized to be appropriated for the fiscal year 1931 by the act approved May 26, 1928, and \$2,055,000, part of the sum of \$5,000,000 authorized to be appropriated for the fiscal year 1931, by the act approved May 5, 1930: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among

the several States, Alaska, and Porto Rico, as provided in section 23 of the said Federal Highway Act, the sum of \$5,000,000 authorized to be appropriated for the fiscal year ending June 30, 1931, by the act approved May 5, 1930: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment.

* * * * *

Approved, July 3, 1930.

APPROPRIATION OF DECEMBER 20, 1930, TO PROVIDE FOR EMERGENCY CONSTRUCTION

[46 Stat. 1031]

An Act Making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment

* * * * *

SPECIAL ROAD ITEMS

National forest highways: For the construction and improvement of highways within the boundaries of the national forests, fiscal year 1931, \$3,000,000.

Roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth: For the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, under the provisions of the act entitled "An act to amend the act entitled 'An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes,' approved July 11, 1916, as amended and supplemented, and for other purposes," approved June 24, 1930 (46 Stat., p. 805), fiscal year 1931, \$3,000,000.

Federal-aid highway system: For apportionment to the several States under the provisions of the Federal Highway Act, as amended, as a temporary advance of funds to meet the provisions of such act as to State funds required on Federal-aid projects, \$80,000,000: *Provided*, That the sums so advanced shall be reimbursed to the Federal Government over a period of five years, commencing with the fiscal year 1933, by making deductions from regular apportionments made from future authorizations for carrying out the provisions of such act as amended and supplemented: *Provided further*, That the amounts advanced in consequence hereof shall be limited in each case to the sum actually paid out by a State under such advance for work performed before September 1, 1931, for the construction of Federal-aid projects: *Provided further*, That should any State fail to claim any part of its allotment hereunder the President may reappropriate such unclaimed funds to States capable of using them prior to September 1, 1931.

* * * * *

Approved, December 20, 1930.

APPROPRIATION OF FEBRUARY 6, 1931

[46 Stat. 1068]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1931, and for prior fiscal years, to provide urgent supplemental appropriations for the fiscal year ending June 30, 1931, and for other purposes

* * * * *

Federal-aid highway system: For an additional amount for carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (39 Stat., pp. 355-359), and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act, as amended, including not to exceed \$68,235 for departmental personal serv-

ices in the District of Columbia, \$34,000,000, to remain available until expended, which sum is composed of \$1,400,000, the remainder of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1930, and \$32,600,000, part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1931, by paragraph 1 of the act approved May 26, 1928.

* * * * *
Approved, February 6, 1931.

AMENDMENT OF FEBRUARY 20, 1931

[46 Stat. 1173]

An Act To amend the Federal Highway Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Highway Act approved November 9, 1921 (42 Stat. L. 212), as amended or supplemented, be further amended by inserting after section 3 a new section, to be numbered 3a, and to read as follows:

"Sec. 3a. The Secretary of Agriculture is authorized to cooperate with the State highway departments and with the Department of the Interior in the construction of public highways within Indian reservations, and to pay the amount assumed therefor from the funds allotted or apportioned under this act to the State wherein the reservation is located."

Sec. 2. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

Approved, February 20, 1931.

AMENDMENT OF FEBRUARY 23, 1931, PERTAINING TO HAWAII

[46 Stat. 1415]

An Act To amend the act entitled "An act to extend the provisions of certain laws to the Territory of Hawaii," approved March 10, 1924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the act entitled "An act to extend the provisions of certain laws to the Territory of Hawaii", approved March 10, 1924 (43 Stat. 17), is hereby amended by adding at the end thereof the following: "Provided further, That the system of roads on which Federal-aid apportionments to the Territory of Hawaii shall be expended may be determined and agreed upon by the governor of said Territory and the Secretary of Agriculture without regard to the limitations in section 6 of the Federal Highway Act respecting the selection and designation of such system of roads; and when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions: *And provided further*, That there is authorized to be paid from funds heretofore authorized, appropriated, allocated, and unobligated under the Federal Highway Act a sum not to exceed \$880,000 for the purpose of road construction in the Territory of Hawaii, which sum equals the amount such Territory would have received for roads built and incorporated upon the 7 per centum system as approved, during the period from 1917 to 1925. The Secretary of the Treasury shall pay to the Territory of Hawaii, or to such official or depository as may be designated by it, on warrants drawn by the Secretary of Agriculture, such part of such sum as may from time to time be necessary for the construction or reconstruction of any highway in such Territory the project for which has been approved by the Secretary of Agriculture. The provisions of this act shall in no way impair the right of such Territory to receive the benefits of the Federal Highway Act."

Approved, February 23, 1931.

APPROPRIATION OF FEBRUARY 23, 1931

[46 Stat. 1242]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$79,090 for departmental personal services in the District of Columbia, \$12,500,000, which sum is composed of \$2,945,000, part of the sum of \$12,500,000 authorized to be appropriated for the fiscal year 1931 by the acts approved May 26, 1928 (45 Stat., p. 750), and May 5, 1930 (46 Stat., p. 261), and \$9,555,000, part of the amount authorized to be appropriated for the fiscal year 1932 by the act approved May 5, 1930: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal Highway Act, the sum of \$12,500,000 authorized to be appropriated for the fiscal year ending June 30, 1932, by the act approved May 5, 1930: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$2,500: *Provided further*, That there shall be available from this appropriation not to exceed \$15,000 for the acquisition by purchase, condemnation, gift, grant, dedication, or otherwise of land and not to exceed \$120,000 for the acquisition by purchase or construction of a building or buildings for the storage and repair of Government equipment for use in the construction and maintenance of roads.

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (39 Stat., pp. 355-359), and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act, as amended, including not to exceed \$579,110 for departmental personal services in the District of Columbia, \$125,000,000, to be immediately available and to remain available until expended, which sum is composed of \$42,400,000, a part of the sum of \$75,000,000 authorized to be appropriated for the fiscal year ending June 30, 1931, by paragraph 1 of the act approved May 26, 1928 (45 Stat., p. 750), and \$50,000,000, the sum authorized to be appropriated for the fiscal year ending June 30, 1931, by paragraph 2 of the act approved April 4, 1930 (46 Stat., p. 141), and \$32,600,000, part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1932, by paragraph 1 of the act approved April 4, 1930 (46 Stat., p. 141).

* * * * *

Approved, February 23, 1931.

APPROPRIATION OF FEBRUARY 2, 1932

[47 Stat. 20]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1932, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1932, and for other purposes

* * * * *

Federal-aid highway system: For an additional amount for carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat. 355-359), and all acts amendatory thereof and supplementary thereto, including the same objects specified under this head in the Agricultural Appropriation Act for the fiscal year 1932, including not to exceed \$142,434 for departmental personal services in the District of Columbia, \$50,000,000, to remain available until expended, being a part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1932, by paragraph 1 of the act approved April 4, 1930 (46 Stat. 141).

* * * * *

Approved, February 2, 1932.

APPROPRIATION OF JULY 7, 1932

[47 Stat. 634, 644]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1933, and for other purposes

* * * * *

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat., pp. 355-359), and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act, as amended, including not to exceed \$733,100 for departmental personal services in the District of Columbia, \$100,000,000, to be immediately available and to remain available until expended, which sum is composed of \$42,400,000, a part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1932, by paragraph 1 of the act approved April 4, 1930 (46 Stat., p. 141), and \$57,600,000, part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1933, by paragraph 1 of the act approved April 4, 1930 (46 Stat., p. 141): *Provided*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be directly employed, except this provision shall not apply to convict labor performed by convicts on parole or probation.

* * * * *

The appropriation of \$3,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth, contained in the act entitled "An act making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment," approved December 20, 1930, is hereby continued available during the fiscal year 1933, and not to exceed \$4,760 may be used for personal services in the District of Columbia.

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$81,020 for departmental personal services in the District of Columbia, \$8,905,000, which sum is composed of \$2,945,000, part of the sum of \$12,500,000 authorized to be appropriated for the fiscal year 1932 by the act approved May 5, 1930 (46 Stat., p. 261), and \$5,960,000, part of the amount authorized to be appro-

appropriated for the fiscal year 1933 by the act approved May 5, 1930: *Provided*, That the Secretary of Agriculture shall, upon the approval of this act, apportion and prorate among the several States, Alaska, and Porto Rico, as provided in section 23 of said Federal Highway Act, the sum of \$12,500,000 authorized to be appropriated for the fiscal year ending June 30, 1933, by the act approved May 5, 1930: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That the total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$2,500: *Provided further*, That during the fiscal year ending June 30, 1933, the expenditures on forest highways in Alaska from the amount herein appropriated or from similar appropriations heretofore made shall not exceed \$350,000, and the apportionment for forest highways in Alaska from the sum of \$12,500,000 authorized to be appropriated for the fiscal year 1933 shall be \$350,000.

* * * * *

Approved, July 7, 1932.

EMERGENCY RELIEF AND CONSTRUCTION ACT OF 1932

[47 Stat. 709]

An Act To relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by providing for and expediting a public-works program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act may be cited as the "Emergency Relief and Construction Act of 1932."

TITLE I—RELIEF OF DESTITUTION

SECTION 1. (a) The Reconstruction Finance Corporation is authorized and empowered to make available out of the funds of the corporation the sum of \$300,000,000, under the terms and conditions hereinafter set forth, to the several States and Territories, to be used in furnishing relief and work relief to needy and distressed people and in relieving the hardship resulting from unemployment, but not more than 15 per centum of such sum shall be available to any one State or Territory. Such sum of \$300,000,000 shall, until the expiration of two years after the date of enactment of this act, be available for payment to the governors of the several States and Territories for the purposes of this section, upon application therefor by them in accordance with subsection (c), and upon approval of such applications by the corporation.

(b) All amounts paid under this section shall bear interest at the rate of 3 per centum per annum, and, except in the case of Puerto Rico and the Territory of Alaska, shall be reimbursed to the corporation, with interest thereon at the rate of 3 per centum per annum, by making annual deductions, beginning with the fiscal year 1935, from regular apportionments made from future Federal authorizations in aid of the States and Territories for the construction of highways and rural post roads, of an amount equal to one-fifth of the share which such State or Territory would be entitled to receive under such apportionment, except for the provisions of this section, or of an amount equal to one-fifth of the amounts so paid to the governor of such State or Territory pursuant to this section and all accrued interest thereon to the date of such deduction, whichever is the lesser, until the sum of such deductions equals the total amounts paid under this section and all accrued interest thereon. Whenever any such deduction is made, the Secretary of the Treasury shall immediately pay to the corporation an amount equal to the amount so deducted. If any State or Territory shall, within two years after the date of enactment of this act, enter into an agreement with the corporation for the repayment to the corporation of the amounts paid under this section to the governor of such State or Territory, with interest

thereon as herein provided, in such installments and upon such terms as may be agreed upon, then the deduction under this subsection shall not be made unless such State or Territory shall be in default in the performance of the terms of such agreement. In the case of a default by the State or Territory in any such agreement, the agreement shall thereupon be terminated and reimbursement of the unpaid balance of the amount covered by such agreement shall be made by making annual deductions in the manner above provided (beginning with the fiscal year next following such default) from regular apportionments made to such State or Territory from future Federal authorizations in aid of the States and Territories for the construction of highways and rural post roads. Before any amount is paid under this section to the Governor of Puerto Rico or of the Territory of Alaska, Puerto Rico or the Territory of Alaska shall enter into an agreement with the corporation for the repayment of such amount with interest thereon as herein provided, in such installments and upon such terms and conditions as may be agreed upon.

(c) The governor of any State or Territory may from time to time make application for funds under this section, and in each application so made shall certify the necessity for such funds and that the resources of the State or Territory, including moneys then available and which can be made available by the State or Territory, its political subdivisions, and private contributions, are inadequate to meet its relief needs. All amounts paid to the governor of a State or Territory under this section shall be administered by the governor, or under his direction, and upon his responsibility. The governor shall file with the corporation and with the auditor of the State or Territory (or, if there is no auditor, then with the official exercising comparable authority) a statement of the disbursements made by him under this section.

* * * * *

(e) Any portion of the amount approved by the corporation for payment to the governor of a State or Territory shall, at his request, and with the approval of the corporation, be paid to any municipality or political subdivision of such State or Territory if (1) the governor makes as to such municipality or political subdivision a like certificate as provided in subsection (c) as to the State or Territory, and (2) such municipality or political subdivision enters into an agreement with the corporation for the repayment to the corporation of the amount so paid, with interest at the rate of 3 per centum per annum, at such times, and upon such other terms and conditions, as may be agreed upon between the corporation and such municipality or political subdivision. The amount paid to any municipality or political subdivision under this subsection shall not be included in any amounts reimbursable to the corporation under subsection (b) of this section.

(f) As used in this section the term "Territory" means Alaska, Hawaii, and Puerto Rico.

* * * * *

TITLE III—PUBLIC WORKS

SEC. 301. (a) For the purpose of providing for emergency construction of certain authorized public works with a view to increasing employment and carrying out the policy declared in the Employment Stabilization Act of 1931, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$322,224,000, which shall be allocated as follows:

(1) For expenditure in emergency construction on the Federal-aid highway system, \$120,000,000. Such sum shall be apportioned by the Secretary of Agriculture to the several States by the method provided in section 21 of the Federal Highway Act, as amended and supplemented (U. S. C., title 23, sec. 21). The amounts apportioned to the States shall be available as a temporary advance of funds to meet the provisions of such act as to State funds. The amount apportioned to any State under this paragraph may be used to match the regular annual Federal-aid apportionments made to such State (including the one for the fiscal year ending June 30, 1933), and when so used such amount shall be available for expenditure in paying the share of such State in the cost of Federal-aid projects. No amounts apportioned under this paragraph shall be advanced except for work on the Federal-aid highway system performed before July 1, 1933: *Provided*, That the amounts so advanced shall be reimbursed to the Federal Government over a period of ten years, commencing with the fiscal year 1938, by making annual deductions from regular apportionments made from future authorizations for carrying out the provisions of such act, as amended and supple-

mented: *Provided further*, That all contracts involving the expenditure of such amounts shall contain provisions establishing minimum rates of wages, to be predetermined by the State highway department, which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work: *And provided further*, That in the expenditure of such amounts, the limitations in the Federal Highway Act, as amended and supplemented, upon highway construction, reconstruction, and bridges within municipalities and upon payments per mile which may be made from Federal funds, shall not apply. As used in this paragraph, the term "State" includes the Territory of Hawaii. The term "highway," as defined in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, for the purposes of this paragraph only, shall be deemed to include such main State parkways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system.

(2) For expenditure in emergency construction during the fiscal year ending June 30, 1933, \$16,000,000, as follows: (A) For the construction and improvement of national-forest highways, \$5,000,000; (B) for the construction and maintenance of roads, trails, bridges, fire lanes, and so forth, including the same objects specified in the paragraph commencing with the words "Improvement of the national forests" under the heading "National Forest Administration" in the Agricultural Appropriation Act for the fiscal year ending June 30, 1932, approved February 23, 1931 (46 Stat. 1242), \$5,000,000; (C) for the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and national monuments under the jurisdiction of the Department of the Interior, including areas to be established as national parks authorized under the act of May 22, 1926 (U. S. C., supp. V, title 16, secs. 403 to 403c), and under the act of May 25, 1926 (U. S. C., supp. V, title 16, secs. 404 to 404c), and national park and monument approach roads authorized by the act of January 31, 1931 (46 Stat. 1053), as amended, or any one section of such roads of not less than eight miles, which crosses lands wholly or to the extent of 90 per centum owned by the Government of the United States, \$3,000,000; (D) for construction and improvement of Indian reservation roads under the provisions of the act approved May 26, 1928 (U. S. C., supp. V, title 25, sec. 318a), \$1,000,000; and (E) for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, under the provisions of section 3 of the Federal Highway Act, as amended and supplemented (U. S. C., supp. V, title 23, secs. 3 and 3a), \$2,000,000. The Secretary of Agriculture and the Secretary of the Interior, respectively, are authorized to make rules and regulations for carrying out the foregoing provisions of this section with a view to providing the maximum employment of local labor consistent with reasonable economy of construction.

* * * * *

SEC. 304. The last paragraph of section 6 of the Federal Highway Act, approved November 9, 1921, as amended and supplemented (U. S. C., title 23, sec. 6), is hereby amended to read as follows:

"Whenever provision has been made by any State for the completion and maintenance of 90 per centum of its system of primary or interstate and secondary or intercounty highways equal to 7 per centum of the total mileage of such State, as required by this act, said State through its State highway department, by and with the approval of the Secretary of Agriculture, is hereby authorized to increase the mileage of the primary or interstate and secondary or intercounty systems by additional mileage equal to not more than 1 per centum of said total mileage of such State, and thereafter to make like increases in the mileage of said systems whenever provision has been made for the completion and maintenance of 90 per centum of the mileage of said systems previously authorized in accordance herewith."

* * * * *

SEC. 307. All contracts let for construction projects pursuant to this title shall be subject to the conditions that no convict labor shall be directly employed on any such project, and that (except in executive, administrative, and supervisory positions), so far as practicable, no individual directly employed on any such project shall be permitted to work more than thirty hours in any one week, and that in the employment of labor in connection with any such project, preference shall be given, where they are qualified, to ex-service men with dependents.

* * * * *

Approved, July 21, 1932.

APPROPRIATION OF MARCH 3, 1933

[47 STAT. 1455-1457]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1934 and for other purposes

* * * * *

BUREAU OF PUBLIC ROADS

For necessary expenses of the Bureau of Public Roads, including salaries and the employment of labor in the city of Washington and elsewhere, supplies, office and laboratory fixtures and apparatus, traveling and other necessary expenses; for conducting research and investigational studies, either independently or in cooperation with State highway departments, or other agencies, including studies of highway administration, legislation, finance, economics, transport, construction, operation, maintenance, utilization, and safety, and of street and highway traffic control; investigations and experiments in the best methods of road making, especially by the use of local materials; studies of types of mechanical plants and appliances used for road building and maintenance and of methods of road repair and maintenance suited to the needs of different localities; and maintenance and repairs of experimental highways, including the purchase of materials and equipment; for furnishing expert advice on these subjects; for collating, reporting, and illustrating the results of same; and for preparing, publishing, and distributing bulletins and reports; to be paid from any moneys available from the administrative funds provided under the act of July 11, 1916 (U. S. C., title 23, sec. 21), as amended, or as otherwise provided.

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (39 Stat., pp. 355-359), and all acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said act, as amended, including not to exceed \$672,009 for departmental personal services in the District of Columbia, \$35,000,000, to be immediately available and to remain available until expended, which sum is a part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1933, by section 1 of the act approved April 4, 1930 (46 Stat., p. 141), after deducting \$15,840,743.86 in making the apportionment of said authorization to the States, in accordance with the act of December 20, 1930 (46 Stat., p. 1031): *Provided*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided further*, That not to exceed \$45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (U. S. C., title 23, secs. 21 and 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said act, including the replacement of not to exceed one such vehicle for use in the administrative work of the Bureau of Public Roads in the District of Columbia: *Provided further*, That whenever performing authorized engineering or other services in connection with the survey, construction and maintenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned: *Provided*, That hereafter in the administration of the Federal Highway Act and acts amendatory thereof or supplementary thereto, the first paragraph of section 9 of the act of November 9, 1921, shall not apply to publicly owned toll bridges or approaches thereto, constructed and operated by the highway department of any State, subject, however, to the condition that all tolls received from the operation of any such bridge, less the actual cost of operation and maintenance, shall be applied to the repayment of the cost of its construction, and when the cost of its construction shall have been repaid in full, such bridge thereafter shall be maintained and operated as a free bridge.

The appropriation of \$3,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth, contained in the act entitled "An act making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30,

1931, with a view to increasing employment," approved December 20, 1930, is hereby continued available during the fiscal year 1934.

The appropriation of \$2,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth, contained in the act entitled "An act to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by providing for and expediting a public-works program," approved July 21, 1932, is hereby continued available during the fiscal year 1934, and not to exceed \$4,373 may be used for personal services in the District of Columbia.

* * * * *

That paragraph (1) of subsection (a) of section 301 of title 3 of the Emergency Relief and Construction Act of 1932 is amended by striking out the date of "July 1, 1933," where it appears in said paragraph and inserting in lieu thereof the date "January 1, 1934."

Total, Bureau of Public Roads, \$35,000,000.

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$74,269 for departmental personal services in the District of Columbia, \$4,457,400, a part of the amount authorized to be appropriated for the fiscal year 1933 by the act approved May 5, 1930: *Provided*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$2,500: *Provided further*, That during the fiscal year ending June 30, 1934, the expenditures on forest highways in Alaska from the amount herein appropriated or from similar appropriations heretofore made shall not exceed \$350,000.

The appropriation of \$800,000 for the construction on Government Island, Alameda, California, of buildings required by the Bureau of Public Roads and Forest Service of the Department of Agriculture and the Coast Guard of the Treasury Department, contained in the act entitled "An act making supplemental appropriations for the fiscal years ending June 30, 1931, and June 30, 1932", approved March 4, 1931, is hereby continued available during the fiscal year 1934.

The appropriation of \$5,000,000 for construction and improvement of national-forest highways contained in the act entitled "An act to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by providing for and expediting a public-works program", approved July 21, 1932, is hereby continued available during the fiscal year 1934.

* * * * *

Approved, March 3, 1933.

NATIONAL INDUSTRIAL RECOVERY ACT

[48 STAT. 200]

An Act To encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes

* * * * *

TITLE II—PUBLIC WORKS AND CONSTRUCTION PROJECTS

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

SECTION 201. (a) To effectuate the purposes of this title, the President is hereby authorized to create a Federal Emergency Administration of Public Works, all the powers of which shall be exercised by a Federal Emergency Administrator of Public Works (hereafter referred to as the "Administrator"), and to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint, without regard to the civil service laws, such officers and employees, and to utilize such Federal officers and employees, and, with the consent of the State, such State and local officers and employees as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classification Act of 1923, as amended, to fix the compensation of any

officers and employees so appointed. The President may delegate any of his functions and powers under this title to such officers, agents, and employees as he may designate or appoint.

(b) The Administrator may, without regard to the civil service laws or the Classification Act of 1923, as amended, appoint and fix the compensation of such experts and such other officers and employees as are necessary to carry out the provisions of this title; and may make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere, for law books and books of reference, and for paper, printing and binding) as are necessary to carry out the provisions of this title.

(c) All such compensation, expenses, and allowances shall be paid out of funds made available by this act.

(d) After the expiration of two years after the date of the enactment of this act, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 has ended, the President shall not make any further loans or grants or enter upon any new construction under this title, and any agencies established hereunder shall cease to exist and any of their remaining functions shall be transferred to such departments of the Government as the President shall designate: *Provided*, That he may issue funds to a borrower under this title prior to January 23, 1939, under the terms of any agreement, or any commitment to bid upon or purchase bonds, entered into with such borrower prior to the date of termination, under this section, of the power of the President to make loans.

SEC. 202. The Administrator, under the direction of the President, shall prepare a comprehensive program of public works, which shall include among other things the following: (a) Construction, repair, and improvement of public highways and parkways, public buildings, and any publicly owned instrumentalities and facilities; (b) conservation and development of natural resources, including control, utilization, and purification of waters, prevention of soil or coastal erosion, development of water power, transmission of electrical energy, and construction of river and harbor improvements and flood control and also the construction of any river or drainage improvement required to perform or satisfy any obligation incurred by the United States through a treaty with a foreign Government heretofore ratified and to restore or develop for the use of any State or its citizens water taken from or denied to them by performance on the part of the United States of treaty obligations heretofore assumed: *Provided*, That no river or harbor improvements shall be carried out unless they shall have heretofore or hereafter been adopted by the Congress or are recommended by the Chief of Engineers of the United States Army; (c) any projects of the character heretofore constructed or carried on either directly by public authority or with public aid to serve the interests of the general public; (d) construction, reconstruction, alteration, or repair under public regulation or control of low-cost housing and slum-clearance projects; (e) any project (other than those included in the foregoing classes) of any character heretofore eligible for loans under subsection (a) of section 201 of the Emergency Relief and Construction Act of 1932, as amended, and paragraph (3) of such subsection (a) shall for such purposes be held to include loans for the construction or completion of hospitals the operation of which is partly financed from public funds, and of reservoirs and pumping plants and for the construction of dry docks; and if in the opinion of the President it seems desirable, the construction of naval vessels within the terms and/or limits established by the London Naval Treaty of 1930 and of aircraft required therefor and construction of heavier-than-air aircraft and technical construction for the Army Air Corps and such Army housing projects as the President may approve, and provision of original equipment for the mechanization or motorization of such Army tactical units as he may designate: *Provided, however*, That in the event of an international agreement for the further limitation of armament, to which the United States is signatory, the President is hereby authorized and empowered to suspend, in whole or in part, any such naval or military construction or mechanization and motorization of Army units: *Provided further*, That this title shall not be applicable to public works under the jurisdiction or control of the Architect of the Capitol or of any commission or committee for which such Architect is the contracting and/or executive officer.

SEC. 203. (a) With a view to increasing employment quickly (while reasonably securing any loans made by the United States) the President is authorized and empowered, through the Administrator or through such other agencies as he may designate or create, (1) to construct, finance, or aid in the construction or financing of any public-works project included in the program prepared pursuant to section

202; (2) upon such terms as the President shall prescribe, to make grants to States, municipalities, or other public bodies for the construction, repair, or improvement of any such project, but no such grant shall be in excess of 30 per centum of the cost of the labor and materials employed upon such project; (3) to acquire by purchase, or by exercise of the power of eminent domain, any real or personal property in connection with the construction of any such project, and to sell any security acquired or any property so constructed or acquired or to lease any such property with or without the privilege of purchase: *Provided*, That all moneys received from any such sale or lease or the repayment of any loan shall be used to retire obligations issued pursuant to section 209 of this act, in addition to any other moneys required to be used for such purpose; (4) to aid in the financing of such railroad maintenance and equipment as may be approved by the Interstate Commerce Commission as desirable for the improvement of transportation facilities; and (5) to advance, upon request of the Commission having jurisdiction of the project, the unappropriated balance of the sum authorized for carrying out the provisions of the act entitled "An act to provide for the construction and equipment of an annex to the Library of Congress", approved June 13, 1930 (46 Stat. 583); such advance to be expended under the direction of such Commission and in accordance with such act: *Provided*, That in deciding to extend any aid or grant hereunder to any State, county, or municipality the President may consider whether action is in process or in good faith assured therein reasonably designed to bring the ordinary current expenditures thereof within the prudently estimated revenues thereof. The provisions of this section and section 202 shall extend to public works in the several States, Hawaii, Alaska, the District of Columbia, Puerto Rico, the Canal Zone, and the Virgin Islands.

(b) All expenditures for authorized travel by officers and employees, including subsistence, required on account of any Federal public-works projects, shall be charged to the amounts allocated to such projects, notwithstanding any other provisions of law; and there is authorized to be employed such personal services in the District of Columbia and elsewhere as may be required to be engaged upon such work and to be in addition to employees otherwise provided for, the compensation of such additional personal services to be a charge against the funds made available for such construction work.

(c) In the acquisition of any land or site for the purposes of Federal public buildings and in the construction of such buildings provided for in this title, the provisions contained in sections 305 and 306 of the Emergency Relief and Construction Act of 1932, as amended, shall apply.

(d) The President, in his discretion, and under such terms as he may prescribe, may extend any of the benefits of this title to any State, county, or municipality notwithstanding any constitutional or legal restriction or limitation on the right or power of such State, county, or municipality to borrow money or incur indebtedness.

SEC. 204. (a) For the purpose of providing for emergency construction of public highways and related projects, the President is authorized to make grants to the highway departments of the several States in an amount not less than \$400,000,000, to be expended by such departments in accordance with the provisions of the Federal Highway Act, approved November 9, 1921, as amended and supplemented, except as provided in this title, as follows:

(1) For expenditure in emergency construction on the Federal-aid highway system and extensions thereof into and through municipalities. The amount apportioned to any State under this paragraph may be used to pay all or any part of the cost of surveys, plans, and of highway and bridge construction including the elimination of hazards to highway traffic, such as the separation of grades at crossing, the reconstruction of existing railroad grade crossing structures, the relocation of highways to eliminate railroad crossings, the widening of narrow bridges and roadways, the building of footpaths, the replacement of unsafe bridges, the construction of routes to avoid congested areas, the construction of facilities to improve accessibility and the free flow of traffic, and the cost of any other construction that will provide safer traffic facilities or definitely eliminate existing hazards to pedestrian or vehicular traffic. No funds made available by this title shall be used for the acquisition of any land, right of way, or easement in connection with any railroad grade elimination project.

(2) For expenditure in emergency construction on secondary or feeder roads to be agreed upon by the State highway departments and the Secretary of Agriculture: *Provided*, That the State or responsible political subdivision shall provide for the proper maintenance of said roads. Such grants shall be available for payment of the full cost of surveys, plans, improvement, and construction of

secondary or feeder roads, on which projects shall be submitted by the State highway department and approved by the Secretary of Agriculture.

(b) Any amounts allocated by the President for grants under subsection (a) of this section shall be apportioned among the several States seven-eighths in accordance with the provisions of section 21 of the Federal Highway Act, approved November 9, 1921, as amended and supplemented (which act is hereby further amended for the purposes of this title to include the District of Columbia), and one-eighth in the ratio which the population of each State bears to the total population of the United States, according to the latest decennial census and shall be available on July 1, 1933, and shall remain available until expended; but no part of the funds apportioned to any State need be matched by the State, and such funds may also be used in lieu of State funds to match unobligated balances of previous apportionments of regular Federal-aid appropriations.

(c) All contracts involving the expenditure of such grants shall contain provisions establishing minimum rates of wages, to be predetermined by the State highway department, which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids, and shall be included in proposals for bids for the work.

(d) In the expenditure of such amounts, the limitations in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, upon highway construction, reconstruction, and bridges within municipalities and upon payments per mile which may be made from Federal funds, shall not apply.

(e) As used in this section the term "State" includes the Territory of Hawaii and the District of Columbia. The term "highway" as defined in the Federal Highway Act approved November 9, 1921, as amended and supplemented, for the purposes of this section, shall be deemed to include such main parkways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system.

(f) Whenever, in connection with the construction of any highway project under this section or section 202 of this act, it is necessary to acquire rights of way over or through any property or tracts of land owned and controlled by the Government of the United States, it shall be the duty of the proper official of the Government of the United States having control of such property or tracts of land with the approval of the President and the Attorney General of the United States, and without any expense whatsoever to the United States, to perform any acts and to execute any agreements necessary to grant the rights of way so required, but if at any time the land or the property the subject of the agreement shall cease to be used for the purposes of the highway, the title in and the jurisdiction over the land or property shall automatically revert to the Government of the United States and the agreement shall so provide.

(g) Hereafter in the administration of the Federal Highway Act, and acts amendatory thereof or supplementary thereto, the first paragraph of section 9 of said act shall not apply to publicly owned toll bridges or approaches thereto, operated by the highway department of any State, subject, however, to the condition that all tolls received from the operation of any such bridge, less the actual cost of operation and maintenance, shall be applied to the repayment of the cost of its construction or acquisition, and when the cost of its construction or acquisition shall have been repaid in full, such bridge thereafter shall be maintained and operated as a free bridge.

Sec. 205. (a) Not less than \$50,000,000 of the amount made available by this act shall be allotted for (A) national forest highways, (B) national forest roads, trails, bridges, and related projects, (C) national park roads and trails in national parks owned or authorized, (D) roads on Indian reservations, and (E) roads through public lands, to be expended in the same manner as provided in paragraph (2) of section 301 of the Emergency Relief and Construction Act of 1932, in the case of appropriations allocated for such purposes, respectively, in such section 301, to remain available until expended.

(b) The President may also allot funds made available by this act for the construction, repair, and improvement of public highways in Alaska, the Canal Zone, Puerto Rico, and the Virgin Islands.

Sec. 206. All contracts let for construction projects and all loans and grants pursuant to this title shall contain such provisions as are necessary to insure (1) that no convict labor shall be employed on any such project; (2) that (except in executive, administrative, and supervisory positions), so far as practicable and feasible, no individual directly employed on any such project shall be permitted to work more than thirty hours in any one week; (3) that all employees shall be paid just and reasonable wages which shall be compensation sufficient to provide, for the hours of labor as limited, a standard of living in decency

and comfort; (4) that in the employment of labor in connection with any such project, preference shall be given, where they are qualified, to ex-service men with dependents, and then in the following order: (A) To citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the political subdivision and/or county in which the work is to be performed, and (B) to citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the State, Territory, or district in which the work is to be performed: *Provided*, That these preferences shall apply only where such labor is available and qualified to perform the work to which the employment relates; and (5) that the maximum of human labor shall be used in lieu of machinery wherever practicable and consistent with sound economy and public advantage.

SEC. 207. (a) For the purpose of expediting the actual construction of public works contemplated by this title and to provide a means of financial assistance to persons under contract with the United States to perform such construction, the President is authorized and empowered, through the Administrator or through such other agencies as he may designate or create, to approve any assignment executed by any such contractor, with the written consent of the surety or sureties upon the penal bond executed in connection with his contract, to any national or State bank, or his claim against the United States, or any part of such claim, under such contract; and any assignment so approved shall be valid for all purposes, notwithstanding the provisions of sections 3737 and 3477 of the Revised Statutes, as amended.

(b) The funds received by a contractor under any advances made in consideration of any such assignment are hereby declared to be trust funds in the hands of such contractor to be first applied to the payment of claims of subcontractors, architects, engineers, surveyors, laborers, and material men in connection with the project, to the payment of premiums on the penal bond or bonds, and premiums accruing during the construction of such project on insurance policies taken in connection therewith. Any contractor and any officer, director, or agent of any such contractor, who applies, or consents to the application of, such funds for any other purpose and fails to pay any claim or premium hereinbefore mentioned, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

(c) Nothing in this section shall be considered as imposing upon the assignee any obligation to see to the proper application of the funds advanced by the assignee in consideration of such assignment.

* * * * *

RULES AND REGULATIONS

SEC. 209. The President is authorized to prescribe such rules and regulations as may be necessary to carry out the purposes of this title, and any violation of any such rule or regulation shall be punishable by fine of not to exceed \$500 or imprisonment not to exceed six months, or both.

* * * * *

APPROPRIATION

SEC. 220. For the purposes of this act, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$3,300,000,000. The President is authorized to allocate so much of said sum, not in excess of \$100,000,000, as he may determine to be necessary for expenditures in carrying out the Agricultural Adjustment Act and the purposes, powers, and functions heretofore and hereafter conferred upon the Farm Credit Administration.

* * * * *

Approved, June 16, 1933.

FOURTH DEFICIENCY ACT, FISCAL YEAR 1933

[48 Stat. 275]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1933, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1933, and June 30, 1934, and for other purposes

* * * * *

EXECUTIVE OFFICE AND INDEPENDENT ESTABLISHMENTS

NATIONAL INDUSTRIAL RECOVERY AND TENNESSEE VALLEY AUTHORITY

For the purpose of carrying into effect the provisions of the Act entitled "An Act to encourage national industrial recovery, to foster fair competition, and to provide for the construction of certain useful public works, and for other purposes", approved June 16, 1933, and also for the purpose of carrying into effect the provisions of the Act entitled "An Act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933, and for each and every object thereof, to be expended in the discretion and under the direction of the President, to be immediately available, and except as hereinafter provided to remain available until June 30, 1935, \$3,300,000,000; of which not to exceed \$50,000,000 shall be available to the Board of Directors of the Tennessee Valley Authority, and to remain available until expended, for the purpose of carrying out the provisions of the Act of Congress entitled "The Tennessee Valley Authority Act of 1933", approved May 18, 1933, including the acquisition of necessary land, the clearing of such land, relocation of highways, and the construction and/or purchase of transmission lines and other facilities, the construction of the Cove Creek Dam and power house and all other necessary works authorized by said Act, and for printing and binding, law books, books of reference, newspapers, periodicals, purchase, maintenance, and operation of passenger-carrying vehicles, rents in the District of Columbia and elsewhere, and all necessary salaries and expenses connected with the organization, operation, and investigations of the Tennessee Valley Authority, including reimbursements for any expenses prior to the enactment of this appropriation incurred at the direction of the President.

* * * * *

Approved June 16, 1933.

AMENDMENT TO EMERGENCY RELIEF AND CONSTRUCTION ACT OF 1932

[48 Stat. 352]

AN ACT

Making an additional appropriation to carry out the purposes of the Federal Emergency Relief Act of 1933, for continuation of the Civil Works program, and for other purposes

* * * * *

SEC. 2. That paragraph (1) of subsection (a) of section 301 of title III of Public Law Numbered 302, Seventy-second Congress, approved July 21, 1932—the Emergency Relief and Construction Act of 1932—is amended by striking out the date "July 1, 1933" where it appears in said paragraph and inserting in lieu thereof the date "September 1, 1934."

Approved, February 15, 1934.

APPROPRIATION ACT OF MARCH 26, 1934

[48 Stat. 491, 499]

AN ACT

Making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1935, and for other purposes

TITLE I—DEPARTMENT OF AGRICULTURE

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat., pp. 355-359), and all Acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said Act, as amended, including not to exceed \$176,400 for departmental personal services in the District of Columbia, \$8,000,000, to be immediately available and to remain available until expended, which sum is a part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1933, by section 1 of the Act approved April 4, 1930 (46 Stat., p. 141): *Provided*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided further*, That not to exceed \$45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (U. S. C., title 23, secs. 21 and 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said Act, including the replacement of not to exceed one such vehicle for use in the administrative work of the Bureau of Public Roads in the District of Columbia: *Provided further*, That, during the fiscal year 1935, whenever performing authorized engineering or other services in connection with the survey, construction and maintenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road-building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned.

The appropriation of \$2,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth, contained in the Act entitled "An act to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by providing for and expediting a public-works program", approved July 21, 1932, is hereby continued available during the fiscal year 1935, and not to exceed \$4,290 may be used for personal services in the District of Columbia.

Total, Bureau of Public Roads, \$8,000,000.

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$10,521 for departmental personal services in the District of Columbia, \$1,500,000, a part of the amount authorized to be appropriated for the fiscal year 1933 by the Act approved May 5, 1930: *Provided*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$2,500: *Provided further*, That during the fiscal year ending June 30, 1935, the expenditures on forest highways in Alaska from the amount herein appropriated or from similar appropriations heretofore made shall not exceed \$350,000.

Approved March 26, 1934.

THE HAYDEN-CARTWRIGHT ACT

[48 Stat. 993]

AN ACT

To increase employment by authorizing an appropriation to provide for emergency construction of public highways and related projects, and to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of increasing employment by providing for emergency construction of public highways and other related projects there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000,000, which shall be apportioned by the Secretary of Agriculture immediately upon the passage of this Act under the provisions of section 204 of the National Industrial Recovery Act, approved June 16, 1933 (in addition to any sum heretofore allocated under such section), in making grants under said section to the several States to be expended by their highway departments pursuant to the provisions of such section, and to remain available until expended: *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of this authorization, and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto: *Provided further*, That not less than 25 per centum of the apportionment to any State shall be applied to secondary or feeder roads, including farm to market roads, rural free delivery mail roads, and public-school bus routes, except that the Secretary of Agriculture, upon request and satisfactory showing from the highway department of any State, may fix a less percentage of the apportionment of such State for expenditure on secondary or feeder roads: *And provided further*, That any funds allocated under the provisions of section 204 (a) (2) of such Act shall also be available for the cost of any construction that will provide safer traffic facilities or definitely eliminate existing hazards to pedestrian or vehicular traffic.

SEC. 2. To further increase employment by providing for emergency construction of public highways and other related projects, there is hereby also authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$24,000,000 for allotment under the provisions of section 205 (a) of the National Industrial Recovery Act, approved June 16, 1933 (in addition to any sums heretofore allotted under such section), to be expended for the survey, construction, reconstruction, and maintenance of highways, roads, trails, bridges, and related projects in national parks and monuments (including areas transferred to the National Park Service for administration by Executive order dated June 10, 1933), national forests, Indian reservations, and public lands, pursuant to the provisions of such section, and to remain available until expended.

SEC. 3. Not to exceed \$10,000,000 of any money heretofore, herein, or hereafter appropriated for expenditure in accordance with the provisions of the Federal Highway Act shall be available for expenditure by the Secretary of Agriculture, in accordance with the provisions of the Federal Highway Act, as an emergency relief fund, after receipt of an application therefor from the highway department of any State, in the repair or reconstruction of highways and bridges on the system of Federal-aid highways, which he finds, after investigation, have been damaged or destroyed by floods, hurricanes, earthquakes, or landslides, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so expended from time to time under the authority of this section.

SEC. 4. For the purpose of carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, the following sums, to be expended according to the provisions of such Act as amended: The sum of \$125,000,000 for the fiscal year ending June 30, 1936, and the sum of \$125,000,000 for the fiscal year ending June 30, 1937.

All sums authorized in this section and apportioned to the States shall be available for expenditure for one year after the close of the fiscal year for

which said sums, respectively, are authorized, and any sum remaining unexpended at the end of the period during which it is available for expenditure shall be reapportioned among the States as provided in section 21 of the Federal Highway Act.

SEC. 5. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, there is hereby authorized to be appropriated for forest highways, roads, and trails, the following sums, to be available until expended in accordance with the provisions of said section 23: The sum of \$10,000,000 for the fiscal year ending June 30, 1936; the sum of \$10,000,000 for the fiscal year ending June 30, 1937.

SEC. 6. For the purpose of carrying out the provisions of section 3 of the Federal Highway Act, approved November 9, 1921, as amended June 24, 1930 (46 Stat. 805), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, the sum of \$2,500,000 for the fiscal year ending June 30, 1936, and the sum of \$2,500,000 for the fiscal year ending June 30, 1937, to remain available until expended.

SEC. 7. For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$7,500,000 for the fiscal year ending June 30, 1936, and the sum of \$7,500,000 for the fiscal year ending June 30, 1937.

SEC. 8. For construction and improvement of Indian reservation roads under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$4,000,000 for the fiscal year ending June 30, 1936, and the sum of \$4,000,000 for the fiscal year ending June 30, 1937.

SEC. 9. The term "highway" as defined in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, shall for the period covered by this Act be deemed to include such main parkways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system.

SEC. 10. Section 19 of the Federal Highway Act, approved November 9, 1921, is hereby amended to read as follows:

"SEC. 19. That on or before the first Monday in January of each year the Secretary of Agriculture shall make a report to Congress, which shall include a detailed statement of the work done, the status of each project undertaken, the allocation of appropriations, an itemized statement of the expenditures and receipts during the preceding fiscal year under this Act, an itemized statement of the traveling and other expenses, including a list of employees, their duties, salaries, and traveling expenses, if any, and his recommendations, if any, for new legislation amending or supplementing this Act. The Secretary of Agriculture shall also make such special reports as Congress may request."

SEC. 11. With the approval of the Secretary of Agriculture, not to exceed 1½ per centum of the amount apportioned for any year to any State under sections 1 and 4 of this Act may be used for surveys, plans, and engineering investigations of projects for future construction in such State, either on the Federal-aid highway system and extensions thereof or on secondary or feeder roads.

SEC. 12. Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts now provided by law for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Agriculture shall promulgate from time to time: *Provided*, That in no case shall the provisions of this section operate to de-

prive any State of more than one-third of the amount to which that State would be entitled under any apportionment hereafter made, for the fiscal year for which the apportionment is made.

SEC. 13. The limitations in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, upon highway construction, reconstruction, and bridges within municipalities and upon payments per mile which may be made from Federal funds, shall hereafter not apply.

SEC. 14. No deductions shall hereafter be made on account of prior advances and/or loans to the States for the construction of roads under the requirements of the Federal Highway Act or on account of amounts paid under the provisions of title I of the Emergency Relief and Construction Act of 1932 for furnishing relief and work relief to needy and distressed people.

SEC. 15. To provide for the continuation of the cooperative reconnaissance surveys for a proposed inter-American highway as provided in Public Resolution Numbered 104, approved March 4, 1929 (45 Stat. 1697), and for making location surveys, plans, and estimates for such highway, the secretary of Agriculture is hereby authorized to expend not more than \$75,000 to pay all costs hereafter incurred for such work from any moneys available from the administrative funds provided under the Act of July 11, 1916 (U. S. C., title 23, sec. 21), as amended, or as otherwise provided.

SEC. 16. Acts or parts of Acts in any way inconsistent with the provisions of this Act are hereby repealed and this Act shall take effect on its passage.

Approved, June 18, 1934.

EMERGENCY APPROPRIATION ACT, FISCAL YEAR 1935

[48 Stat. 1032, 1042, 1057, 1058]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes, namely:

DEPARTMENT OF AGRICULTURE

MISCELLANEOUS EXPENSES

* * * * *

BUREAU OF PUBLIC ROADS

For the construction of roads within the grounds of the Thomas Jefferson Memorial Foundation at Monticello, near Charlottesville, Virginia, fiscal year 1935, \$30,000.

* * * * *

DEPARTMENT OF STATE

* * * * *

Inter-American Highway: To meet such expenses as the President in his discretion may deem necessary to enable the United States to cooperate with the several Governments, members of the Pan American Union, in connection with the survey and construction of the proposed Inter-American Highway, \$1,000,000, to remain available until expended. The expenditure of such sum shall be subject to the receipt of assurances satisfactory to the President from such governments of their cooperation in such survey and construction.

TITLE II—EMERGENCY APPROPRIATIONS

DEPARTMENT OF AGRICULTURE

For the purpose of increasing employment by providing for emergency construction of public highways and other related projects fiscal year 1935, \$100,000,000, to remain available until expended, which sum shall be apportioned by the Secretary of Agriculture immediately upon the enactment of this Act under the provisions of section 204 of the National Industrial Recovery Act, approved June 16, 1933 (in addition to any sums heretofore allocated under such section), to the highway departments of the several States to be expended by such departments pursuant to the provisions of such section, and which sum is a part of the \$200,000,000 authorized to be appropriated by section 1 of the Act entitled "An Act to increase employment by authorizing an appropriation to provide for emergency construction of public highways and related projects, and to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes", approved June 18, 1934.

For the purpose of carrying out the provisions of section 23 of the Federal Highway Act, approved November 9, 1921, fiscal year 1935, \$10,000,000 to remain available until expended in accordance with the provisions of such section 23.

For the purpose of carrying out the provisions of section 3 of the Federal Highway Act, approved November 9, 1921, as amended June 24, 1930 (46 Stat. 805), for the survey, construction, reconstruction, and maintenance of roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, fiscal year 1935, \$2,500,000; to remain available until expended.

DEPARTMENT OF THE INTERIOR

For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges in the national parks, monuments, and other areas, administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, fiscal year 1935, \$5,000,000, to remain available until expended.

For the construction and improvement of Indian reservation roads under the provisions of the Act approved May 26, 1928 (45 Stat. 750), fiscal year 1935, \$2,000,000 to remain available until expended: *Provided*, That the location, type, and design of all roads and bridges shall be approved by the Bureau of Public Roads before any expenditures are made thereon, and all such construction done by contract shall be under the general supervision of said Bureau.

SEC. 2. This title may be cited as the "Emergency Appropriation Act, fiscal year 1935."

Approved, June 19, 1934.

THE EMERGENCY RELIEF APPROPRIATION ACT OF 1935

[49 Stat. 115]

[PUBLIC RESOLUTION—No. 11—74TH CONGRESS]

JOINT RESOLUTION

Making appropriations for relief purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide relief, work relief and to increase employment by providing for useful projects, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be used in the discretion and under the direction of the President, to be immediately available and to remain available until June 30, 1937, the sum of \$4,000,000,000, together with the separate funds established for particular areas by proclamation of the President pursuant to section 15 (f) of the

Agricultural Adjustment Act (but any amounts thereof shall be available for use only for the area for which the fund was established); not exceeding \$500,000,000 in the aggregate of any savings or unexpended balances in funds of the Reconstruction Finance Corporation; and not exceeding a total of \$380,000,000 of such unexpended balances as the President may determine are not required for the purposes for which authorized, of the following appropriations, namely: The appropriation of \$3,300,000,000 for national industrial recovery contained in the Fourth Deficiency Act, fiscal year 1933, approved June 16, 1933 (48 Stat. 274); the appropriation of \$950,000,000 for emergency relief and civil works contained in the Act approved February 15, 1934 (48 Stat. 351); the appropriation of \$899,675,000 for emergency relief and public works, and the appropriation of \$525,000,000 to meet the emergency and necessity for relief in stricken agricultural areas, contained in the Emergency Appropriation Act, fiscal year 1935, approved June 19, 1934 (48 Stat. 1055); and any remainder of the unobligated moneys referred to in section 4 of the Act approved March 31, 1933 (48 Stat. 22): *Provided*, That except as to such part of the appropriation made herein as the President may deem necessary for continuing relief as authorized under the Federal Emergency Relief Act of 1933, as amended, or for restoring to the Federal Emergency Administration of Public Works any sums which after December 28, 1934, were, by order of the President impounded or transferred to the Federal Emergency Relief Administration from appropriations heretofore made available to such Federal Emergency Administration of Public Works (which restoration is hereby authorized), this appropriation shall be available for the following classes of projects, and the amounts to be used for each class shall not, except as hereinafter provided, exceed the respective amounts stated, namely: (a) Highways, roads, streets, and grade-crossing elimination, \$800,000,000; (b) rural rehabilitation and relief in stricken agricultural areas, and water conservation, transmountain water diversion and irrigation and reclamation, \$500,000,000; (c) rural electrification, \$100,000,000; (d) housing, \$450,000,000; (e) assistance for educational, professional and clerical persons, \$300,000,000; (f) Civilian Conservation Corps, \$600,000,000; (g) loans or grants, or both, for projects of States, Territories, Possessions, including subdivisions and agencies thereof, municipalities, and the District of Columbia, and self-liquidating projects of public bodies thereof, where, in the determination of the President, not less than twenty-five per centum of the loan or the grant, or the aggregate thereof, is to be expended for work under each particular project, \$900,000,000; (h) sanitation, prevention of soil erosion, prevention of stream pollution, sea coast erosion, reforestation, forestation, flood control, rivers and harbors and miscellaneous projects, \$350,000,000: *Provided further*, That not to exceed 20 per centum of the amount herein appropriated may be used by the President to increase any one or more of the foregoing limitations if he finds it necessary to do so in order to effectuate the purpose of this joint resolution: *Provided further*, That no part of the appropriation made by this joint resolution shall be expended for munitions, warships, or military or naval matériel; but this proviso shall not be so construed to prevent the use of such appropriation for new buildings, reconstruction of buildings and other improvements in military or naval reservations, post, forts, camps, cemeteries, or fortified areas, or for projects for nonmilitary or nonnaval purposes in such places.

Except as hereinafter provided, all sums allocated from the appropriation made herein for the construction of public highways and other related projects (except within or adjacent to national forests, national parks, national parkways, or other Federal reservations) shall be apportioned by the Secretary of Agriculture in the manner provided by section 204 (b) of the National Industrial Recovery Act for expenditure by the State highway departments under the provisions of the Federal Highway Act of November 9, 1921, as amended and supplemented, and subject to the provisions of section 1 of the Act of June 18, 1934 (48 Stat. 993): *Provided*, That any amounts allocated from the appropriation made herein for the elimination of existing hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, shall be apportioned by the Secretary of Agriculture to the several States (including the Territory of Hawaii and the District of Columbia), one-half on population as shown by the latest decennial census, one-fourth on the mileage of the Federal-aid highway system as determined by the Secretary of Agriculture, and one-

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fourth on the railroad mileage as determined by the Interstate Commerce Commission, to be expended by the State highway departments under the provisions of the Federal Highway Act of November 9, 1921, as amended and supplemented, and subject to the provisions of section 1 of such Act of June 18, 1934 (48 Stat. 993); but no part of the funds apportioned to any State or Territory under this joint resolution for public highways and grade crossings need be matched by the State or Territory: *And provided further*, That the President may also allot funds made available by this joint resolution for the construction, repair, and improvement of public highways in Alaska, Puerto Rico, and the Virgin Islands, and money allocated under this joint resolution to relief agencies may be expended by such agencies for the construction and improvement of roads and streets: *Provided, however*, That the expenditure of funds from the appropriation made herein for the construction of public highways and other related projects shall be subject to such rules and regulations as the President may prescribe for carrying out this paragraph and preference in the employment of labor shall be given (except in executive, administrative, supervisory, and highly skilled positions) to persons receiving relief, where they are qualified, and the President is hereby authorized to predetermine for each State the hours of work and the rates of wages to be paid to skilled, intermediate, and unskilled labor engaged in such construction therein: *Provided further*, That rivers and harbors projects, reclamation projects (except the drilling of wells, development of springs and subsurface waters), and public buildings projects undertaken pursuant to the provisions of this joint resolution shall be carried out under the direction of the respective permanent Government departments or agencies now having jurisdiction of similar projects.

Funds made available by this joint resolution may be used, in the discretion of the President, for the purpose of making loans to finance, in whole or in part, the purchase of farm lands and necessary equipment by farmers, farm tenants, croppers, or farm laborers. Such loans shall be made on such terms as the President shall prescribe and shall be repaid in equal annual installments, or in such other manner as the President may determine.

Funds made available by this joint resolution may be used, in the discretion of the President for the administration of the Agricultural Adjustment Act, as amended, during the period of twelve months after the effective date of this joint resolution.

SEC. 2. The appropriation made herein shall be available for use only in the United States and its Territories and possessions. The provisions of the Act of February 15, 1934 (48 Stat. 351), relating to disability or death compensation and benefits shall apply to those persons receiving from the appropriation made herein, for services rendered as employees of the United States, security payments in accordance with schedules established by the President: *Provided*, That so much of the sum herein appropriated as the United States Employees' Compensation Commission, with the approval of the President, estimates and certifies to the Secretary of the Treasury will be necessary for the payment of such compensation and administrative expenses shall be set aside in a special fund to be administered by the Commission for such purposes; and after June 30, 1936, such special fund shall be available for these purposes annually in such amounts as may be specified therefor in the annual appropriation Acts. The provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall not apply to any purchase made or service procured in carrying out the provisions of this joint resolution when the aggregate amount involved is less than \$300.

SEC. 3. In carrying out the provisions of this joint resolution the President may (a) authorize expenditures for contract stenographic reporting services; supplies and equipment; purchase and exchange of law books, books of reference, directories, periodicals, newspapers and press clippings; travel expenses, including the expense of attendance at meetings when specifically authorized; rental at the seat of government and elsewhere; purchase, operation, and maintenance of motor-propelled passenger-carrying vehicles; printing and binding; and such other expenses as he may determine necessary to the accomplishment of the objectives of this joint resolution; and (b) accept and utilize such voluntary and uncompensated services, appoint, without regard to the provisions of the civil-service laws, such officers and employees, and utilize such Federal officers and employees, and with the consent of the State, such State and local officers and employees, as may be necessary, prescribe their authorities, duties, responsibilities, and tenure, and, without regard to the Classifica-

tion Act of 1923, as amended, fix the compensation of any officers and employees so appointed.

Any Administrator or other officer, or the members of any central board, or other agency, named to have general supervision at the seat of Government over the program and work contemplated under the appropriation made in section 1 of this joint resolution and receiving a salary of \$5,000 or more per annum from such appropriation, and any State or regional administrator receiving a salary of \$5,000 or more per annum from such appropriation (except persons now serving as such under other law), shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the provisions of section 1761 of the Revised Statutes shall not apply to any such appointee and the salary of any person so appointed shall not be increased for a period of six months after confirmation.

SEC. 4. In carrying out the provisions of this joint resolution the President is authorized to establish and prescribe the duties and functions of necessary agencies within the Government.

SEC. 5. In carrying out the provisions of this joint resolution the President is authorized (within the limits of the appropriation made in section 1) to acquire, by purchase or by the power of eminent domain, any real property or any interest therein, and improve, develop, grant, sell, lease (with or without the privilege of purchasing), or otherwise dispose of any such property or interest therein.

SEC. 6. The President is authorized to prescribe such rules and regulations as may be necessary to carry out this joint resolution, and any willful violation of any such rule or regulation shall be punishable by fine of not to exceed \$1,000.

SEC. 7. The President shall require to be paid such rates of pay for all persons engaged upon any project financed in whole or in part, through loans or otherwise, by funds appropriated by this joint resolution, as will in the discretion of the President accomplish the purposes of this joint resolution, and not affect adversely or otherwise tend to decrease the going rates of wages paid for work of a similar nature.

The President may fix different rates of wages for various types of work on any project, which rates need not be uniform throughout the United States: *Provided, however*, That whenever permanent buildings for the use of any department of the Government of the United States, or the District of Columbia, are to be constructed by funds appropriated by this joint resolution, the provisions of the Act of March 3, 1931 (U. S. C., Supp. VII, title 40, sec. 276a), shall apply but the rates of wages shall be determined in advance of any bidding thereon.

SEC. 8. Wherever practicable in the carrying out of the provisions of this joint resolution, full advantage shall be taken of the facilities of private enterprise.

SEC. 9. Any person who knowingly and with intent to defraud the United States makes any false statement in connection with any application for any project, employment, or relief aid under the provisions of this joint resolution, or diverts, or attempts to divert, or assists in diverting for the benefit of any person or persons not entitled thereto, any moneys appropriated by this joint resolution, or any services or real or personal property acquired thereunder, or who knowingly, by means of any fraud, force, threat, intimidation, or boycott, deprives any person of any of the benefits to which he may be entitled under the provisions of this joint resolution, or attempts so to do, or assists in so doing, shall be deemed guilty of a misdemeanor and shall be fined not more than \$2,000 or imprisoned not more than one year, or both.

SEC. 10. Until June 30, 1936, or such earlier date as the President by proclamation may fix, the Federal Emergency Relief Act of 1933, as amended, is continued in full force and effect.

SEC. 11. No part of the funds herein appropriated shall be expended for the administrative expenses of any department, bureau, board, commission, or independent agency of the Government if such administrative expenses are ordinarily financed from annual appropriations, unless additional work is imposed thereupon by reason of this joint resolution.

SEC. 12. The Federal Emergency Administration of Public Works established under title II of the National Industrial Recovery Act is hereby continued until June 30, 1937, and is authorized to perform such of its functions under said Act and such functions under this joint resolution as may be authorized by the President. All sums appropriated to carry out the purposes of said

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Act shall be available until June 30, 1937. The President is authorized to sell any securities acquired under said Act or under this joint resolution and all moneys realized from such sales shall be available to the President, in addition to the sums heretofore appropriated under this joint resolution, for the making of further loans under said Act or under this joint resolution.

SEC. 13. (a) The acquisition of articles, materials, and supplies for the public use, with funds appropriated by this joint resolution, shall be subject to the provisions of section 2 of title III of the Treasury and Post Office Appropriation Act, fiscal year 1934; and all contracts let pursuant to the provisions of this joint resolution shall be subject to the provisions of section 3 of title III of such Act.

(b) Any allocation, grant, or other distribution of funds for any project, Federal or non-Federal, from the appropriation made by this joint resolution, shall contain stipulations which will provide for the application of title III of such Act to the acquisition of articles, materials and supplies for use in carrying out such project.

SEC. 14. The authority of the President under the provisions of the Act entitled "An Act for the relief of unemployment through the performance of useful public work, and for other purposes", approved March 31, 1933, as amended, is hereby continued to and including March 31, 1937.

SEC. 15. A report of the operations under this joint resolution shall be submitted to Congress before the 10th day of January in each of the next three regular sessions of Congress, which report shall include a statement of the expenditures made and obligations incurred, by classes and amounts.

SEC. 16. This joint resolution may be cited as the "Emergency Relief Appropriation Act of 1935."

Approved, April 8, 1935, 4 p. m.

APPROPRIATION OF MAY 17, 1935

[49 Stat. 272, 273, 281]

[PUBLIC—No. 62—74TH CONGRESS]

AN ACT

Making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1936, and for other purposes

* * * * *

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat., pp. 355-359), and all Acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said Act, as amended, including not to exceed \$556,000 for departmental personal services in the District of Columbia, \$48,559,256.14, to be immediately available and to remain available until expended, of which sum \$8,559,256.14 is the remainder of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1933, by section 1 of the Act approved April 4, 1930 (46 Stat., p. 141), and \$40,000,000 is part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1936, by section 4 of the Act approved June 18, 1934 (48 Stat. 994): *Provided*, That the Secretary of Agriculture shall act upon projects submitted to him under his apportionment of the \$125,000,000 authorized to be appropriated for the fiscal year ending June 30, 1936, by section 4 of the Act approved June 18, 1934 (Public, numbered 393, Seventy-third Congress, 48 Stat. 994), and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto: *Provided further*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided further*,

That not to exceed \$45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (U. S. C., title 23, secs. 21 and 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said Act, including the replacement of not to exceed one such vehicle for use in the administrative work of the Bureau of Public Roads in the District of Columbia: *Provided further*, That, during the fiscal year 1936, whenever performing authorized engineering or other services in connection with the survey, construction, and maintenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road-building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned: *Provided further*, That not to exceed \$140,000 from the administrative funds authorized by the Act approved November 9, 1921, and Acts amendatory thereof or supplemental thereto, in addition to the amount remaining available under the authorization contained in the Agricultural Appropriation Act approved May 27, 1930, shall be available for the construction of a laboratory, on a site already acquired, for permanent quarters for the testing and research work of the Bureau of Public Roads.

For the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, under the provisions of the Act of June 24, 1930 (46 Stat. 805), and as authorized by section 6 of the Highway Act of June 18, 1934 (48 Stat. 994), \$2,500,000, to be immediately available and remain available until expended.

NATIONAL INDUSTRIAL RECOVERY HIGHWAY FUNDS

For emergency construction of public highways and other related projects in accordance with section 1 of the Act entitled "An Act to increase employment by authorizing an appropriation to provide for emergency construction of public highways and related projects, and to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes", approved June 18, 1934 (48 Stat. 993), the sum of \$100,000,000 (being the remainder of the amount of \$200,000,000 authorized to be appropriated by section I of such Act) shall be made immediately available for the foregoing purposes from the appropriation in section 1 of the Emergency Relief Appropriation Act of 1935 and continue available until expended.

The appropriation of \$2,000,000 for roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth, contained in the Act entitled "An Act to relieve destitution, to broaden the lending powers of the Reconstruction Finance Corporation, and to create employment by providing for and expediting a public-works program", approved July 21, 1932, is hereby continued available during the fiscal year 1936, and not to exceed \$4,760 may be used for personal services in the District of Columbia.

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FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$82,320 for departmental personal services in the District of Columbia, \$7,082,600, which sum is composed of \$582,600, the balance of the amount authorized to be appropriated for the fiscal year 1933 by the Act approved May 5, 1930, and \$6,500,000, part of the sum of \$10,000,000 authorized to be appropriated for the fiscal year 1936 by the Act approved June 18, 1934: *Provided*, That the Secretary of Agriculture shall, upon the approval of this Act, apportion and prorate among the several States, Alaska, and Puerto Rico, as provided in section 23 of said Federal Highway Act, the sum of \$10,000,000 authorized to be appropriated for the fiscal year ending June 30, 1936, by the Act approved June 18, 1934: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available

for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$2,500: *Provided further*, That during the fiscal year ending June 30, 1936, the expenditures on forest highways in Alaska from the amount herein appropriated shall not exceed \$250,000: *Provided further*, That there shall be available from this appropriation not to exceed \$15,000 for the acquisition by purchase, condemnation, gift, grant, dedication, or otherwise of land and not to exceed \$200,000 for the acquisition by purchase or construction of a building or buildings for the storage and repair of Government equipment for use in the construction and maintenance of roads.

Approved, May 17, 1935.

AGRICULTURAL APPROPRIATION ACT OF JUNE 4, 1936

[49 Stat. 1447, 1457]

[PUBLIC—No. 637—74TH CONGRESS]

AN ACT

Making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1937, and for other purposes

* * * * *

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat., pp. 355-359), and all Acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said Act, as amended, including not to exceed \$556,000 for departmental personal services in the District of Columbia, \$60,000,000, to be immediately available and to remain available until expended, which sum is part of the sum of \$125,000,000 authorized to be appropriated for the fiscal year 1936, by section 4 of the Act approved June 18, 1934 (48 Stat., 994): *Provided*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided further*, That not to exceed \$45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (U. S. C., title 23, secs. 21 and 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said Act, including the replacement of not to exceed one such vehicle for use in the administrative work of the Bureau of Public Roads in the District of Columbia: *Provided further*, That, during the fiscal year 1937, whenever performing authorized engineering or other services in connection with the survey, construction, and maintenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road-building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned: *Provided further*, That during the fiscal year 1937 the appropriations for the work of the Bureau of Public Roads shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Bureau of Public Roads, and for sale and distribution to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling), to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured, from the appropriation chargeable with the cost or value of such supplies, materials, and equipment: *Provided further*, That not to exceed \$500,000 from the administrative funds authorized by the Act approved November 9, 1921, and Acts amendatory thereof or supplemental thereto, in addition to the amount remaining available under the authorizations contained in the Agricultural Appropriation Acts approved May 27, 1930, and May 17, 1935, shall be available for the construction of a laboratory, on a site already acquired, for permanent quarters for the testing and research work of the Bureau of Public Roads.

The authorization of \$2,500,000 for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, under the provisions of the Act of June 24, 1930 (46 Stat., p. 805), provided for by section 6 of the Highway Act of June 18, 1934 (48 Stat., p. 994), for the fiscal year 1937, is hereby canceled for said fiscal year and made applicable to the fiscal year ending June 30, 1938.

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$95,240 for departmental personal services in the District of Columbia, \$8,000,000, which sum is composed of \$3,500,000, the balance of the amount authorized to be appropriated for the fiscal year 1936, by the Act approved June 18, 1934, and \$4,500,000, part of the sum of \$10,000,000 authorized to be appropriated for the fiscal year 1937 by the Act approved June 18, 1934: *Provided*, That the Secretary of Agriculture shall, upon the approval of this Act, apportion, and prorate among the several States, Alaska, and Puerto Rico, as provided in section 23 of said Federal Highway Act, the sum of \$10,000,000 authorized to be appropriated for the fiscal year ending June 30, 1937, by the Act approved June 18, 1934: *Provided further*, That the Secretary of Agriculture shall incur obligations, approve projects, or enter into contracts under his apportionment and prorating of this authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof: *Provided further*, That total expenditures on account of any State or Territory shall at no time exceed its authorized apportionment: *Provided further*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$2,500: *Provided further*, That during the fiscal year ending June 30, 1937, the expenditures on forest highways in Alaska from the amount herein appropriated shall not exceed \$250,000.

This title may be cited as the Department of Agriculture Appropriation Act, 1937.

* * * * *

Approved June 4, 1936.

AUTHORIZATION AND AMENDMENT OF JUNE 16, 1936

[49 Stat. 1519]

[PUBLIC—No. 686—74TH CONGRESS]

AN ACT

To amend the Federal Aid Highway Act, approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to be expended according to the provisions of such Act as amended: The sum of \$125,000,000 for the fiscal year ending June 30, 1938, and the sum of \$125,000,000 for the fiscal year ending June 30, 1939.

(a) All sums authorized in this section and apportioned to the States shall be available for expenditure for one year after the close of the fiscal year for which said sums, respectively, are authorized, and any sum remaining unexpended at the end of the period during which it is available for expenditure shall be reapportioned among the States as provided in section 21 of the Federal Highway Act of 1921 (42 Stat. 212).

(b) On or before January 1 of each year, the Secretary of Agriculture shall apportion among the several States, as provided in section 21 of the Federal Highway Act of 1921, the sums authorized for the fiscal year immediately following. When said apportionment has been made for any fiscal year, the State highway departments may submit projects to the Secretary of Agriculture for his approval. The Secretary of Agriculture shall act upon projects submitted to him under any such apportionment and his approval of any such project shall be deemed a contractual obligation of the Federal Government for the payment of its proportional contribution thereto: *Provided*, That projects approved under any apportionment before the beginning of the fiscal year for which such apportionment has been made may be contracted for by the States and construction thereon may be begun, but the total reimbursements to any State or Territory before the beginning of such fiscal year shall not exceed the total of all previous apportionments to such State or Territory.

(c) The term "highway" as defined in the Federal Highway Act, approved November 9, 1921, as amended and supplemented, shall be deemed to include such main parkways as may be designated by the State and approved by the Secretary of Agriculture as part of the Federal-aid highway system.

(d) If within the fiscal years 1936 or 1937 the Secretary of Agriculture shall find with respect to any State that the proceeds of all special taxes on motor-vehicle transportation, as referred to in section 12 of the Act of June 18, 1934 (48 Stat. 993), are applied to highway purposes as defined in said section and shall further find that after having so applied such proceeds to such highway purposes other than construction there will be insufficient balance remaining for construction with which to match all, or any part, of the regular Federal-aid road funds apportioned to such State for either or both said years, respectively, in accordance with the provisions of the Federal Highway Act of 1921, as amended and supplemented, all, or such portion, of such apportionment as the State is unable to match shall be available for expenditure in such State in accordance with said Federal Highway Act without being matched by the State with State funds.

SEC. 2. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act of 1921 there is hereby authorized to be appropriated for forest highways, roads, and trails the following sums, to be available until expended in accordance with the provisions of said section 23: The sum of \$14,000,000 for the fiscal year ending June 30, 1938; the sum of \$14,000,000 for the fiscal year ending June 30, 1939: *Provided*, That one-third, but not less than \$3,000,000, of the appropriation made for any fiscal year for carrying out the provisions of said section 23 may hereafter be expended for the purposes enumerated in the first paragraph of clause (a) of said section 23: *And provided further*, That on or before January 1 of each year the Secretary of Agriculture shall apportion and prorate among the several States, Alaska, and Puerto Rico, as provided in said section 23, the sum authorized for the fiscal year immediately following and the Secretary of Agriculture is authorized to approve projects under any such apportionment, and to incur obligations or enter into contracts under his apportionment and prorating of the authorization, and his action in so doing shall be deemed a contractual obligation on the part of the Federal Government for the payment of the cost thereof.

SEC. 3. For the purpose of carrying out the provisions of section 3 of the Federal Highway Act of 1921, as amended June 24, 1930 (46 Stat. 805), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, the sum of \$2,500,000 for the fiscal year ending June 30, 1938, and the sum of \$2,500,000 for the fiscal year ending June 30, 1939, to remain available until expended.

SEC. 4. For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$7,500,000 for the fiscal year ending June 30, 1938, and the sum of \$7,500,000 for the fiscal year ending June 30, 1939.

SEC. 5. For the construction and maintenance of parkways, to give access to national parks, and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$10,000,000 for the fiscal year ending June 30, 1938, and the sum of \$10,000,000 for the fiscal year ending June 30, 1939: *Provided*, That the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service.

SEC. 6. For construction and improvement of Indian reservation roads under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$4,000,000 for the fiscal year ending June 30, 1938, and the sum of \$4,000,000 for the fiscal year ending June 30, 1939: *Provided*, That hereafter the location, type, and design of all roads constructed under the provisions of said Act of May 26, 1928, shall be approved by the Bureau of Public Roads before any expenditures are made thereon, and all such construction done by contract shall be under the general supervision of said Bureau.

SEC. 7. In addition to any other authorizations which have been made, there is hereby authorized to be appropriated to the several States to be apportioned and expended under the provisions of the Federal Highway Act of 1921, as amended and supplemented: The sum of \$25,000,000 for the fiscal year ending June 30, 1938; the sum of \$25,000,000 for the fiscal year ending June 30, 1939: *Provided*, That the sums herein authorized shall be applied to secondary or feeder roads, including farm-to-market roads, rural free delivery mail roads, and public-school bus routes.

SEC. 8. For the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade-crossing structures, and the relocation of highways to eliminate grade crossings, there is hereby authorized to be appropriated, to be apportioned on or before the 1st day of January of each year preceding the fiscal year for which it is authorized among the several States (including the Territory of Hawaii and the District of Columbia) in accordance with the provisions of the Federal Highway Act of 1921, as amended and supplemented, except that such apportionment shall be one-half on population as shown by the latest decennial census, one-fourth on the mileage of the Federal-aid highway system as determined by the Secretary of Agriculture, and one-fourth on the railroad mileage as determined by the Interstate Commerce Commission, and to be expended in accordance with said Federal Highway Act, as amended and supplemented, except that no part of such funds apportioned to any State need be matched by the State: The sum of \$50,000,000 for the fiscal year ending June 30, 1938; the sum of \$50,000,000 for the fiscal year ending June 30, 1939: *Provided*, That no part of the appropriations hereafter made for the purpose of carrying out the provisions of the Federal Highway Act, or any Acts amendatory thereof or supplementary thereto, shall be approved for expenditure on any highway unless proper safety protective devices shall be installed or be in operation at any highway and railroad grade crossing or draw-bridge on that portion of the highway with respect to which such expenditures are to be made and said devices shall comply with the safety standards determined by the United States Bureau of Public Roads at that time as being adequate.

SEC. 9. With the approval of the Secretary of Agriculture, not to exceed 1½ per centum of the amount apportioned for any year to any State under sections 1, 7, and 8 of this Act may be used for surveys, plans, engineering, and economic investigations of projects for future construction in such State, either on the Federal-aid highway system and extensions thereof or on secondary or feeder roads.

SEC. 10. (a) That all taxes levied by any State, Territory, or the District of Columbia upon sales of gasoline and other motor vehicle fuels may be levied, in the same manner and to the same extent, upon such fuels when sold by or through post exchanges, ship stores, ship service stores, commissaries, filling stations, licensed traders, and other similar agencies, located on United States military or other reservations, when such fuels are not for the exclusive use of the United States. Such taxes, so levied, shall be paid to the proper taxing authorities of the State, Territory, or the District of Columbia, within whose borders the reservation affected may be located.

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(b) The officer in charge of such reservation shall, on or before the fifteenth day of each month, submit a written statement to the proper taxing authorities of the State, Territory, or the District of Columbia within whose borders the reservation is located, showing the amount of such motor fuel not sold for the exclusive use of the United States during the preceding month.

Approved June 16, 1936.

ACT EXTENDING FEDERAL AID TO PUERTO RICO

[49 Stat. 1891]

[PUBLIC—No. 766—74TH CONGRESS]

AN ACT

To extend the provisions of certain laws to the island of Puerto Rico

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That beginning with the fiscal year ending June 30, 1938, the Territory of Puerto Rico shall be entitled to share in appropriations now or which may hereafter become available for apportionment under the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, and any Act amendatory thereof or supplementary thereto, upon the same terms and conditions as any of the several States, and the Territory of Puerto Rico shall be included in the calculations to determine the basis of apportionment of such funds: *Provided,* That the system of roads on which Federal-aid apportionments to the Territory of Puerto Rico shall be expended may be determined and agreed upon by the highway departments of said Territory and the Secretary of Agriculture without regard to the limitations in section 6 of the Federal Highway Act respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction and maintenance of such additions.

Approved, June 23, 1936.

AUTHORIZATION TO INVESTIGATE AND REPORT ON TRAFFIC CONDITIONS

[49 Stat. 1892]

[PUBLIC—No. 768—74TH CONGRESS]

AN ACT

To authorize the Secretary of Agriculture to investigate and report on traffic conditions, with recommendations for corrective legislation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Agriculture is hereby authorized and directed to use during the fiscal years ending June 30, 1936, and June 30, 1937, such part as may be necessary of the administrative fund of the Bureau of Public Roads, but not to exceed a total of \$75,000, for study and research of traffic conditions and measures for their improvement, and to cooperate with Federal, State, District of Columbia, and municipal authorities, and other agencies, in connection with such study and research: *Provided,* That not to exceed \$5,000 of the said sum may be used for printing necessary for the purposes of the work authorized and directed by this paragraph.

SEC. 2. The Secretary of Agriculture is hereby authorized and directed to make a preliminary report to Congress within the next nine months of the results of the above study and research, and of the status of uniform motor-vehicle traffic laws throughout the country, and not later than June 30, 1937, to make a complete report with his recommendations, including suggestions for legislation, which will promote the necessary uniformity in such laws.

Approved, June 23, 1936.

AGRICULTURAL APPROPRIATION ACT OF JUNE 29, 1937

[50 Stat. 422, 433]

AN ACT

Making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1938, and for other purposes

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BUREAU OF PUBLIC ROADS

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FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (39 Stat., pp. 355-359), and all Acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said Act, as amended, including not to exceed \$556,000 for departmental personal services in the District of Columbia, \$150,000,000, to be immediately available and to remain available until expended, which sum is composed of \$25,000,000, the remainder of the sum of \$125,000,000 authorized to be appropriated for the fiscal year 1936, by section 4 of the Act approved June 18, 1934 (48 Stat., p. 994), and \$125,000,000 authorized to be appropriated for the fiscal year 1937 by said section 4: *Provided*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided further*, That not to exceed \$45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (U. S. C., title 23, secs. 21 and 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said Act, including the replacement of not to exceed one such vehicle for use in the administrative work of the Bureau of Public Roads in the District of Columbia: *Provided further*, That, during the fiscal year 1938, whenever performing authorized engineering or other services in connection with the survey, construction, and maintenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road-building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned: *Provided further*, That during the fiscal year 1938 the appropriations for the work of the Bureau of Public Roads shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Bureau of Public Roads, and for sale and distribution to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured, from the appropriation chargeable with the cost or value of such supplies, materials, or equipment: *Provided further*, That not to exceed \$450,000 from the administrative funds authorized by the Act approved November 9, 1921, and Acts amendatory thereof or supplemental thereto, in addition to the amount remaining available under the authorizations contained in the Agricultural Appropriation Acts approved May 27, 1930, May 17, 1935, and June 4, 1936, shall be available, in the total amount of \$1,360,000, for the construction (including the cost of a site already acquired) of a laboratory for permanent quarters for the testing and research work of the Bureau of Public Roads.

FEDERAL-AID SECONDARY OR FEEDER ROADS

For secondary or feeder roads, including farm-to-market roads, rural free delivery mail roads, and public-school bus routes, \$5,000,000, to remain available until expended, which sum is part of the \$25,000,000 authorized to be appropriated for the fiscal year 1938 by section 7 of the Act approved June 16, 1936 (49 Stat., p. 1521).

ELIMINATION OF GRADE CROSSINGS

For the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade-crossing structures, and the relocation of highways to eliminate grade crossings, \$10,000,000, to remain available until expended, which sum is part of the \$50,000,000 authorized to be appropriated for the fiscal year 1938 by section 8 of the Act approved June 16, 1936 (49 Stat., p. 1521.)

PUBLIC-LANDS HIGHWAYS

For the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, under the provisions of the Act of June 24, 1930 (U. S. C., title 23, sec. 3), \$2,500,000, to be immediately available and to remain available until expended, which sum is the amount authorized for the fiscal year 1938 by section 3 of the Act approved June 16, 1936 (49 Stat., p. 1520): *Provided*, That the authorization of \$2,500,000 for the survey, construction, reconstruction, and maintenance of public-lands highways, made applicable to the fiscal year 1938 by the Agricultural Appropriation Act, fiscal year 1937, is hereby canceled.

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FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (U. S. C., title 23, sec. 23), including not to exceed \$115,260 for departmental personal services in the District of Columbia, \$12,500,000, which sum is composed of \$5,500,000, the balance of the amount authorized to be appropriated for the fiscal year 1937, by the Act approved June 18, 1934, and \$7,000,000, part of the sum of \$14,000,000 authorized to be appropriated for the fiscal year 1938 by the Act approved June 16, 1936, to be immediately available and to remain available until expended: *Provided*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$7,500: *Provided further*, That for each of the fiscal years ending June 30, 1938, and June 30, 1939, the apportionment for forest highways in Alaska shall be \$350,000 and the remainder of the sums which otherwise would be apportioned and prorated to Alaska for said fiscal years shall be reapportioned in the same manner and on the same basis as provided in the second paragraph of section 23 (a) of the Federal Highway Act among those States whose forest highway apportionments for the fiscal years 1938 and 1939 otherwise would be less than 1 per centum of the entire apportionment for forest highways: *Provided further*, That there shall be available from this appropriation not to exceed \$10,000 for the acquisition of land by purchase, condemnation, gift, grant, dedication, or otherwise, and not to exceed \$150,000 for the acquisition by purchase or construction of buildings, for the storage and repair of Government equipment for use in the construction and maintenance of roads.

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Approved, June 29, 1937.

THE FEDERAL-AID HIGHWAY ACT OF 1938

[52 Stat. 633]

AN ACT

To amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of carrying out the

provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to be expended according to the provisions of such Act as amended and supplemented: The sum of \$100,000,000 for the fiscal year ending June 30, 1940, and the sum of \$115,000,000 for the fiscal year ending June 30, 1941.

(a) All sums herein or hereafter authorized and apportioned to the States shall be available for expenditure for one year after the close of the fiscal year for which said sums, respectively, are authorized, and any sum remaining unexpended at the end of the period during which it is available for expenditure shall be reapportioned among the States as provided in section 21 of the Federal Highway Act (42 Stat. 217).

(b) Beginning with the fiscal year ending June 30, 1940, the District of Columbia shall be entitled to share in all sums herein or hereafter authorized and apportioned to the States, upon the same terms and conditions as any of the several States, and the District of Columbia shall be included in the calculations to determine the basis of apportionment of such funds: *Provided*, That the system of roads on which Federal-aid apportionments to the District of Columbia shall be expended may be determined and agreed upon by the highway department of the said District and the Secretary of Agriculture without regard to the limitations in section 6 of the Federal Highway Act (42 Stat. 213) respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction of such additions.

(c) Hereafter the construction of highways by the States with the aid of Federal funds may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary of Agriculture.

(d) If within the fiscal years 1938 and 1939 the Secretary of Agriculture shall find with respect to any State (1) that the proceeds of all special taxes on motor-vehicle transportation, as referred to in section 12 of the Act of June 18, 1934 (48 Stat. 995), as amended by this Act, are applied to highway purposes as defined in said section; (2) that at least 90 per centum of such proceeds are applied to the administrative and operating expenses of the State highway department, the maintenance of the State and Federal-aid highway systems, and the payment of interest on, and the amortization of, bond obligations of the State for the payment of which such revenues have heretofore been pledged; and (3) that the portion of the proceeds of all such special taxes then available for construction, together with funds available to the State from any other sources for highway purposes, will be insufficient to match all, or any part, of the regular and secondary Federal-aid road funds apportioned to such State for such fiscal years in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, then such portion of such apportionment as the Secretary of Agriculture shall find the State is unable to match shall be made available for expenditure in such State in accordance with said Federal Highway Act without being matched by the State.

(e) The term "highway" as defined in the Federal Highway Act (42 Stat. 212), as amended and supplemented, shall be deemed to include that portion of any interstate or international bridge and the approaches thereto, the cost of which is assumed by the State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of such bridge.

SEC. 2. For the purpose of continuing the provisions of section 7 of the Act of June 16, 1936 (49 Stat. 1521), there is hereby authorized to be appropriated the sum of \$15,000,000 for the fiscal year ending June 30, 1940, and the sum of \$15,000,000 for the fiscal year ending June 30, 1941; said sums to be expended on secondary or feeder roads, including farm-to-market roads, rural-free-delivery mail roads, and public-school bus routes.

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SEC. 3. For the elimination of hazards to life at railroad grade crossings including the separation or protection of grades at crossings, the reconstruction of existing railroad-grade-crossing structures, and the relocation of highways to eliminate grade crossings, there is hereby authorized to be appropriated, to be apportioned on or before the 1st day of January of each year preceding the fiscal year for which it is authorized among the several States in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, except that such apportionment shall be one-half on population as shown by the latest decennial census, one-fourth on the mileage of the Federal-aid highway system as determined by the Secretary of Agriculture, and one-fourth on the railroad mileage as determined by the Interstate Commerce Commission, and to be expended in accordance with said Federal Highway Act, as amended and supplemented, except that no part of such funds apportioned to any State need be matched by the State: The sum of \$20,000,000 for the fiscal year ending June 30, 1940, and the sum of \$30,000,000 for the fiscal year ending June 30, 1941.

SEC. 4. Not to exceed \$8,000,000 of any money herein or hereafter appropriated for expenditure in accordance with the provisions of the Federal Highway Act (42 Stat. 212) shall be available for expenditure by the Secretary of Agriculture, in accordance with the provisions of said Federal Highway Act, as an emergency-relief fund, after receipt of an application therefor from the highway department of any State, in the repair or reconstruction of highways and bridges on the system of Federal-aid highways, which he finds, after investigation, have been damaged or destroyed by floods, hurricanes, earthquakes, or landslides, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so expended from time to time under the authority of this section.

SEC. 5. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), there is hereby authorized to be appropriated for forest highways, roads, and trails the following sums, to be available until expended in accordance with the provisions of said section 23: The sum of \$10,000,000 for the fiscal year ending June 30, 1940, and the sum of \$13,000,000 for the fiscal year ending June 30, 1941: *Provided*, That the apportionment for forest highways in Alaska shall be \$400,000 for each of the fiscal years, and that such additional amount as otherwise would have been apportioned to Alaska for each of said fiscal years shall be apportioned by the Secretary of Agriculture among those States, including Puerto Rico, whose forest highway apportionment for such fiscal year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that fiscal year: *Provided further*, That the Secretary of Agriculture may make apportionments among those States, including Puerto Rico, whose forest highway apportionments for such fiscal year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that fiscal year without regard to the provisions of said section 23 relating to apportionments, but in no case shall the Secretary of Agriculture make apportionment to any State under this provision in excess of 20 per centum of the total of funds affected hereby.

SEC. 6. For the purpose of carrying out the provisions of section 3 of the Federal Highway Act (42 Stat. 212), as amended by the Act of June 24, 1930 (46 Stat. 805), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations the sum of \$1,000,000 for the fiscal year ending June 30, 1940, and the sum of \$2,000,000 for the fiscal year ending June 30, 1941, to remain available until expended.

SEC. 7. For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$4,000,000 for the fiscal year ending June 30, 1940, and the sum of \$5,000,000 for the fiscal year ending June 30, 1941.

SEC. 8. For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred

to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$6,000,000 for the fiscal year ending June 30, 1940, and the sum of \$8,000,000 for the fiscal year ending June 30, 1941: *Provided*, That hereafter the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service.

SEC. 9. For construction and improvement of Indian reservation roads under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$2,500,000 for the fiscal year ending June 30, 1940, and the sum of \$3,000,000 for the fiscal year ending June 30, 1941.

SEC. 10. With the approval of the Secretary of Agriculture, not to exceed 1½ per centum of the amount apportioned for any year to any State under sections 1, 2, and 3 of this Act may be used for surveys, plans, engineering, and economic investigations of projects for future construction in such State, either on the Federal-aid highway system and extensions thereof or on secondary or feeder roads, or grade-crossing eliminations.^a

SEC. 11. Any sums heretofore or hereafter withheld from the Federal-aid road funds apportioned to any State as a penalty for diversion of road-user taxes under the provisions of section 12 of the Act approved June 18, 1934 (48 Stat. 995), are hereby authorized to be made available for reapportionment in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available for expenditure, in accordance with the provisions of section 21 of the Federal Highway Act (42 Stat. 217).

SEC. 12. Hereafter the Secretary of Agriculture shall approve only such methods of bidding and such plans and specifications of highway construction for the type or types proposed as will be effective in securing competition and conducive to safety, durability, and economy of maintenance.

SEC. 13. The Chief of the Bureau of Public Roads is hereby directed to investigate and make a report of his findings and recommend to the Congress not later than February 1, 1939, with respect to the feasibility of building, and cost of, superhighways not exceeding three in number, running in a general direction from the eastern to the western portion of the United States, and not exceeding three in number, running in a general direction from the northern to the southern portion of the United States, including the feasibility of a toll system on such roads.

SEC. 14. This Act may be cited as the "Federal Aid Highway Act of 1938."

Approved, June 8, 1938.

APPROPRIATION OF JUNE 16, 1938

[52 Stat. 736, 749]

AN ACT

Making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1939, and for other purposes

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BUREAU OF PUBLIC ROADS

* * * * *

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads,

^a Further provision for such investigations made in Public, No. 195, 76th Congress. See p. 67.

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and for other purposes," approved July 11, 1916 (39 Stat. 355-359), and all Acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said Act, as amended, including not to exceed \$1,120,000 for departmental personal services in the District of Columbia, \$125,000,000, to be immediately available and to remain available until expended, which sum is the amount authorized to be appropriated for the fiscal year 1938, by section 1 of the Act approved June 16, 1936 (49 Stat. 1519-1520): *Provided*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided further*, That not to exceed \$45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (23 U. S. C. 21, 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said Act, including the replacement of not to exceed one such vehicle for use in the administrative work of the Bureau of Public Roads in the District of Columbia at a cost, including the exchange value of the vehicle to be replaced, not to exceed \$1,200: *Provided further*, That, during the fiscal year 1939, whenever performing authorized engineering or other services in connection with the survey, construction, and maintenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road-building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned: *Provided further*, That during the fiscal year 1939 the appropriations for the work of the Bureau of Public Roads shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Bureau of Public Roads, and for sale and distribution to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured, from the appropriation chargeable with the cost or value of such supplies, materials, or equipment: *Provided further*, That the appropriations available to the Bureau of Public Roads may be used in emergency for medical supplies and services and other assistance necessary for the immediate relief of employees engaged on hazardous work under that Bureau.

FEDERAL-AID SECONDARY OR FEEDER ROADS

For secondary or feeder roads, including farm-to-market roads, rural free delivery mail roads, and public-school bus routes, \$20,000,000, to be immediately available and to remain available until expended, which sum is the remainder of the \$25,000,000 authorized to be appropriated for the fiscal year 1938 by section 7 of the Act approved June 16, 1936 (49 Stat. 1521).

ELIMINATION OF GRADE CROSSINGS

For the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade-crossing structures, and the relocation of highways to eliminate grade crossings, \$40,000,000, to be immediately available and to remain available until expended, which sum is the remainder of the \$50,000,000 authorized to be appropriated for the fiscal year 1938 by section 8 of the Act approved June 16, 1936 (49 Stat. 1521).

PUBLIC-LANDS HIGHWAYS

For the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indians lands, or other Federal reservations other than the forest reservations, under the provisions of the Act of June 24, 1930 (23 U. S. C. 3), \$2,500,000, to be immediately available and to remain available until expended, which sum is the amount authorized for the fiscal year 1939 by section 3 of the Act approved June 16, 1936 (49 Stat. 1520).

* * * * *

FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (23 U. S. C. 23), including not to exceed \$59,500 for departmental personal services in the District of Columbia, \$14,000,000, which sum consists of the balance of the amount authorized to be appropriated for the fiscal year 1938 and \$7,000,000 of the amount authorized to be appropriated for the fiscal year 1939 by the Act approved June 16, 1936, to be immediately available and to remain available until expended: *Provided*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$7,500: *Provided further*, That there shall be available from this appropriation not to exceed \$50,000 for the completion of construction of buildings at Denver, Colorado, for the storage and repair of Government equipment for use in the construction and maintenance of roads.

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Approved, June 16, 1938.

AGRICULTURAL APPROPRIATION ACT OF JUNE 30, 1939

[PUBLIC—No. 159—76TH CONGRESS]

[CHAPTER 253—1ST SESSION]

[H. R. 5269]

AN ACT

Making appropriations for the Department of Agriculture and for the Farm Credit Administration for the fiscal year ending June 30, 1940, and for other purposes

* * * * *

BUREAU OF PUBLIC ROADS

General administrative expenses: For the employment of persons and means, including rent, in the city of Washington and elsewhere for the purpose of conducting research and investigational studies, either independently or in cooperation with State highway departments, or other agencies, including studies of highway administration, legislation, finance, economics, transport, construction, operation, maintenance, utilization, and safety, and of street and highway traffic control; investigations and experiments in the best methods of road making, especially by the use of local materials; and studies of types of mechanical plants and appliances used for road building and maintenance and of methods of road repair and maintenance suited to the needs of different localities; for maintenance and repairs of experimental highways; for furnishing expert advice on these subjects; for collating, reporting, and illustrating the results of same; and for preparing, publishing, and distributing bulletins and reports; to be paid from any moneys available from the administrative funds provided under the Act of July 11, 1916 (39 Stat. 355-359), as amended, or as otherwise provided.

FEDERAL-AID HIGHWAY SYSTEM

For carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat. 355-359), and all Acts amendatory thereof and supplementary thereto, to be expended in accordance with the provisions of said Act, as amended, including not to exceed \$1,120,000 for departmental personal services in the District of Columbia, \$125,000,000, to be immediately available and to remain available until expended, which sum is the amount authorized to be appropriated for the fiscal year 1939, by section 1

of the Act approved June 16, 1936 (49 Stat. 1519-1520): *Provided*, That none of the money herein appropriated shall be paid to any State on account of any project on which convict labor shall be employed, except this provision shall not apply to convict labor performed by convicts on parole or probation: *Provided further*, That not to exceed \$45,000 of the funds provided for carrying out the provisions of the Federal Highway Act of November 9, 1921 (23 U. S. C. 21, 23), shall be available for the purchase of motor-propelled passenger-carrying vehicles necessary for carrying out the provisions of said Act, including the replacement of not to exceed one such vehicle for use in the administrative work of the Bureau of Public Roads in the District of Columbia: *Provided further*, That, during the fiscal year 1940, whenever performing authorized engineering or other services in connection with the survey, construction, and maintenance, or improvement of roads for other Government agencies the charge for such services may include depreciation on engineering and road-building equipment used, and the amounts received on account of such charges shall be credited to the appropriation concerned: *Provided further*, That during the fiscal year 1940 the appropriations for the work of the Bureau of Public Roads shall be available for meeting the expenses of warehouse maintenance and the procurement, care, and handling of supplies, materials, and equipment stored therein for distribution to projects under the supervision of the Bureau of Public Roads, and for sale and distribution to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured, from the appropriation chargeable with the cost or value of such supplies, materials, or equipment: *Provided further*, That the appropriations available to the Bureau of Public Roads may be used in emergency for medical supplies and services and other assistance necessary for the immediate relief of employees engaged on hazardous work under that Bureau.

FEDERAL-AID SECONDARY OR FEEDER ROADS

For secondary or feeder roads, including farm-to-market roads, rural free delivery mail roads, and public-school bus routes, \$25,000,000, to be immediately available and to remain available until expended, which sum is the amount authorized to be appropriated for the fiscal year 1939 by section 7 of the Act approved June 16, 1936 (49 Stat. 1521).

ELIMINATION OF GRADE CROSSINGS

For the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade-crossing structures, and the relocation of highways to eliminate grade crossings, \$40,000,000, to be immediately available and to remain available until expended, which sum is part of the \$50,000,000 authorized to be appropriated for the fiscal year 1939 by section 8 of the Act approved June 16, 1936 (49 Stat. 1521).

PUBLIC-LANDS HIGHWAYS

For the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations, under the provisions of the Act of June 24, 1930 (23 U. S. C. 3), \$1,000,000, to be immediately available and to remain available until expended, which sum is the amount authorized for the fiscal year 1940 by section 6 of the Act approved June 8, 1938 (52 Stat. 635).

Total, Bureau of Public Roads, \$191,000,000.

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FOREST ROADS AND TRAILS

For carrying out the provisions of section 23 of the Federal Highway Act approved November 9, 1921 (23 U. S. C. 23), including not to exceed \$59,500 for departmental personal services in the District of Columbia, \$10,000,000, which

sum consists of the balance of the amount authorized to be appropriated for the fiscal year 1939 by the Act approved June 16, 1936 (49 Stat. 1520), and \$3,000,000 of the amount authorized to be appropriated for the fiscal year 1940 by the Act approved June 8, 1938 (52 Stat. 635), to be immediately available and to remain available until expended: *Provided*, That this appropriation shall be available for the rental, purchase, or construction of buildings necessary for the storage of equipment and supplies used for road and trail construction and maintenance, but the total cost of any such building purchased or constructed under this authorization shall not exceed \$7,500.

* * * * *
Approved, June 30, 1939.

REORGANIZATION PLAN NO. 1

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, April 25, 1939, pursuant to the provisions of the Reorganization Act of 1939, approved April 3, 1939, made effective on July 1, 1939, by a joint Resolution of Congress adopted June 7, 1939

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PART 3. FEDERAL WORKS AGENCY

SECTION 301. *Federal Works Agency.*—(a) The Bureau of Public Roads in the Department of Agriculture and its functions and personnel (including the Chief thereof) are transferred from the Department of Agriculture; the Public Buildings Branch of the Procurement Division in the Treasury Department and its functions and personnel are transferred from the Treasury Department; the Branch of Buildings Management of the National Park Service in the Department of the Interior and its functions and personnel (except those relating to monuments and memorials), and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or enlargement of public buildings shall be undertaken, and the personnel engaged exclusively in the administration of such functions, and the United States Housing Authority in the Department of the Interior and its functions and personnel (including the Administrator) are transferred from the Department of the Interior; and all of these agencies and functions, together with the Federal Emergency Administration of Public Works and its functions, and all of the Works Progress Administration and its functions (except the National Youth Administration and its functions) are hereby consolidated into one agency to be known as the Federal Works Agency, with a Federal Works Administrator at the head thereof. The Federal Works Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of \$12,000 per annum. He shall have general direction and supervision over the administration of the several agencies consolidated into the Federal Works Agency by this section and shall be responsible for the coordination of their functions.

(b) The Federal Works Administrator shall appoint an Assistant Federal Works Administrator, who shall receive a salary at the rate of \$9,000 per annum, and he may also appoint such other personnel and make such expenditures as may be necessary.

(c) The Assistant Administrator shall act as Administrator during the absence or disability of the Administrator, or in the event of a vacancy in that office, and shall perform such other duties as the Administrator shall direct.

(d) The several agencies and functions consolidated by this section in the Federal Works Agency shall carry with them their personnel.

SEC. 302. *Public Roads Administration.*—(a) The Bureau of Public Roads and its functions shall be administered as the Public Roads Administration at the head of which shall be the Chief of the Bureau of Public Roads whose title shall be changed to Commissioner of Public Roads. Hereafter the Com-

missioner of Public Roads shall be appointed by the Federal Works Administrator.

(b) All functions of the Secretary of Agriculture relating to the administration of the Bureau of Public Roads are hereby transferred to, and shall be exercised by, the Federal Works Administrator.

AID IN FREEING TOLL BRIDGES ON FEDERAL-AID SYSTEM

[PUBLIC—No. 195—76TH CONGRESS]

[CHAPTER 328—1ST SESSION]

[S. 1109]

AN ACT

To amend the Act entitled "An Act to aid the several States in making, or for having made, certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes," by providing that funds available under such Act may be used to match regular and secondary Federal-aid road funds, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to aid the several States in making, or for having made, certain toll bridges on the system of Federal-aid highways free bridges, and for other purposes," approved August 14, 1937, is hereby amended to read as follows:

"That in the case of each and every State, or political subdivision or subdivisions thereof, which, prior to July 1, 1941, shall have constructed or acquired any toll bridges on the approved system of Federal-aid highways, and which has caused or shall, prior to July 1, 1941, cause any such toll bridge or toll bridges to be made free, the Federal Works Administrator shall be, and he is hereby, authorized to pay out of the regular and secondary Federal-aid road funds apportioned to such State not to exceed 50 per centum of such amount as may be approved by the Federal Works Administrator as the reasonable value or construction cost of any such bridge whichever shall be least: *Provided*, That no payment of Federal funds shall be made on account of any such bridge which was not constructed in accordance with plans and specifications which would meet the standards required by the Secretary of Agriculture at the time such bridge was constructed, nor on account of any bridge the construction of which was completed prior to March 3, 1927: *And provided further*, That no such payment shall be made which will exceed 50 per centum of the reasonable value or cost of the labor and materials which were actually incorporated in the construction of such bridge, excluding all costs of rights-of-way, property damages, and financing costs, whichever, value or cost, shall be least, and any amount so paid on account of any such bridge from regular Federal-aid road funds shall be used for matching unobligated regular Federal-aid road funds available to the State for expenditure in the improvement of highways on the system of Federal-aid highways, and any amount so paid on account of any such bridge from secondary Federal-aid road funds shall be used for matching unobligated secondary Federal-aid road funds available to the State for expenditure in the improvement of secondary or feeder roads."

SEC. 2. That section 10 of the Federal Aid Highway Act of 1933 is hereby amended to read as follows:

"SEC. 10. With the approval of the Federal Works Administrator not to exceed 1½ per centum of the amount apportioned for any year to any State under the Federal Highway Act, as amended and supplemented, except sections 3 and 23 thereof, shall hereafter be used with or without State funds for surveys, plans, engineering, and economic investigations of projects for future construction in such State, either on the Federal-aid highway system and extensions thereof or on secondary or feeder roads or grade-crossing eliminations."

Approved, July 19, 1939.

RULES AND REGULATIONS OF THE SECRETARY OF AGRICULTURE FOR CARRYING OUT THE FEDERAL HIGHWAY ACT (EXCEPT THE PROVISIONS THEREOF RELATIVE TO FOREST ROADS)

[Approved by the Acting Secretary of Agriculture February 27, 1935]

REGULATION 1. DEFINITIONS

SECTION 1. For the purposes of these regulations, the following terms shall be construed, respectively, to mean:

Act.—The Act of Congress approved July 11, 1916, entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes" (39 Stat. 355), as amended by the Act approved February 28, 1919, entitled "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes" (40 Stat. 1200, 1201), and as amended by the Act approved November 9, 1921, entitled "An Act to amend the Act entitled 'An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes', approved July 11, 1916, as amended and supplemented, and for other purposes" (42 Stat. 212), and all acts amendatory thereof and/or supplementary thereto.

Secretary.—The Secretary of Agriculture of the United States.

Bureau of Public Roads.—The Bureau of Public Roads of the United States Department of Agriculture.

Authorized representatives of the Secretary.—The Chief of Bureau of Public Roads and such other officials and employees thereof as he may designate from time to time.

Federal-aid highway system.—The system of Federal-aid highways, established by actual agreement and joint action of the States and the Secretary of Agriculture.

Ten percent fund.—Items for engineering, inspection, and unforeseen contingencies not exceeding 10 percent of the total estimated cost of the construction.

REGULATION 2. INFORMATION FOR THE SECRETARY

SECTION 1. Each State shall maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by these rules and regulations. From time to time as the Secretary may determine, there shall be furnished to him upon his request, by or on behalf of a State, information as to its laws affecting roads and the authority of the State and local officials in reference to the acquisition of rights of way; construction and maintenance of roads; as to the State highway department, how equipped and organized; as to provisions of its constitution or laws relative to State revenues for the construction, reconstruction, or maintenance of roads; as to funds that will be available to meet the State's share of the cost of construction work to be performed and the general sources of such funds; and as to provisions made for maintaining roads upon which Federal-aid funds have been expended.

SEC. 2. Data furnished by or on behalf of a State shall be supplemented by such reports of the Bureau of Public Roads as the Secretary may from time to time require.

REGULATION 3. FEDERAL-AID HIGHWAY SYSTEM MAP

SECTION 1. Each State highway department shall file with the Secretary of Agriculture a State map showing the proposed initial Federal-aid highway system which shall not exceed 7 percentum of the total highway mileage of such State as shown by the records of the State highway department at the time of the passage of the Federal Highway Act approved November 9, 1921.

SEC. 2. The Secretary, through his authorized representatives, will make an examination of the proposed system and will from time to time notify the State highway department of the acceptability of the parts of the system examined.

SEC. 3. Whenever provision has been made by any State for the completion and maintenance of 90 percentum of its initial Federal-aid system equal to 7 percentum of the total highway mileage of such State, such State through its State highway department may request authorization to increase the mileage of

such system by additional mileage equal to not more than 1 percentum of said total mileage of such State and thereafter to make like increase in the mileage of said system whenever provision has been made for the completion and maintenance of 90 percentum of the mileage of said system previously authorized hereunder. Requests to increase the limiting mileage of the Federal-aid system in any State shall be accompanied by such information as the Secretary or his authorized representatives may require to determine whether proper provision has been made for the construction and maintenance of the system previously authorized. When approval has been given by the Secretary to a request to increase the limiting mileage of the Federal-aid system in any State, additions to such system up to 1 percentum of the total certified mileage of the State at the time of the passage of the Federal Highway Act may be made as a whole or seriatim in accordance with the procedure heretofore outlined.

REGULATION 4. PROGRAMS OF PROPOSED CONSTRUCTION

SECTION 1. Each State highway department shall prepare and submit to the Chief of the Bureau of Public Roads for approval a detailed program of proposed construction projects for the utilization of any apportionment of funds made to the State under the provisions of this Act. This program shall be in tabular form, indicating the project number, the county, termini, length, proposed character of the work, estimated total cost, and the amount of Federal funds desired for each project listed therein. The program shall be accompanied by Federal-aid progress maps showing the location in diagrammatic form, together with the project number and estimated total cost of each project covered by the program. The program may be submitted in whole or in part. Excepting minor additions to a program made possible by contract costs being less than estimated costs, or by small balances otherwise available, no program will be considered for projects involving less than 25 percent of a State's apportionment.

REGULATION 5. PROJECT STATEMENTS

SECTION 1. A project statement may be submitted for the whole or any part of a continuous route or routes embraced in the Federal-aid highway system selected or designated in accordance with the provisions of the Act, preference being given to such projects as will expedite the completion of a system of highways interstate in character.

SEC. 2. A project statement shall contain such information as the Secretary may require to be submitted on a form supplied by the Bureau of Public Roads and shall be accompanied by a sketch map in sufficient detail and covering such length of road as may be necessary to determine the fitness of the location as a part of the Federal-aid highway system and with the termini of the proposed improvement indicated thereon.

SEC. 3. When in the opinion of the Chief of the Bureau of Public Roads, or his authorized representative, a State shall have filed a complete project statement for a project and complete plans, specifications, and estimates therefor, or for any part thereof, the Chief of the Bureau of Public Roads, or his representative when so authorized, may authorize advertisement of such project, or of such part thereof, and/or may approve or recommend for approval, such plans, specifications, and estimates, but shall not concur in the award of any contract until after the project statement has been approved.

REGULATION 6. SURVEYS, PLANS, SPECIFICATIONS, AND ESTIMATES

SECTION 1. The surveys, plans, specifications, and estimates shall show in convenient form and detail the work to be performed and the probable cost thereof, all in conformity with the standards governing form and arrangement prescribed by the Secretary.

SEC. 2. Copies of the specifications shall be submitted with the plans and estimates, except that where standard specifications have been approved by the Chief of the Bureau of Public Roads a statement to the effect that approved standard specifications govern may be submitted in lieu of the printed documents. Standard specifications shall be revised from time to time as may be required by the Chief of the Bureau of Public Roads to reflect improvements in design and construction practices.

SEC. 3. Until plans, specifications, and estimates for a project or part thereof have been submitted and found satisfactory for recommendation, and the State

has been so notified by the district engineer of the Bureau of Public Roads, no project or part thereof shall be advertised for contract.

SEC. 4. The estimate for each project shall show the estimated quantity and the estimated cost of each item of construction in detail and, separately, the 10-percent fund, and shall not include any expense for advertising.

SEC. 5. Unless State standard contract and bond forms have been approved, there shall be submitted with each set of plans for the approval of the Secretary copies of the form of contract, together with all documents referred to therein or made a part thereof, and of the contractor's bond which it is proposed to use on the project. No alteration of either of these forms, when once approved, shall be made until it is approved by the Secretary.

SEC. 6. Where any part of the cost of a project is to be furnished by a county or other local subdivision or subdivisions of a State, the plans, specifications, and estimates shall be accompanied by certified copy of each resolution or order, if any, of the appropriate local officials, or such other showing as the Secretary may require respecting the funds which are made available, or respecting the supervision of the construction of the road and of the control of the money provided for paying such cost.

SEC. 7. Right of way ample for any project shall be provided and no incidental damages to adjoining property due to construction work paid for by or on behalf of the State, shall be included in the estimate or be paid in any part, directly or indirectly, by the Federal Government.

SEC. 8. Grade crossings occurring on the Federal-aid highway system shall be classified for priority of improvement by agreement between the State highway departments and the Bureau of Public Roads.

SEC. 9. No part of the expense of making surveys, plans, specifications, or estimates, by or on behalf of the State prior to the beginning of construction work, shall be included in the estimate or paid by the Federal Government, except as such payments may be specifically authorized by law.

REGULATION 7. PROJECT AGREEMENTS

SECTION 1. A project agreement between the State highway department and the Secretary shall be executed for each project on a form furnished by the Secretary. When authorized in writing by the Secretary, the Chief of the Bureau of Public Roads may execute such agreements on behalf of the United States. No payment on any project shall be made by the United States unless and until such agreement has been executed, nor on account of work done prior to recommendation by the district engineer of the Bureau of Public Roads that the plans, specifications, and estimates be approved.

SEC. 2. Subsequent to the execution of the agreement no change which will increase the cost of a project to the Federal Government shall be made, except upon approval by the Secretary of Agriculture, and no changes shall be made in the termini or type, except upon approval of the Chief of Bureau of Public Roads, but minor alterations which do not affect the general nature of the improvement or increase the total cost to the Federal Government may be authorized by the Chief of the Bureau of Public Roads or by his representative when so authorized.

REGULATION 8. CONTRACTS

SECTION 1. No part of the Federal money set aside on account of any project shall be paid until it has been shown to the satisfaction of the Secretary that adequate methods, either advertising or other devices appropriate for the purpose, were employed, prior to the beginning of construction, to insure economy and efficiency in the expenditure of such money. An advertising period of two weeks may be accepted, provided a suitable mailing list of contractors is maintained by a State highway department to whom notices of new work are mailed, and public advertisement is inserted once a week for two weeks in such newspapers and/or other publications as will insure adequate publicity: the first insertion to be two weeks prior to the opening of bids; the second to follow one week after the first publication.

SEC. 2. All contracts for the construction of highways under this Act shall require the contractor to furnish all materials entering into the work, except that with the prior approval of the Chief of the Bureau of Public Roads materials may be purchased and stored by a State during the off-construction season. No requirement shall be contained in any such contract entered into by any State providing price differentials for, or restricting the use of materials to, those produced within the State.

SEC. 3.^a No procedure or requirement shall be approved which, in the judgment of the Secretary, is designed or may operate to prevent the submission of a bid by, or the award of a contract to, any responsible contractor, whether resident or nonresident of the State wherein the work is to be performed, such as laws and regulations which require the licensing of a contractor before he may submit a bid or prohibit the consideration of a bid submitted by a contractor not so licensed, or rules which govern the prequalification of contractors by which the amount of work that may be awarded to a contractor is limited otherwise than by a full and appropriate evaluation of his experience, equipment, financial resources, and performance record.

SEC. 4. No bid shall be accepted from any contractor who is not complying with any applicable code of fair competition adopted and approved under legislative authority for any trade or industry or subdivision concerned or with any Executive Order issued by the President. There shall be incorporated in each contract a specific requirement that the contractor and all subcontractors shall comply with any applicable approved codes of fair competition or Executive Order issued by the President, and that all materials purchased from commercial sources and incorporated in the work shall be subject to the same conditions.

SEC. 5. Upon publication of advertisements copies thereof shall be furnished to the Bureau of Public Roads.

SEC. 6. Bids shall conform to the standard proposal form, and the items shall be the same as those contained in the estimate provided for in regulation 6, section 4.

SEC. 7. Copy of the tabulated bid prices, showing the unit prices and the totals of each bid for every project, shall be furnished promptly to the Bureau of Public Roads.

SEC. 8. No contract for any project or part thereof shall be entered into or award therefor made by any State without prior concurrence in such action by the Chief of the Bureau of Public Roads, or his authorized representative.

SEC. 9. Where bids are received on two or more alternate types of construction for a project, the award of contract shall be to the lowest responsible bidder irrespective of type, unless it be satisfactorily shown that it is advantageous to the work to accept a higher bid.

SEC. 10. The specifications and plans shall be made a part of the contract.

SEC. 11. A copy of each contract, as executed, shall be promptly certified by the State highway department and furnished to the Secretary, and no alteration in the contract shall be subsequently made without the approval of the Secretary or his authorized representative.

SEC. 12. All contracts for projects under this Act shall contain suitable stipulations designed to insure that not less than 80 percent of the work embraced in the contract, exclusive of items not commonly found in contracts for similar work, or which require highly specialized knowledge, craftsmanship, and/or equipment not ordinarily available in contracting organizations which perform work of the character embraced in the contract, shall be performed by the contractor with his own organization; provided, that a procedure may be approved whereby a contractor who states in his proposal a particular item or items which he proposes to sublet, and names the subcontractor to whom he proposes to sublet such work, may, if such item or items do not constitute the major item or items of the contract, have such work performed by the subcontractor named notwithstanding the above limitation.

REGULATION 9. CONSTRUCTION

SECTION 1. Suitable samples of materials to be used in construction work shall be submitted, by or on behalf of the State highway department, to the Bureau of Public Roads whenever requested.

SEC. 2. Unless otherwise stipulated in writing by the Secretary or his authorized representative, materials for the construction of any project shall be tested, prior to use, for conformity with the specifications, according to methods prescribed or approved by the Bureau of Public Roads.

SEC. 3. No part of the money apportioned under the Act shall be used, directly or indirectly, to pay or to reimburse a State, county, or local subdivision for the payment of any premium or royalty on any patented or pro-

^a As revised November 15, 1938.

proprietary material, specification, or process for a distinctive type of construction unless purchased or obtained on open actual competitive bidding at the same or a less cost than unpatented articles or methods, if any, equally suitable for the same purpose, provided, however, that patented or proprietary articles or methods of reasonable cost which constitute minor elements of a contract item may be specified and paid for, in the discretion of the Bureau of Public Roads, if purchased in competition with one or more equally suitable patented or proprietary articles or methods or if information is included in the advertisement stating the price at which such patented or proprietary articles or methods are available to all contractors. Manufactured, patented, or proprietary articles which constitute a major part of the cost of a contract item may be specified and paid for if competition is assured with nonpatented or nonproprietary articles or between two or more manufactured patented or proprietary articles accepted as equally suitable for the same purpose. Nothing in this section shall be construed as a prohibition against the use of any patented or proprietary material, specification, or process for a distinctive type of construction on relatively short sections of road for experimental purposes.

SEC. 4. The supervision of each project by the State highway department shall include adequate and continuous engineering inspection throughout the course of construction.

SEC. 5. Written notice of commencement and completion of work on any project shall be given promptly by the State highway department to the Bureau of Public Roads.

SEC. 6. Reports of the progress of construction showing force employed and work done, shall be furnished as requested by the Secretary or his authorized representatives.

SEC. 7. No work shall be done by direct labor or force account unless a State highway department shall have demonstrated to the satisfaction of the Secretary or his authorized representative that it is able and equipped to undertake such work at costs comparable with contract work similar in character. Any work done by direct labor or force account shall be subject to these rules and regulations. All materials used on such work must comply with approved specifications and be purchased under competitive bids, except that for minor quantities of materials, which may be obtained locally from a number of independent sources, the receipt by the State of letter quotations from not less than three local dealers will be considered as sufficient means to insure economy and efficiency in the corresponding expenditure of funds. Published advertisements shall be employed in the purchase of any large quantities of materials.

REGULATION 10. LABOR AND EMPLOYMENT

SECTION 1. No convict labor shall be employed and no materials manufactured or produced by convict labor shall be used on any project constructed under these rules and regulations.

SEC. 2. If a local employment service is maintained by the Federal Government, or by the Federal Government in cooperation with the State, in the vicinity of any work undertaken under this Act, the contract shall require that unskilled labor for a project shall be selected from qualified workers referred by such agency.

SEC. 3. (a) To prevent the exploitation of labor all contracts for the construction of highways under this Act shall prescribe the minimum rates of wages, as predetermined by the State highway department, which contractors shall pay to the different classes of labor, and such minimum rates shall be stated in the advertisement for bids and in proposals or bids which may be submitted. The wage rates so determined shall be a minimum rate for unskilled labor, a minimum rate for labor, intermediate grade, and a minimum rate for skilled labor. The classification of labor employed on highway work into the three classes mentioned shall be in accordance with instructions issued by the Chief of the Bureau of Public Roads.

(b) All contracts for the construction of projects under this Act shall require that the wages of all labor shall be paid in legal tender of the United States. This condition will be considered satisfied if payment is made by a negotiable check, on a solvent bank, which may be readily cashed by the employee in the immediate community for the full amount, without discount or collection charges of any kind.

(By amendment of March 11, 1939, Section 4 as originally issued was revoked. Section 5 was revised to read as shown below and renumbered Section 4.)

SEC. 4. When deemed necessary by the Chief of the Bureau of Public Roads to give effect to stipulations concerning wages of labor, the specifications for each project shall contain a provision requiring the contractor to furnish promptly to the State highway department copies of a monthly pay roll by calendar months certified under oath by the contractor or his authorized representative. Such copies shall be available for inspection by the Chief of the Bureau of Public Roads or his authorized representative and he may require that copies be furnished him.

REGULATION 11. HIGHWAY-PLANNING PROJECTS

SECTION 1. The Commissioner of Public Roads, within the limits fixed by law, may prescribe the amount of the apportionment to any State which shall be programmed and expended for surveys, plans, engineering and economic investigations for future construction. Such planning projects shall include the highway planning surveys and shall be programmed and initiated in the same manner as other projects by the submission of project statements, and the work shall be prosecuted under a project agreement. Highway planning projects involving detailed surveys and construction plans shall be confined to projects for which State funds are not immediately available for construction, and for which Federal funds for construction would be from subsequent apportionments to a State. No part of the cost of highway planning projects shall be paid to States which restrict the employment of engineers to residents of the State.^a

REGULATION 12. TRAFFIC SIGNS AND SIGNALS

SECTION 1. All signs and traffic-control devices and other protective structures erected on or in connection with highways or structures on which Federal funds are allocated in whole or in part shall be in conformity with such manual of uniform traffic-control devices as may be approved by the Secretary of Agriculture. All traffic-control devices erected on projects for such highways or structures, whether paid for from Federal or other funds, shall be in accordance with such approved manual.

REGULATION 13. ROADSIDE IMPROVEMENTS

SECTION 1. To insure proper treatment of the roadsides and eliminate, insofar as possible, the scars of construction, the Chief of the Bureau of Public Roads shall prescribe the extent to which work of this character may be required as a part of the original construction of a project or to be undertaken at a later date. Such work shall include the selective cutting, pruning, and preservation of existing growth, removal of stumps, the flattening of slopes and rounding of slope intersections, the planting of trees and shrubs, and the construction of footpaths for pedestrians where such construction is justified and necessary as a safety measure.

REGULATION 14. RECORDS AND COST KEEPING

SECTION 1. Such records of the cost of construction, of inspection, of tests, and of maintenance done by or on behalf of the State, shall be kept, by or under the direction of the State highway department, as will enable the State to report, upon the request of the Secretary or his authorized representatives, the amount and nature of the expenditure for these purposes.

SEC. 2. The accounts and records, together with all supporting documents, shall be open at all times to the inspection of the Secretary or his authorized representatives, and copies thereof shall be furnished when requested.

REGULATION 15. PAYMENTS

SECTION 1. Vouchers, in the form provided by the Secretary and certified as therein prescribed, showing amounts expended on any project and the amount claimed to be due from the Federal Government on account thereof, shall be submitted by the State highway department to the Bureau of Public Roads, either after completion of construction of the project or, if the Secretary has determined to make payments as the construction progresses, at intervals of not less than one month.

^a As revised October 24, 1939.

REGULATION 16. SUBMISSION OF DOCUMENTS

SECTION 1. Papers and documents required by the Act or these regulations to be submitted to the Secretary may be delivered to the Chief of the Bureau of Public Roads or his authorized representatives and, from the date of such delivery, shall be deemed submitted.

REGULATION 17. MAINTENANCE OF PROJECTS

SECTION 1. All projects constructed under the provisions of this Act shall be maintained by the State except those projects or portions thereof which may be eliminated from the Federal-aid highway system through relocation in connection with further improvement of a project or through a change in the designated highways of such system. If a State is without authority to maintain projects constructed within municipalities or other political subdivisions the State shall submit, in the form prescribed by the Secretary, an agreement with the municipality or other political subdivision for such maintenance.

SEC. 2. Each State highway department shall keep such cost records of maintenance work as the Chief of the Bureau of Public Roads may prescribe and shall report such costs upon his request. If at any time the Chief of the Bureau of Public Roads finds that insufficient funds are being devoted to maintenance work or that improvements in organization and methods of operation are necessary to secure better results, he shall so advise a State and require such remedial action as will accomplish these purposes.

REGULATION 18. PROJECTS THROUGH UNAPPROPRIATED OR UNRESERVED PUBLIC LANDS, NONTAXABLE INDIAN LANDS, OR OTHER FEDERAL RESERVATIONS OTHER THAN FOREST RESERVATIONS

SECTION 1. The term "main roads" as used in the Act of June 24, 1930 (46 Stat. 805), shall be construed to include sections of the Federal-aid highway system, continuations thereof, and necessary connections between routes thereon.

SEC. 2. Projects for construction under said Act of June 24, 1930, shall be selected and recommended jointly by the district engineer of the Bureau of Public Roads and the State highway department.

SEC. 3. Construction of projects hereunder may be undertaken either by the States or by the Federal Government, as may be provided by project agreements entered into between the State highway departments and the Secretary of Agriculture.

SEC. 4. All provisions of regulations 1 to 16 inclusive shall apply to projects hereunder.

REGULATION 19. DIVERSION OF GASOLINE AND MOTOR-VEHICLE TAXES—REDUCTION OF APPORTIONMENT

SECTION 1. As soon as practicable after the approval of these rules and regulations, the Secretary shall determine, as of June 18, 1934, what amounts of the revenues derived from State motor-vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators in the various States, are required by the laws of each State to be applied to highway purposes, including the retirement of bonds for the payment of which such revenues have been pledged. If he shall find at any time that lesser amounts of such revenues in any State are required by its laws to be applied to such purposes than were required to be so applied by the laws of such State on June 18, 1934, he shall take such action as he may deem necessary to comply with the provisions of section 12 of the Act of June 18, 1934 (48 Stat. 995), by reducing the apportionment of Federal funds to such State by not to exceed one-third of the amount to which it otherwise would be entitled for any fiscal year in which such finding may be made.

SEC. 2.^a In any State which the Secretary shall find is applying the proceeds of the State motor-vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds to highway purposes, except construction, as defined in section 12 of the Act of June 18, 1934 (48 Stat. 993), and has insufficient balance remaining for construction with which to match, all or any part of its Federal aid apportionments for

^a Amendment of July 2, 1936.

either or both of the fiscal years 1936 and 1937, in accordance with the provisions of the Federal Highway Act of 1921, as amended and supplemented, all or such portion of such apportionments as the Secretary may find the State is unable to match may be expended in such State without being matched with State funds, as provided in Paragraph (d) of section 1 of the Act of June 16, 1936 (Public, No. 686, 74th Cong.).

Applications under this section may be submitted by a State highway department through the district engineer of the Bureau of Public Roads on forms provided by that Bureau. A special agreement will be entered into with each State highway department covering projects under this regulation. A certified statement will be required quarterly showing in detail the collections of the taxes enumerated in this section and the disposition of same. This statement will be subject to audit and check against the original records of the State by representatives of the Bureau of Public Roads.

REGULATION 20. APPLICATION OF REGULATIONS

SECTION 1. These regulations shall apply to all provisions of the Act, except the provisions thereof relative to forest roads and trails, shall take effect upon approval, and shall supersede the rules and regulations approved July 22, 1922, and all amendments thereto.

RULES AND REGULATIONS FOR CONSTRUCTION OF SECONDARY OR FEEDER ROADS UNDER ACT OF JUNE 8, 1938

Rules and Regulations for Carrying Out the Provisions of Section 2 of the Act of June 8, 1938 (52 Stat. 633), and Acts Amendatory Thereof or Supplementary Thereto, Which Relate to the Improvement of Secondary or Feeder Roads in Accordance With the Provisions of the Federal Highway Act

[Approved by the Secretary of Agriculture Jan. 13, 1939]

SECTION 11.1. *Definitions.*—For the purposes of these rules and regulations the following definitions shall control.

(a) "Act" shall mean section 2 of the Act of June 8, 1938 (52 Stat. 633), and acts amendatory thereof or supplementary thereto, which provide for the improvement of secondary or feeder roads, including farm-to-market roads, rural-free-delivery mail roads, and public-school bus routes in accordance with the provisions of the Federal Highway Act, as amended and supplemented.

(b) "State" as used herein shall include the Territory of Hawaii, the Island of Puerto Rico and the District of Columbia.

(c) "Secretary" shall mean the Secretary of Agriculture of the United States.

(d) "Secondary highway funds" shall mean the funds authorized to be apportioned under the act among the several States by the Secretary of Agriculture for the improvement of secondary or feeder roads.

(e) "Secondary or feeder roads" shall mean roads outside of municipalities, except as hereafter provided, which are not included in the Federal-aid highway system, and shall include farm-to-market roads, mine-to-market roads, rural-free-delivery mail roads, public-school bus routes, and other rural roads of community value which connect with important highways or which extend reasonably adequate highway service from such highways, or which lead to rail or water shipping points or local settlements. The limitation with respect to roads within municipalities shall not apply to the District of Columbia and shall not be construed to prevent improvements into or through small municipalities when such improvements are necessary for continuity of service.

(f) "Municipality" shall mean a populous community, generally of defined area, usually organized pursuant to law into a body politic with corporate name and continuous succession and for the purpose and with the authority of subordinate local self-government.

(g) "Project" shall mean a definite undertaking for a purpose defined under the act.

(h) Projects shall be designated "Federal Aid Secondary Project No. FAS —."

SEC. 11.2. *Initiation of projects.*—All projects under this act shall be initiated by the States and submitted in the same manner as other Federal-aid projects,

and all such projects shall be subject to all of the provisions of the rules and regulations of the Secretary of Agriculture in effect for administering the Federal Highway Act, as amended, except such provisions as are inconsistent or in conflict with these rules and regulations.

SEC. 11.3. *Application of funds to projects.*—(a) The funds apportioned to any State under the act shall be applied to projects, essentially rural in character, that are not on highway routes which are potential additions to the Federal-aid highway system within a reasonable interval.

(b) To accomplish a wide distribution of benefits within each State in the expenditure of funds authorized by the act without a sacrifice of administrative or construction efficiency, the Chief of the Bureau of Public Roads shall determine the minimum percentage of counties, applicable alike in each State, in which the funds authorized for any one or more fiscal years shall be used: *Provided*, That the cost chargeable to secondary highway funds of projects programmed for construction in a State in any one fiscal year shall not exceed the amount of such funds available to the State.

(c) No projects shall be undertaken which do not provide for a surfacing or stabilization of the roadbed which shall be reasonably satisfactory for the traffic served. Grading and drainage as first stage construction may be accepted: *Provided*, The State highway department will enter into a satisfactory agreement for future surfacing or stabilization of the roadbed.

SEC. 11.4. *Selection of projects.*—(a) Each State highway department shall undertake the selection and designation of an initial system or group of secondary or feeder roads for construction or reconstruction based upon their relative importance as determined from factual data secured from State-wide studies for the planning of a complete highway system, and submit a suitable description and map of such proposed system or group to the Bureau of Public Roads for approval: *Provided*, That prior to the selection, designation, and approval of such system or group of secondary or feeder roads, projects may be approved for construction if it is reasonably anticipated that such projects will become a part of such system or group: *And provided further*, That prior to the selection, designation, and approval of such system or group of secondary or feeder roads, the Chief of Bureau of Public Roads shall determine to what extent secondary, or feeder-road projects may be located on the State highway system.

(b) The mileage of the initial system or group of secondary or feeder roads in any State shall not exceed 10 percent of the highway mileage of the State as shown by the latest available records of the State highway department. The initial system or group of secondary or feeder roads may be selected, designated, and approved, in whole or in part, in any State and may be modified, or increased, from time to time, as justified by the progress of its improvement.

(c) After a secondary or feeder system or group of highways has been selected, designated, and approved in any State no project shall be approved which is not a part of a route embraced in such system or group.

SEC. 11.5. *Surveys, plans, specifications, etc.*—Surveys and plans, specifications, and estimates for all projects in each State shall correspond to the character of the work contemplated and shall be in sufficient detail to show the quantity and kind of work involved and shall be prepared under the immediate direction of the State highway department without reimbursement from Federal funds. The State highway department, however, may utilize the services of well qualified county engineering organizations, acting under its direction, for the surveys, preparation of plans, specifications, and estimates, and for the supervision of construction for any project. Inasmuch as the Federal Highway Act requires each State to maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge the duties required by the legislation, no part of the cost of maintaining a central office organization of the State highway department or of any organization which may be utilized by the State for construction engineering and inspection shall be paid with Federal funds. Construction engineering and inspection charges reimbursable with Federal funds shall be limited to the salaries of individuals directly employed on a project and to other necessary costs incurred in connection with such engineering and inspection.

SEC. 11.6. *Methods of undertaking work.*—Whenever feasible and practicable the contract method shall be followed in performing work.

SEC. 11.7. *Highway planning projects.*—With the approval of the Secretary, not to exceed 1½ per centum of the amount apportioned to any State for sec-

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ondary or feeder roads may be used for surveys, plans, engineering, and economic investigations of projects for future construction in such State, or for the planning of a complete highway system and future programs of highway improvement for such State. Such proposed surveys, plans, and engineering investigations shall be initiated by the State highway department in the same manner as are other projects by the submission of a project statement and, if approved by the Secretary, the work may be prosecuted under a project agreement.

Sec. 11.8. *Maintenance*.—Project agreements for secondary or feeder road projects shall provide for the maintenance of such projects by the State to the extent permitted by State law; otherwise the State shall submit, in the form prescribed by the Secretary, an agreement for such maintenance with the county or other political subdivision responsible therefor: *Provided, however*, No project contemplating maintenance by a county or other political subdivision shall be approved if any road previously improved with Federal funds under the provisions of the Federal Highway Act, as amended and supplemented, which the said county or other political subdivision has agreed to maintain, is not being satisfactorily maintained as determined by the Chief of the Bureau of Public Roads.

RULES AND REGULATIONS FOR ELIMINATION OF HAZARDS AT GRADE CROSSINGS UNDER ACT OF JUNE 8, 1938

Rules and Regulations for Carrying Out the Provisions of Section 3 of the Act of June 8, 1938 (52 Stat. 634), and Acts Amendatory Thereof or Supplementary Thereto, Which Relate to the Elimination of Hazards to Life at Railroad Grade Crossings in Accordance With the Provisions of the Federal Highway Act

[Approved by the Secretary of Agriculture Apr. 11, 1939]

SECTION 22.1. *Definitions*.—For the purposes of these rules and regulations, the following definitions shall control:

(a) "Act" shall mean section 3 of the Act of June 8, 1938 (52 Stat. 634), and acts amendatory thereof or supplementary thereto, which provide for the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade-crossing structures, and the relocation of highways to eliminate grade crossings in accordance with the provisions of the Federal Highway Act, as amended and supplemented.

(b) "State" as used herein shall include the Territory of Hawaii, the Island of Puerto Rico, and the District of Columbia.

(c) "Secretary" shall mean the Secretary of Agriculture of the United States.

(d) "Grade-crossing funds" shall mean the funds authorized by the act to be apportioned among the several States by the Secretary of Agriculture for the elimination of hazards to life at railroad grade crossings.

(e) "Municipality" shall mean a populous community, generally of defined area, usually organized pursuant to law into a body politic with corporate name and continuous succession and for the purpose and with the authority of subordinate local self-government.

(f) "Project" shall mean a definite undertaking for a purpose defined under the act.

(g) "Railroad" shall mean an individually owned and/or operated railroad in any State.

(h) Projects located on the Federal-aid highway system outside of municipalities shall be designated "Federal Aid Grade Crossing Project No. FAGH ———." Projects within municipalities whether or not located on extensions of the Federal-aid highway system into or through such municipalities, shall be designated "Federal Aid Grade Crossing Project No. FAGM ———." Projects located outside of municipalities and not on the Federal-aid highway system shall be designated "Federal Aid Grade Crossing Project No. FAGS ———."

SEC. 22.2. *Initiation of projects*.—All projects under this act shall be initiated by the States and submitted in the same manner as other Federal-aid projects, and all such projects shall be subject to all of the provisions of the rules and

regulations of the Secretary of Agriculture in effect for administering the Federal Highway Act, as amended, except such provisions as are inconsistent or in conflict with these rules and regulations.

SEC. 22.3. *Application of funds to projects.*—(a) The funds apportioned to any State under the act shall be applied to projects without limitation as to geographic location.

(b) The State may elect to establish a program of projects covering the full amounts of existing authorizations. Only that portion of the program can be approved by the Secretary for which the apportionments to the States shall have been made. Subject to the conditions hereinafter stated to secure a reasonably equitable distribution of benefits among the railroads in each State, the basic program of projects shall be apportioned to the railroads in such manner that the total cost of the project or projects on any railroad shall have approximately the same relation to the total apportionment to the State as the road mileage of such railroad bears to the total road mileage of all railroads in the State. For this purpose data obtained from the Interstate Commerce Commission will be furnished each State showing the road mileage, exclusive of trackage rights, owned or operated therein on December 31, 1935, by the individual class I railroads, together with the road mileage of railroads of all other classifications owned or operated in the State.

(c) At the discretion of the State, projects may be programmed within practical limits, on other than class I railroads to the extent of the indicated apportionment to such railroads, or the indicated apportionment to other than class I railroads may be distributed proportionately among the class I railroads, or used to increase the apportionment to one or more of the class I railroads, to accomplish the programming of desirable projects, without regard to the fact that some class I railroads may control other than class I railroad mileage. Exception may be made to the general principle of the apportionment of benefits to the railroads in any State where the crossings of any railroad on the basis of both railroad and highway traffic usage are of low priority in comparison with the crossings of other railroads.

(d) The mileage of high speed electric railway lines in any State may be considered in connection with the programming of projects, in which event the intention to program projects for such mileage shall be reported by a State highway department when submitting the first increment of its program.

(e) The basic program as thus determined shall be modified by the following conditions and the priority of the individual projects on the program adjusted in accord with (1) the total combined utilization by railroad and highway, vehicular and pedestrian, traffic; (2) the elimination of the greatest traffic hazards with respect to use in which the element of danger is accentuated by the character of the railroad and/or highway traffic; and (3) the possibility of immediate construction.

SEC. 22.4. *Types of projects.*—(a) The apportioned funds shall be available to pay the direct cost of the construction of projects of the following character, exclusive of any charges for rights-of-way and/or property damage:

- (1) The separation of grades at crossings.
- (2) The protection of grade crossings.
- (3) The reconstruction of existing railroad grade-separation structures.
- (4) The relocation of highways to eliminate grade crossings.
- (5) The relocation of railroads to eliminate grade crossings.

(b) The separation of grades at crossings may be by underpass or by overpass and may include any necessary track elevation or track depression, and such additional work as may be required by changes in grade or alignment of the highway or by relocation of the highway or the railroad tracks. Grade-crossing funds may be used in combination with funds from other sources for the accomplishment of projects of greater magnitude than otherwise would be possible. The cost chargeable to grade-crossing funds of relocating and constructing the highway approaches to new or reconstructed grade-separation structures shall be limited to work actually necessary and performed within 1,500 feet on each side of the nearest track of the crossing measured along the center line of the highway improvement: *Provided, however,* That where conditions justify, the length of any one such approach may be increased if accompanied by a corresponding decrease in the length of the other approach. In all cases where the approaches to grade-separation structures are constructed on existing locations, the cost chargeable to grade-crossing funds of constructing such approaches shall be limited to such lengths on either side

of the crossing structure as are necessary for proper approach grades and vertical curves to connect with the existing roadway.

(c) The protection of railroad grade crossings shall be accomplished by means of approved flashing-light signals, unless greater protection is desired than is afforded by flashing lights, in which event the installation of single gate arms in combination with flashing lights, the installation of crossing gates, or other similar devices, which are satisfactory to the State highway department and the affected railroad company, may be submitted for approval. Railroad grade-crossing protection devices of the flashing light type shall permit the use of:

(1) Recommended standards for flashing-light signals adopted by the Joint Committee on Grade Crossing Protection of the Association of American Railroads.

(2) Flashing-light signals conforming essentially to the standards recommended by the Joint Committee on Grade Crossing Protection of the Association of American Railroads which carry additional features, such as a rotating disc or other devices, which do not impair the operation or detract from the uniformity or utility of the signals.

(3) A wigwag signal of the magnetic type having standard signs and mounting height, a balanced outline reasonably in keeping with stationary lights with backgrounds and, when operating, an aspect essentially the same as flashing lights.

(d) Prior to the approval of any project for the protection of any railroad grade crossing, a definite agreement with respect to the maintenance of each such protection installation shall be entered into between the State highway department and the affected railroad company and approved by the Bureau of Public Roads. The plans and specifications for protection work shall be in sufficient detail to define or describe the exact kind and quality of material required, or in the case of an operating mechanism they shall cover fully the essential requirements of the operating parts so that there may be effective competition in securing materials or parts going into such installations.

(e) The reconstruction of existing railroad grade-separation structures shall include strengthening and widening or a relocation and rebuilding of the structure to provide alignment adequate for the safety of highway traffic.

(f) The relocation of any necessary length of highway to eliminate railroad grade crossings shall include the construction of new highway facilities and/or the reconstruction of an existing highway so that rerouted traffic will not encounter the crossings, but the total cost of any such highway relocation chargeable to grade-crossing funds shall not exceed:

(1) The estimated cost of providing grade-separation structures and approaches thereto for the avoided crossings; nor shall it exceed—

(2) The estimated cost of providing on the relocation an improvement to modern standards of alignment and grade with surfacing of a type comparable to that existing on the portion of the route so relocated.

(g) The estimated cost of providing grade-separation structures and approaches thereto for avoided crossings shall be determined and agreed upon by the State highway department and representatives of the affected railroad company. A copy of such estimate properly approved and signed by representatives of these agencies shall be filed with each project of this character. The estimated cost of providing on the relocation an improvement to modern standards of alignment and grade with surfacing of a type comparable to that existing on the portion of the route so relocated shall be determined by the State highway department and approved by the Bureau of Public Roads.

(h) Before approval of a project for a highway relocation to eliminate railroad grade crossings at an estimated cost in excess of the amount chargeable to grade-crossing funds, provision must be made to complete the relocation with other funds. If other Federal funds are to be used, the work shall be separated into corresponding sections. Grading as first-stage construction will be acceptable on highway relocations to eliminate railroad grade crossings provided the State highway department will enter into an agreement for future surfacing within a definite date.

(i) The relocation of railroads to eliminate railroad grade crossings may be undertaken whenever deemed by the affected interests the most economical and satisfactory procedure.

(j) Where a highway relocation project avoids grade crossings over the existing tracks of more than one railroad, the cost shall be chargeable to the

railroads involved in the ratios which the number of existing tracks of each railroad bears to the total number of existing tracks at the avoided crossings. Where a single grade-separation structure eliminates grade crossings over the tracks of more than one railroad the cost shall be chargeable to the railroads involved on the basis of the number of tracks of the respective railroads that the grade-separation structure will accommodate. Nothing in the above methods of obtaining a division of cost of a project to more than one railroad shall prevent the affected railroads from agreeing upon any other basis of division and when such agreement exists the terms thereof shall apply.

SEC. 22.5. *Selection of projects.*—Insofar as practicable and feasible projects on each railroad to which funds are allocated shall be selected in accordance with the foregoing principles and by mutual agreements between the State and the affected railroad. Grade crossings within or adjacent to the larger municipalities, which are manually protected and which are used by a considerable volume of highway traffic, or which are frequently occupied by train movements, are desirable projects for elimination if funds are available for the settlement of right-of-way costs and/or property damage, or if provision has been made by the State or local authorities for such costs. Where legal authority exists for the physical closure of railroad grade crossings, and where, by the construction of a grade-separation structure with adequate approaches, the use of an existing grade crossing or grade crossings is rendered unnecessary for the convenience of the general public, approval of a project for the construction of a grade-separation structure shall be contingent upon prior provision for the physical closure of such grade crossing or crossings after completion of the structure and adequate approaches thereto. Any lateral connections necessary to accomplish the physical closure of such existing grade crossings may be included as a part of the project and paid for with grade-crossing funds. The extent to which railroad grade-crossing protection may be employed in lieu of grade-crossing eliminations will be determined by the State highway department subject to the condition, however, that hazardous crossings which cannot be reached in the elimination program and which are not now protected by acceptable devices, may be required to be acceptably protected as a part of any program.

SEC. 22.6. *Surveys, plans, specifications, etc.*—Surveys and plans, specifications, and estimates for all projects in each State shall be prepared under the direction of the State highway department without reimbursement from Federal funds. The State highway department may utilize the services of the engineering organizations of the affected railroad companies, or the engineering organizations of consulting engineers for the preparation of plans for any project. Inasmuch as the Federal Highway Act requires each State to maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge the duties required by the legislation, no part of the cost of maintaining a central office organization of the State highway department or of any organization which may be utilized by the State for construction engineering and inspection shall be paid with Federal funds. Construction engineering and inspection charges reimbursable with Federal funds shall be limited to the salaries of individuals directly employed on a project and to other necessary costs incurred in connection with such engineering and inspection. The design requirements for highway bridges as contained in the Standard Specifications for Highway Bridges adopted by the American Association of State Highway Officials shall obtain with respect to structures carrying highway traffic over the railroads. The design requirements of the American Railway Engineering Association shall obtain with respect to structures carrying railroad traffic. Railroad clearances in general shall conform to those in effect on the individual railroads concerned. The design for grade-separation structures shall provide for such additional railroad trackage as reasonably may be anticipated.

SEC. 22.7. *Methods of undertaking work.*—(a) Wherever feasible and practicable the contract method shall be followed in performing work. Work necessary for the maintenance of railroad traffic, including temporary support trestles, track adjustment, signal installation and adjustment, the rearrangement of telephone and telegraph lines on railroad right-of-way, and the adjustment of existing drainage facilities may be undertaken on a force account basis by the railroad or other utility involved with its own forces. On such work reimbursement will be made for proper costs incurred because of the project, and the corresponding accounts must be kept in such way that they readily may be audited. Any material furnished by a railroad company or other utility for temporary work will be reimbursed at actual cost less fair salvage value when the material is released.

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(b) Where a State highway department is organized and equipped to undertake projects on a day-labor or force-account basis, or where it desires to utilize the services of other efficient organizations, organized and equipped to undertake special kinds of work on a project on a day-labor or force-account basis, approval may be given to such methods of undertaking work on individual projects.

SEC. 22.8. *Highway-planning projects.*—With the approval of the Secretary, not to exceed 1½ per centum of the amount apportioned to any State for eliminating the hazards to life at railroad grade crossings may be used for surveys, plans, engineering and economic investigations of projects for future construction in such State or for the general planning of a complete highway system and future programs of highway improvement for such State. Such proposed surveys, plans, and engineering investigations shall be initiated by the State highway department in the same manner as are other projects by the submission of a project statement and if approved by the Secretary, the work shall be prosecuted under a project agreement.

SEC. 22.9 *State regulatory bodies.*—A State which has laws vesting control of grade-crossing matters in any other agency than the State highway department must necessarily effect cooperative arrangements between such agency and the State highway department for the purpose of carrying out the program of projects contemplated by the act. Controversies over the division of cost between a railroad and the State should not arise when Federal funds are available for such projects without being matched with State funds. Where agreement exists on grade-crossing projects between other affected parties with respect to established grades, clearances, etc., and where controversies are eliminated respecting division of costs, approval of a public utilities commission or other similar governing body in a State should be largely a matter of form. Every effort, therefore, should be made to prevent delay to the program because of any necessity for clearing such matters through a State regulatory body.

SEC. 22.10. *Contributions from railroads.*—State laws pursuant to which contributions are imposed upon railroads for grade-crossing projects shall be held not to apply to projects under the act. If any contribution by a railroad company is indicated for right-of-way or construction cost of any project, the record of such project shall be supplemented by a statement from the railroad company that the indicated participation is wholly voluntary.

SEC. 22.11. *Maintenance of grade-crossing projects.*—Project agreements for grade-crossing projects shall provide for the maintenance of such projects by the State to the extent permitted by State law; otherwise the State shall submit, in the form prescribed by the Secretary, an agreement for such maintenance with the agency or agencies responsible therefor prior to the approval of the project.

RULES AND REGULATIONS FOR ADMINISTERING FOREST ROADS AND TRAILS

[Approved March 11, 1922]¹

BASIS

That portion of section 2 of the Federal Highway Act, approved November 9, 1921, which defines the term "forest roads," all of section 23 of the said act, and such other portions of the act as apply to forest roads.

REGULATION 1. DEFINITIONS

For the purpose of these regulations the following terms shall be construed, respectively, to mean:

SECTION 1. *Secretary.*—The Secretary of Agriculture of the United States.

SEC. 2. *Administration.*—Public Roads Administration of the Federal Works Agency.

Commissioner.—Commissioner of Public Roads.

SEC. 3. *State.*—Any State, Territory, or insular possession.

SEC. 4. *State highway department.*—As defined in the act.

¹ As amended June 30, 1939.

SEC. 5. *County authorities.*—The commissioners, supervisors, or officials in charge of the selection of roads in a county, road district, or town, and the expenditure of county funds for road building and maintenance.

SEC. 6. *Forest roads.*—Roads wholly or partly within or adjacent to and serving the national forests.

SEC. 7. *Forest highway fund.*—The appropriation made by the act for forest roads of primary importance to the State, counties, or communities within, adjoining, or adjacent to the national forests, to be known as forest highways.

SEC. 8. *Forest development fund.*—The appropriation made by the act for roads and trails of primary importance for the protection, administration, and utilization of the national forests or when necessary for the use and development of the resources upon which communities within or adjacent to the national forests are dependent, to be known as forest-development roads.

SEC. 9. *Construction.*—Reconstruction and improvement of roads as well as original construction.

SEC. 10. *Maintenance.*—The making of necessary repairs and the preservation of a reasonably smooth surface, considering the type of road, but not extraordinary repairs or reconstruction.

SEC. 11. *Major project.*—A road whose survey and construction shall be prosecuted under the supervision of the Administration. This term includes all road projects on the forest highway system except those—

(1) Which do not require the technical services of a highway engineering organization.

(2) Whose estimated average cost is less than \$2,000 per mile.

The term includes forest-development roads whose estimated average cost exceeds \$5,000 per mile, or which require the technical services of a highway engineering organization.

SEC. 12. *Minor project.*—A road whose survey and construction shall be prosecuted under the supervision of the Forest Service. This term includes all trails and all roads not comprised within the definition of major project.

REGULATION 2. APPORTIONMENT

SECTION 1. From such information, investigations, and sources as the Chief of the Forest Service shall deem most accurate he shall prepare a tabulation showing the areas and value of the national forest land in each State, including the value of forage and timber. This tabulation, if approved by the Secretary, shall serve as the basis of apportionment for the forest highway fund.

SEC. 2. The Secretary, after considering the recommendations of the Chief of the Forest Service, will apportion the forest highway fund for expenditure within the States as follows: One half in the ratio that the area of national forest land in any State bears to the total area of such land in all States and one half in the ratio that the value of national forest land in any State bears to the total value of such land in all States.

SEC. 3. The Chief of the Forest Service shall prepare a tabulation for the distribution of the forest development fund for expenditure within the States based on the relative needs of the various national forests, taking into consideration the existing transportation facilities, the value of timber or other resources served, relative fire danger, and comparative difficulties of road and trail construction. This tabulation, if approved by the Secretary, shall constitute the apportionment of this fund for expenditure within the States.

SEC. 4. Ten percent of the amount apportioned for expenditure within each State from the forest highway fund shall be set aside for allotment for administrative expenses of the Administration and the Forest Service and for the purchase and maintenance of equipment. The portion of the amounts set aside not required for these purposes will be returned to funds for construction purposes.

SEC. 5. After deduction of the amounts set aside for administration and equipment expenses, the forest highway fund apportioned to the several States shall be available for expenditure on the survey, construction, and maintenance of approved projects on the forest highway system.

SEC. 6. The apportionment for expenditure in each State from the forest development fund shall be available for administrative and equipment expenses of both bureaus, for the construction of major projects recommended by the Chief of the Forest Service and approved by the Secretary, and for minor project work as approved by the Chief of the Forest Service.

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REGULATION 3. SELECTION OF FOREST HIGHWAY AND FOREST DEVELOPMENT ROAD SYSTEMS

SECTION 1. Forest roads shall be classified as follows:

- (1) Forest Highways, comprising the forest highway system.
- (2) Forest development roads, comprising the forest development road system.

SEC. 2.² Forest highways will include three classes, as follows:

- (1) Any forest road in the Federal-aid highway system, either wholly within or, when so designated by the Chief of the Forest Service and the Commissioner, partly without and adjacent to the national forests.
- (2) Any forest road not in class 1 on an approved State highway system, when so designated by the Chief of the Forest Service and the Commissioner.
- (3) All other forest roads, of primary importance to the counties or communities.

SEC. 3. Forest development roads shall include all other existing or proposed roads within or adjacent to and serving the national forests and designated as forest roads by the Chief of the Forest Service. A record of all roads designated as forest development roads will be furnished by the Administration.

SEC. 4. The Administration, acting for the Secretary, shall request each State highway department to submit a map of the roads within and adjacent to the national forests which in its judgment should be included in the forest highway system, of primary importance to the State or to the counties or communities thereof. Each State highway department shall be requested, before submitting such a plan, to secure and consider recommendations from the proper county road officials as to forest highways of primary importance to the counties and communities. The district engineers of the Administration will file together with their recommendations copies of the map with the Regional Forester.

SEC. 5. Each Regional Forester of the Forest Service shall prepare, for the national forests in each State or portion of State within his district, maps showing the existing and proposed roads within, adjoining, and adjacent to the forests classified as to status, type, and function. This plan shall be based upon the primary road system proposed by the State highway department. It shall show in which of the following classes, in the judgment of the Regional Forester, each proposed forest road should be included:

- (1) Forest highway system, classified as in section 2, regulation 3.
- (2) Forest development road system.

Trails, maintenance work, and minor repairs and construction estimated to cost less than \$500 per mile will not be included on such maps.

The plan shall be revised annually in accordance with the above procedure.

SEC. 6. The Administration, acting for the Secretary, shall arrange a conference with the State highway department and the Forest Service for consideration of the forest highway system proposed by the State highway department and the Regional Forester. Following such conference final recommendations for the designation of a forest highway system shall be submitted to the Secretary by the Commissioner and the Chief of the Forest Service.

SEC. 7. The forest highway system may be added to or revised by the action of both bureaus, following the procedure herein provided for the original designation of the system.

SEC. 8. The forest development road system shall be added to or revised as the Chief of the Forest Service shall prescribe.

REGULATION 4. SELECTION OF FOREST HIGHWAY AND FOREST DEVELOPMENT PROGRAMS

SECTION 1. The Commissioner and the Chief of the Forest Service shall, following the recommendations from their district representatives, prepare and submit to the Secretary a list of the forest highway projects selected for the initial (fiscal years 1922 and 1923) forest highway program. The program shall include provision for the maintenance of roads existing or under construction. This list shall set forth the location, available cooperation if any, whether major or minor, and the tentative expenditure authorized from the forest highway and other available forest-road funds. Upon the approval of such projects, or any of them, by the Secretary, they shall be included in the forest highway program.

SEC. 2. Subsequent projects to be incorporated in the forest highway program shall be selected as follows: All projects proposed by counties, communities, or

² As amended June 30, 1931.

other agencies shall be submitted to the State highway department. The Administration acting for the Secretary, shall request each State highway department to submit a list of proposed projects, including its recommendations on all projects submitted to it by counties or other agencies. All projects shall be submitted as far as practicable on forms furnished by the Secretary.

SEC. 3. The recommendations of the Administration on all projects received from the State highway department shall be furnished to the Regional Forester and the State highway department. The Regional Forester shall investigate any proposed projects coming within the requirements of the forest highway fund, including those submitted by county authorities, communities, or other agencies to the State highway department. The Regional Forester shall call upon the district engineer of the Administration for any necessary engineering investigations to supply accurate and full information with reference to proposed State or county projects. The district engineer shall arrange for joint conferences with the State highway department and the Regional Forester for final consideration of the program. A joint report shall be filed with the Chief of the Forest Service and the Commissioner, together with such additional recommendations as their respective representatives may wish to make, following which the Chief of the Forest Service and the Commissioner will submit a program of recommended forest highway projects to the Secretary for approval, classified as major and minor. The forest highway program may be added to and modified from time to time, following the same procedure. The program shall include provision for the maintenance of roads existing or under construction.

SEC. 4. The selection of forest highways for improvement or construction will include only those which qualify under section 2, regulation 3.

SEC. 5. The forest highway program shall be based upon the following considerations:

- (1) Construction correlation with adjacent Federal and State road programs.
- (2) The interests of communities within, adjoining, or adjacent to the national forests.
- (3) Service to the national forests by increasing their value and usefulness.
- (4) The economy of continuity of operations.
- (5) Benefit to forest development, protection, and administration.
- (6) Amount of available cooperative funds.

SEC. 6. The Regional Forester shall prepare and submit for approval by the Chief of the Forest Service and Secretary a list of forest development roads which constitute major projects. This list shall set forth location, available cooperation if any, and authorized expenditure from the forest development or other available funds. Upon the approval of such projects, or any of them, by the Secretary, they shall be included in the forest development program. The selection of forest development roads and trails constituting minor projects shall rest with the Chief of the Forest Service.

REGULATION 5. COOPERATIVE AGREEMENTS

SECTION 1. Cooperation from the State highway department, county authorities, or other agencies, associations, or individuals shall not be required but may be accepted.

Cooperative agreements shall be entered into for all projects which involve financial contributions to surveys, construction, or maintenance by the State highway departments or county authorities, and shall be approved prior to beginning survey or construction as the case may be.

SEC. 2. Negotiations for cooperative agreements for approved forest highway projects of the first two classes under section 2, regulation 3, shall be conducted by the Administration following an agreement with the Forest Service as to financial cooperation, if any, and maintenance. The detailed provisions of the agreements shall be those agreed upon by the Administration and the State highway department. All agreements for construction shall be based upon location survey estimates and shall be prepared on forms furnished by the Secretary for execution by the Secretary and the State highway department.

SEC. 3. Negotiations for cooperative agreements for other forest road projects shall be conducted by the Forest Service, after consultation with the Administration as to their technical and financial features. The detailed provisions of the agreement shall be those agreed upon by the Forest Service and the cooperating agency. All such agreements for the construction of major projects

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shall be based upon survey estimates prepared by the Administration and shall be prepared for execution by the Secretary and the cooperating agency. Agreements for minor projects shall be executed by the Chief of the Forest Service or the Regional Forester of the Forest Service and the cooperating agency.

REGULATION 6. SURVEYS, CONSTRUCTION, AND MAINTENANCE

SECTION 1. The survey and construction of minor projects included in the forest-highway and forest-development programs shall proceed under the direction of the Forest Service. On roads that may ultimately be improved to constitute part of an important public highway, a reconnaissance survey shall be made by the Administration, and all construction shall follow the location so determined as closely as practicable.

SEC. 2. A location survey and estimate of cost of major projects included in the forest-highway and forest-development programs, under allotments set up as provided in regulation 7, shall be made by the Administration as soon as practicable. Roads that ultimately may become a part of the forest-highway system may be programmed for location survey and estimate of cost in the same manner as forest highways are now programmed for location survey.³

SEC. 3. Construction work on any major project included in the forest-highway or forest-development program shall not be authorized or undertaken until a location survey and cost estimate satisfactory to the Administration has been made by the Administration, unless specifically agreed upon by the Chief of the Forest Service and the Commissioner.

SEC. 4. Upon the completion of such survey and cost estimate, the construction of a designated project, conforming with the original project or forming a part thereof, at a designated cost not exceeding by more than 25 percent the expenditure authorized in the forest-highway or forest-development program, may be authorized by joint agreement of the Commissioner and the Chief of the Forest Service. Construction projects substantially deviating from the project as approved in the forest-highway or forest-development program or which exceed by more than 25 percent the expenditure authorized therein shall be submitted by the Commissioner and the Chief of the Forest Service to the Secretary for approval.

SEC. 5. Following the authorization of any major construction project as provided in this regulation, the Administration shall proceed with its construction under an allotment set up as provided in regulation 7.

SEC. 6. The construction of projects on all national-forest highways of classes 1 and 2 of regulation 3, section 2, shall be in accordance with plans and specifications prepared under the direction of the Administration. Such construction shall not be started until the plans and specifications have been approved by the Administration and by the State highway department, and until the Regional Forester has had opportunity to examine the location map or surveyed line and to indicate any details of location desirable for the protection or development of the national forests.

The construction of all other major projects under the direction of the Administration shall be in accordance with the plans and specifications prepared by the Administration and approved by the Forest Service and each cooperating agency.

SEC. 7. The construction of minor projects shall be in accordance with the specifications approved by the Forest Service and such cooperating agency as may be involved.

SEC. 8. Construction work on national-forest highways of classes 1 and 2 of regulation 3, section 2, shall not be considered complete until the project has been inspected and approved by the Administration and the State highway department, nor until the Regional Forester has approved the clearing and disposal of refuse. No other construction work on major projects shall be accepted as complete by the Administration until it has been inspected and approved by the Regional Forester and the cooperator.

SEC. 9. Maintenance work on all forest highways shall be performed by the Administration unless otherwise specified by agreement. The maintenance of all other road and trail projects shall be performed by the Forest Service unless otherwise provided by cooperative agreement.

³ As amended April 27, 1934.

REGULATION 7. RECORDS AND ACCOUNTING⁴

SECTION 1. Following the approval of the initial forest-highway program for any State and of any subsequent projects or group of projects included therein, the Secretary shall allot, transfer, or otherwise make available for disbursement by the Administration such amounts as may be necessary from time to time to carry out the approved program, covering:

- (1) The authorized expenditures on all approved major projects.
- (2) The current cost of maintenance on all projects to be maintained by the Administration, as estimated by the Administration.
- (3) From the administrative and equipment fund provided for by regulation 2, section 4, an amount for administrative expenses and equipment equal to ten percent of the sum of nos. 1 and 2.

Such allotments shall be drawn from any available road appropriation applicable under existing law and regulation of the Secretary to the projects concerned. Upon agreement between the Commissioner and the Chief of the Forest Service to authorize construction of a project, as provided in section 4 of regulation 6, necessary additions to or deductions from the allotment previously set up shall be made. The Administration is authorized to make transfers between construction project allotments not exceeding 10 percent of any allotment so reduced or increased. Transfers of more than 10 percent may be made with the concurrence of the Forest Service. Any unused balances under such allotment shall be made available for subsequent program work.

SEC. 2. Following the approval of the forest development road program for any State or subsequent development projects in that State, a similar allotment covering major projects so approved shall be set up for disbursement on vouchers approved by the Administration, and a similar procedure followed in subsequent adjustments or transfers.

SEC. 3. Corresponding allotments shall be set up by the Forest Service with the regional fiscal agents of the service covering approved minor projects and the expenditures of the Forest Service for administration and maintenance. One percent of each Forest Highway apportionment shall be similarly set up for administrative expenses of the Forest Service.

SEC. 4. The Chief of the Forest Service shall be responsible for maintaining an accurate fiscal record of the status of all appropriations for national forest roads and all expenditures and allotments thereunder for administration, equipment, surveys, construction, and maintenance.

SEC. 5. As soon as practicable after the end of each fiscal year the Forest Service shall prepare a report to the Secretary showing the work accomplished in each State on forest development roads and the disbursements made therefor. For the purpose of this report the Administration shall furnish to the Forest Service information regarding the work accomplished on any forest development roads under the direction of the Administration. The Administration shall also furnish to the Forest Service a copy of each monthly statement exhibiting the progress of all its construction and the financial status of each project.

As soon as practicable after the end of each fiscal year the Administration shall also report to the Secretary the work done on national forest highways in each State and the disbursements made therefor.

SEC. 6. Cooperative funds contributed by cooperators shall be deposited in the United States Treasury to the credit of the Forest Service Cooperative Fund authorized by the Act of June 30, 1914 (16 U. S. C., Sec. 498), which deposits will be made available for expenditure by the agency concerned from the appropriation "Cooperative Work, Forest Service, Trust Fund" (Act of June 26, 1934, 31 U. S. C., Sec. 725s), and shall be audited, disbursed, and recorded in the same manner as funds under the Federal Highway Act. Cooperative expenditures made by cooperators shall be audited and disbursed as provided in the cooperative agreement.

SEC. 7. The Administration shall keep all records which it deems necessary of survey, construction, and maintenance costs on major projects supervised by it. The Administration shall furnish the Forest Service with a final report showing the accomplishments and expenditures on each project constructed by it, and on the projects constructed under a cooperative agreement a copy of the report will be furnished by the Administration to the cooperating agency.

⁴ As amended April 5, 1923, and June 30, 1939.

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REGULATION 8. WAGES AND EMPLOYMENT OF LABOR⁵

SECTION 1. If a local employment service is maintained by the Federal Government, or by the Federal Government in cooperation with the State, in the vicinity of any forest highway work undertaken, the contract shall require that unskilled labor to be employed in such work shall be selected from qualified workers referred by such agency.

SEC. 2. (a) All contracts for the construction of forest highways shall prescribe the minimum rates of wages predetermined by the proper Government officers to be paid by contractors to the different classes of labor employed on the project, and such minimum rates shall be stated in the advertised specifications and in proposals or bids which may be submitted. The wage rates so determined shall be a minimum rate for unskilled labor, a minimum rate for labor of intermediate grade, and a minimum rate for skilled labor, or minimum rates which shall apply to the different kinds of labor in each classification to be employed on the project.

(b) All contracts for the construction of forest highway projects shall require that the wages of labor shall be paid in legal tender of the United States. This condition will be considered satisfied if payment is made by a negotiable check, on a solvent bank, which may be readily cashed by the employee in the immediate community without delay or collection charges of any kind.

SEC. 3. The specifications for each forest highway project shall contain special provisions for carrying into effect the stipulations required by sections 1 and 2 of this regulation.

RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS OF TITLE II—PUBLIC WORKS AND CONSTRUCTION PROJECTS—NATIONAL INDUSTRIAL RECOVERY ACT AND THE ACT OF JUNE 18, 1934 (H. R. 8781) FOR CONSTRUCTING HIGHWAYS AND RELATED PROJECTS IN ACCORDANCE WITH PROVISIONS OF THE FEDERAL HIGHWAY ACT

[Approved by the Secretary of Agriculture July 7, 1934, and by the Special Board for Public Works July 13, 1934]

DEFINITIONS

SECTION 1. For the purposes of these rules and regulations, the following definitions shall be controlling:

The term "Act" shall mean those provisions of title II—Public Works and Construction Projects—of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), and the amendatory or supplementary act of June 18, 1934 (H. R. 8781), which provide for the emergency construction of public highways and related projects in accordance with the provisions of the Federal Highway Act.

The term "State" as used herein shall include the Territory of Hawaii and the District of Columbia.

The term "Secretary" shall mean the Secretary of Agriculture of the United States.

The term "public works highway funds" shall mean the \$400,000,000 of Federal funds authorized by section 204 of the act of June 16, 1933 (48 Stat. 200), and the \$200,000,000 authorized by section 1 of the act of June 18, 1934 (H. R. 8781), and apportioned to the several State highway departments for the construction of public highways and related projects on the Federal-aid highway system and on extensions thereof into and through municipalities and on secondary or feeder roads, in accordance with the provisions of the Federal Highway Act. Projects located on the Federal-aid highway systems outside of municipalities involving the use of such funds shall be designated "U. S. Public Works Highway Project No. NRH ____." Projects located on extensions of the Federal-aid highway system into and through municipalities involving the use of such funds shall be designated "U. S. Public Works Highway Project No. NRM ____." Projects located on secondary or feeder roads involving the use of such funds shall be designated "U. S. Public Works Highway Project No. NRS ____." Signs displayed on any such project for the purpose of its

⁵ As amended March 18, 1939.

identification by firms or individuals to whom any contract for its construction is awarded shall refer to the project by the appropriate foregoing designation.

The term "apportionment" refers to the amounts which have been placed to the credit of the individual States by the Secretary's certificates of apportionment of June 23, 1933, and June 19, 1934, which certificates are hereby made a part of these rules and regulations.

"Secondary or feeder roads" shall include farm-to-market roads, rural-free-delivery roads, and public-school-bus routes, and shall be defined as roads which are not now included in the approved system of Federal-aid highways but which are either part of the State highway system or are important local highways leading to shipping points, or which will permit the coordination or extension of existing transportation facilities, including highway, rail, air, and water.

INITIATION OF PROJECTS

SEC. 2. All projects under this act shall be initiated by the States and submitted in the same manner as other Federal-aid projects, and all such projects shall be subject to all provisions of the rules and regulations of the Secretary of Agriculture for administering the Federal Highway Act, as heretofore promulgated, except such provisions as are in conflict with these rules and regulations.

APPLICATION OF FUNDS TO PROJECTS

SEC. 3. (a) Of the funds apportioned to any State under said act of June 16, 1933, not more than 50 percent shall be applied to projects on the Federal-aid highway system outside of the corporate limits of municipalities; not less than 25 percent of such funds shall be applied to projects on extensions of the Federal-aid highway system into and through municipalities; and not more than 25 percent of such funds shall be applied to secondary or feeder roads until provision has been made for the satisfactory completion of at least 90 percent of the initial limiting Federal-aid highway system in such State. Upon a proper showing by any State that either all needed improvements on extensions of the Federal-aid highway system into and through municipalities can be completed with an expenditure less than 25 percent of the State's apportionment, or that municipal authorities are unable or unwilling to obtain the necessary rights-of-way for needed improvements, or for other reasons, the Secretary may revise the above percentages with reference to such State.

(b) Of the funds apportioned to any State under said act of June 18, 1934, not more than 50 percent shall be applied to projects on the Federal-aid highway system outside of the corporate limits of municipalities; not less than 25 percent of such funds shall be applied to projects on extensions of the Federal-aid highway system into and through municipalities; and not less than 25 percent of such funds shall be applied to secondary or feeder roads. In States where the mileage of the State highway system is a small percentage of the total highway mileage of the State, the improvement of secondary or feeder roads shall not be confined entirely to the designated State highway system. In States where unimproved or inadequate sections exist on principal routes of highway travel which are on the Federal-aid highway system the Secretary, upon request and a satisfactory showing of such condition by the State highway department concerned, or for other reasons satisfactory to him, may approve a less percentage of the apportionment of such State for expenditure on secondary or feeder roads, with a corresponding increase in the percentage for expenditure on the Federal-aid highway system. Any such request filed by a State highway department shall be supported by the following:

(1) A statement of the status of Federal-aid system as to types of improvement. This statement shall include a showing as to the percentage of the system that is improved to a standard consistent with the lowest average maintenance costs under existing and immediately prospective traffic.

(2) A statement of the status of improvement of the roads on the State system which are not on the Federal-aid system, together with the annual expenditures thereon now being made for new construction and for maintenance.

(3) A statement of the status of local roads under the jurisdiction of local bodies, together with the amount of funds from State and all other taxes, including gasoline, oil, and motor-vehicle fees, placed under the jurisdiction of local authorities for expenditure on roads.

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Upon a proper showing by any State that, either all needed improvements on extensions of the Federal-aid highway system into and through municipalities can be completed with an expenditure less than 25 percent of the State's apportionment, or that municipal authorities are unable or unwilling to obtain the necessary rights-of-way for needed improvement, or for other reasons satisfactory to him, the Secretary may revise the above percentage for use within municipalities with reference to such State.

(c) The reconstruction of existing facilities which, in the opinion of the Secretary, are adequate for traffic shall not be considered needed improvements.

PRELIMINARY STATEMENT OF PROPOSED ASSIGNMENT OF APPORTIONMENT

SEC. 4. Each State highway department shall submit for approval to the Secretary, and through him to the Special Board for Public Works, a preliminary statement showing the proposed assignment of the State's apportionment not covered by preliminary statements heretofore approved to: (1) The Federal-aid highway system outside of municipalities; (2) extensions of the Federal-aid highway system into and through municipalities; and (3) secondary or feeder roads. This statement shall list the counties or political subdivisions in which projects to be submitted will be located. A project or projects of one or more of the defined classifications shall be provided from funds apportioned under said act of June 16, 1933, in at least 75 percent of all counties of the State and from funds apportioned under said act of June 18, 1934, in at least 50 percent of all counties of the State, unless it be shown in either case (1) that the number of counties in which need of employment exists constitutes a smaller percentage of the total, or (2) that needed and suitable road-construction projects cannot be found in that percentage of the total number of counties. In selecting counties in which projects are to be located, consideration shall be given to the relative need for employment in such counties.

DETAILED PROGRAMS OF PROPOSED CONSTRUCTION—PRIORITY OF PROJECTS

SEC. 5. Concurrently with the submission of the preliminary statement, in whole or in part, each State highway department shall submit in tabular form detailed programs of proposed construction of each of the three classes of projects enumerated in the foregoing section, indicating the county, termini, the proposed character of the work, the estimated cost, and the amount of Federal funds desired. The program of secondary or feeder roads shall be subdivided to show separately the proposed projects which are located on the designated State highway system and those which are not. These programs shall be accompanied by Federal-aid progress maps, indicating in diagrammatic form the location of projects covered by the program, their classification, and estimated cost. The three programs may be submitted independently and may be so approved in whole or in part. Excepting minor additions to programs made possible by contract costs being less than estimated costs, or by small balances otherwise available, no program will be considered for projects involving less than 25 percent of a State's apportionment.

To provide a program of projects which may be put under way at once, the initial program submitted may be for approximately 25 percent of the apportionment of June 19, 1934, and be made up of projects in one or more of the above categories.

In the selection of projects to be included in these programs priority shall be given in the following order to: (a) The closing of gaps in the Federal-aid highway system; (b) the elimination of hazards to highway traffic, such as the separation of grades at crossings, the reconstruction of existing railroad grade-crossings structures, the relocation of highways to eliminate railroad crossings, the widening of narrow bridges and roadways, the building of footpaths, the replacement of unsafe bridges, the construction of routes to avoid congested areas, and the construction of facilities to improve accessibility and the free flow of traffic; (c) the construction or reconstruction of projects of particular benefit or service to other agencies of the Government; (d) the correlating and supplementing of existing transportation facilities by road, rail, air, and water, and providing of service to freight-receiving stations, airports, and emergency landing fields; (e) the appropriate landscaping of parkways or roadsides on a reasonably extensive mileage involving not less than 1 percent of the total appor-

tionment to each State; (f) reconstruction designed to reduce maintenance cost and decrease future State and local highway expenditures; (g) providing a large number of small projects designed to employ the maximum of human labor.

A substantial program of railroad grade-crossing eliminations and/or railroad grade-crossing protection will be required.

Any proposed undertaking of surveys, plans, and engineering investigations of projects for future construction will be programmed under the general category of "highway planning projects," and an allotment not exceeding $1\frac{1}{2}$ percent of the amount apportioned to any State by the Secretary's certificate of June 19, 1934, may be authorized for such projects.

The Secretary and the Board reserve the right to require the construction of roads desired by the Federal Coordinator of Transportation and the Interstate Commerce Commission to provide adequate year-round highway service in replacement of branch-line railroad service abandoned or proposed to be abandoned and such other projects as in the judgment of the Secretary are necessary to serve Federal establishments or activities.

SURVEYS, PLANS, AND SPECIFICATIONS—PAYMENT OF ENGINEERING COSTS

SEC. 6. Surveys and plans, specifications, and estimates for all projects in each State shall be prepared under the immediate direction of the State highway department, and the construction involved shall be under the immediate supervision of the State highway department. Funds apportioned shall not be available for the payment of any portion of the cost of surveys and plans undertaken prior to the approval of the act of June 16, 1933. Payment will be made of the actual expenditures for surveys and plans on Public Works highway projects and Public Works municipal highway projects only upon a showing by the State that the revenues available to the State for such purposes are insufficient to pay such costs. Payment may be made of the actual cost of surveys and plans for Public Works secondary highway projects. Payment may be made of the actual cost of construction and engineering and inspection on all projects. Payment for engineering services will not be made on a percentage basis.

Each State shall maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by these rules and regulations. No part of the cost of surveys, plans, and engineering supervision of construction will be paid to any State which restricts employment of engineers on such work to residents of the State.

HIGHWAY PLANNING PROJECTS

SEC. 7. Proposed surveys, plans, and engineering investigations of projects for future construction, pursuant to section 11 of the act approved June 18, 1934 (H. R. 8781), shall be initiated by the State highway departments in the same manner as other projects by the submission of a project statement and, if approved by the Secretary, the work may be prosecuted under a project agreement. Such project agreement may be modified or reopened to provide for constructing any such project. This section does not apply to surveys, plans, or engineering investigations of projects included in the program of projects to be financed from Public Works highway funds, but only to projects included in future programs for which Federal funds have not yet been apportioned to the States.

ADVERTISEMENT AND AWARD OF CONTRACTS

SEC. 8. Before contract is awarded for any project bids shall be requested by advertisement inserted once a week for 2 weeks in such newspapers and/or other publications as will insure adequate publicity, the second insertions of such advertisement to follow 1 week after the date of the first publication thereof. The advertisement shall require the bids to be submitted and opened 2 weeks after the date of the first publication of the advertisement, and award to the lowest and best bidder shall be made within a reasonable time after the opening of the bids.

The procedure outlined in this section is designed to expedite placing projects under construction, and shall be optional with the State highway departments.

CONTRACTS AND CONSTRUCTION

SEC. 9. All contracts for the construction of highways under this act shall require the contractor to furnish all materials entering into the work, and no requirement shall be contained in any contract in any State providing price differentials for, or restricting the use of materials to, those produced within the State. No bid will be accepted from any contractor who is not complying with the applicable approved code of fair competition adopted under title I of the National Industrial Recovery Act for the trade or industry or subdivision thereof concerned or, if there be no such approved code of fair competition, who has not signed or is not complying with the provisions of the President's Reemployment Agreement. In case of conflict between such codes and these regulations or special provisions issued under the authority thereof, the regulations and special provisions shall govern. Materials purchased from commercial sources and incorporated in the work shall be produced under codes of fair competition approved under title I of the National Industrial Recovery Act, or under the President's Reemployment Agreement.

The invitation for bids, the award of contracts, and all contract or special provisions shall comply strictly with all of the requirements of the President's Executive Order (No. 6646) of March 14, 1934.

CONVICT LABOR

SEC. 10. No convict labor shall be employed and no materials manufactured or produced by convict labor shall be used on any project constructed under these rules and regulations.

WAGES OF LABOR

SEC. 11. (a) All contracts for the construction of highways under this act shall prescribe the minimum rates of wages, as predetermined by the State highway department, which contractors shall pay to the different classes of labor, and such minimum rates shall be stated also in the advertisement for bids and in proposals or bids which may be submitted. The wage rates so determined shall be a minimum rate for unskilled labor, a minimum rate for labor, intermediate grade, and a minimum rate for skilled labor. The classification of labor employed on highway work into the three classes mentioned shall be in accordance with instructions issued by the Bureau of Public Roads. Such wages shall be just and reasonable compensation sufficient to provide, for the hours of labor as limited, a standard of living in decency and comfort.

(b) All contracts for the construction of projects under this act shall require that the wages of all labor shall be paid in legal tender of the United States. This condition will be considered satisfied if payment is made by a negotiable check, on a solvent bank, which may be readily cashed by the employee in the immediate community for the full amount, without discount or collection charges of any kind. All contracts for the construction of projects under this act shall contain a provision that no deduction from the wages of any laborer shall be allowed on account of goods purchased or obligations incurred in any commissary or store owned, leased, or otherwise controlled by the contractor. Obligations so incurred shall be subject to collection only in the same manner in which obligations incurred in the ordinary course of business are collectible.

PREFERENCE IN EMPLOYMENT OF LABOR

SEC. 12. Contracts for all projects under this act shall contain stipulations that in the employment of labor preference shall be given, (1) to ex-service men with dependents, who are bona fide residents of the political subdivision and/or county in which the work is to be performed; (2) to citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the political subdivision and/or county in which the work is to be performed; (3) to other ex-service men with dependents, who are bona fide residents of the State in which the work is to be performed; and (4) to citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona fide residents of the State in which the work is to be performed: *Provided*, That these preferences shall apply only where such labor is available and qualified to perform the work to which the employment relates.

HOURS OF LABOR

SEC. 13. Contracts for all projects under this act shall contain a stipulation that (except in executive, administrative, and supervisory positions), so far as practicable and feasible, no individual shall be permitted to work more than 30 hours in any one week. This requirement shall be construed, (a) to permit working time lost because of inclement weather or unavoidable delays during the period of employment in any one week, to be made up in the succeeding week or weeks of the same calendar month; and (b) to permit a limitation of not more than 130 hours' work in any one calendar month to be substituted in the contract for the requirement of not more than 30 hours' work in any one week on projects in localities where a sufficient amount of labor is not available in the immediate vicinity of the work and unemployment has been absorbed in the area of the work. It shall not be considered practicable and feasible to apply either of these limitations to work located at points so remote and so inaccessible that camps are necessary for the housing and boarding of all of the labor employed on the work, as determined by the State highway department with the approval of the district engineer of the Bureau of Public Roads and the Director of the United States Employment Service prior to advertisement: *Provided, however,* That on all such isolated projects no individual shall be permitted to work more than 8 hours in any one day or more than 40 hours in any one week.

HUMAN LABOR IN LIEU OF MACHINERY

SEC. 14. In order to give effect to the provisions of this act it will be required that the maximum of human labor be used in lieu of machinery wherever practicable and consistent with sound economy and public advantage.

CERTIFIED PAY ROLLS TO BE FURNISHED

SEC. 15. The specifications for each project shall contain special provisions which shall be in conformity with instructions issued by the Bureau of Public Roads for carrying into effect the stipulations required by these rules and regulations, which provisions shall include a requirement that the contractor shall promptly furnish to the State highway department copies of each pay roll certified under oath by the contractor or his authorized representative. Such copies shall be available for inspection by the Secretary and the Special Board for Public Works, or their authorized representatives.

FUNDS MAY BE USED TO MATCH FEDERAL-AID FUNDS

SEC. 16. Public Works highway funds apportioned to the State highway departments under the act of June 18, 1934, for the emergency construction of highways may be used in lieu of State funds to match unobligated balances of apportionments heretofore made of regular Federal-aid authorizations, and such regular Federal aid, so matched, may be used to the maximum extent legally permissible in the construction and reconstruction of projects on the Federal-aid highway system.

DESIGNATION OF EMPLOYMENT AGENCIES

SEC. 17. All contracts for work to be done under these regulations shall provide that labor required for such projects and appropriately to be secured through local employment services shall be selected from qualified workers referred by employment agencies designated by the United States Employment Service and in accordance with instructions issued.

SUBLETTING OR SUBCONTRACTING

SEC. 18. All contracts for projects under this act shall contain suitable stipulations designed to insure that not less than 80 percent of the work embraced in the contract, exclusive of items not commonly found in contracts for similar work, or which require highly specialized knowledge, craftsmanship, and/or equipment not ordinarily available in contracting organizations which perform work of the character embraced in the contract, shall be performed by the contractor with his own organization: *Provided,* That a procedure may be approved whereby a contractor who states in his proposal a particular item or items which he proposes to sublet, and names the subcontractor to

whom he proposes to sublet such work, may, if such item or items do not constitute the major item or items of the contract, have such work performed by the subcontractor named notwithstanding the above limitation.

USE OF DOMESTIC MATERIALS

SEC. 19. All contracts for projects under this act shall provide that in the performance of the work the contractor, subcontractors, material producers, or suppliers shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, unless articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality: *Provided, however,* That if a State highway department shall find that in respect to some particular articles, materials, or supplies it is impracticable to make such requirement, or that it would unreasonably increase the cost, an exception, with the approval of the Bureau of Public Roads, shall be noted in the specifications as to those particular articles, materials, or supplies, and a public record shall be made of the findings which justified the exception.

DIRECT LABOR OR FORCE ACCOUNT PROJECTS

SEC. 20. Any work done by direct labor or force account under this act shall be subject to these rules and regulations. All materials used on such work must comply with approved specifications and be purchased under competitive bids, except that for minor quantities of materials, which may be obtained locally from a number of independent sources, the receipt by the State of letter quotations from not less than three local dealers will be considered as sufficient means to insure economy and efficiency in the corresponding expenditure of funds. Published advertisements shall be employed in the purchase of any large quantities of materials.

APPROVAL OF PLANS BY DISTRICT ENGINEER

SEC. 21. When in the opinion of the district engineer of the Bureau of Public Roads, a State shall have filed a complete project statement for a project and complete plans, specifications, and estimates therefor, or for any part thereof, the district engineer may authorize advertisement of such project, or of such part thereof, and/or may recommend approval of such plans, specifications, and estimates, but shall not concur in the award of any contract until after the project statement has been approved. No contract for any such project, or part thereof, shall be entered into or award therefor made by any State without prior concurrence in such action by the district engineer of the Bureau of Public Roads. Approval will not be given to any procedure or requirement designed to prevent the award of contracts to qualified contractors nonresident of the State in which the work is located.

MAINTENANCE OF SECONDARY OR FEEDER ROAD PROJECTS

SEC. 22. Project agreements for secondary- or feeder-road projects shall provide for the maintenance of such projects by the State where the law permits the State to undertake such maintenance; otherwise the State shall submit, in the form prescribed by the Secretary, an agreement with the county or other political subdivision for such maintenance.

MAINTENANCE OF EXTENSIONS THROUGH MUNICIPALITIES

SEC. 23. Project agreements for projects on extensions of the Federal-aid highway system into and through municipalities shall provide for the maintenance of such projects by the State where the law permits the State to undertake such maintenance; otherwise the State shall submit in the form prescribed by the Secretary, an agreement with the municipality or other political subdivision for such maintenance.

TRAFFIC SIGNS AND SIGNALS

SEC. 24. The code of highway signs, signals, and markings approved by the American Association of State Highway Officials is hereby approved and adopted for all projects constructed with Public Works highway funds. All warning and directional signs now or hereafter erected on such projects whether paid for from Federal or other funds shall be in accordance with such approved code.

PAYMENTS TO STATES

SEC. 25. No payments will be made to any State on account of work performed on any project which has not been done in accordance with these rules and regulations and the special provisions issued thereunder.

VIOLATION OF RULES AND REGULATIONS

SEC. 26. Any contractor who deliberately violates the spirit and intent of these rules and regulations or the special provisions issued thereunder shall not be eligible to bid upon any further work involving the use of Public Works highway funds.

DIVERSION OF GASOLINE AND MOTOR-VEHICLE TAXES—REDUCTION OF APPORTIONMENT

SEC. 27. As soon as practicable after the promulgation of these rules and regulations, the Secretary shall determine, as of June 18, 1934, the legal requirements of the use for highway purposes of State motor-vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators in the various States, or for the retirement of bonds for the payment of which such revenues have been pledged. If he shall find at any time that a lesser amount is to be applied to such highway purposes by any State than was provided by the laws of such State on June 18, 1934, he shall take such steps as may be necessary to comply with section 12 of the act of June 18, 1934 (H. R. 8781), by reducing the apportionment to such State by one-third of the amount to which it otherwise would be entitled in accordance with regulations to be issued.

APPLICATION OF REGULATIONS

SEC. 28. These rules and regulations shall apply to U. S. Public Works NRH projects, U. S. Public Works NRM projects and U. S. Public Works NRS projects, as defined in section 1 hereof, shall take effect upon approval, and shall supersede the rules and regulations promulgated June 23, 1933, and all amendments thereto, for carrying out the provisions of section 204 of title II—Public Works and Construction Projects—of the National Industrial Recovery Act.

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RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS OF THE EMERGENCY RELIEF APPROPRIATION ACT OF 1935 (PUB. RES. NO. 11—74TH CONG.) WHICH RELATE TO THE CONSTRUCTION OF PUBLIC HIGHWAYS AND OTHER RELATED PROJECTS (EXCEPT WITHIN OR ADJACENT TO NATIONAL FORESTS, NATIONAL PARKS, NATIONAL PARKWAYS, OR OTHER FEDERAL RESERVATIONS) IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL HIGHWAY ACT

(HIGHWAYS)

[Approved by the Secretary of Agriculture and by the Works Progress Administrator July 8, 1935, and by the President of the United States July 12, 1935, AS AMENDED August 29, 1935, and September 12, 1935]

DEFINITIONS

SECTION 1. For the purposes of these rules and regulations, the following definitions shall be controlling:

The term "act" shall mean those provisions of the Emergency Relief Appropriation Act of 1935 (Pub. Res. No. 11—74th Cong.) which provide for the construction of public highways and other related projects (except within or adjacent to national forests, national parks, national parkways, or other Federal reservations) in accordance with the provisions of the Federal Highway Act as amended and supplemented and subject to the provisions of section 1 of the act of June 18, 1934 (48 Stat. 993).

The term "State", as used herein, shall include the Territory of Hawaii and the District of Columbia.

The term "Secretary" shall mean the Secretary of Agriculture of the United States.

The term "works program highway funds" shall mean the \$200,000,000 of Federal funds allocated by the President under the act, and any further sums so allocated and apportioned to the several States by the Secretary of Agriculture for the construction of public highways and other related projects (except those within or adjacent to national forests, national parks, national parkways, or other Federal reservations) in accordance with the provisions of the Federal Highway Act, as amended and supplemented, and subject to the provisions of section 1 of the act of June 18, 1934 (48 Stat. 993).

Projects located on the Federal-aid highway system outside of municipalities and metropolitan areas involving the use of such funds shall be designated "U. S. Works Program Highway Project No. WPH —." Projects located on the State highway system, outside of municipalities and metropolitan areas but not included in the Federal-aid highway system, involving the use of such funds shall be designated "U. S. Works Program Highway Project No. WPSS —." Projects located on secondary or feeder roads outside of municipalities or metropolitan areas and not included in the State highway system or the Federal-aid highway system, involving the use of such funds shall be designated "U. S. Works Program Highway Project No. WPSO —." Projects located on the Federal-aid highway system or extensions thereof within municipalities or metropolitan areas involving the use of such funds shall be designated "U. S. Works Program Highway Project No. WPMH —." Projects located in municipalities or metropolitan areas but not included in the Federal-aid highway system involving the use of such funds shall be designated "U. S. Works Program Highway Project No. WPMS —." Any signs which may be displayed on any such project for the purpose of its identification by firms or individuals to whom any contract for its construction is awarded shall refer to the project by the appropriate foregoing designation.

The term "apportionment" refers to the amounts which have been placed to the credit of the individual States by the Secretary's certificate of apportionment of June 3, 1935, for the construction of highways and other related projects.

"Secondary or feeder roads", for the purpose of these regulations, shall be divided into three classes and defined as follows:

(1) Roads outside of municipalities or metropolitan areas which are not included in the Federal-aid highway system or the State highway system in States which have not taken responsibility for important county or township roads or roads of similar classification (WPSO). (2) Roads outside of municipalities or metropolitan areas which are a part of the State highway system but not included in the Federal-aid highway system (WPSS). (3) Roads or streets within municipalities or metropolitan areas which are not included in the Federal-aid highway system (WPMS).

A "municipality" shall be construed to mean a populous community, generally of defined area, usually organized pursuant to law into a body politic with corporate name and continuous succession, and for the purpose and with the authority of subordinate local self-government.

A "metropolitan area" shall be construed as the territory immediately contiguous to the relatively larger municipalities of a State within which workers living in the municipality may be transported daily to and from work within the territory.

INITIATION OF PROJECTS

SEC. 2. All projects under this act shall be initiated by the States and submitted in the same manner as other Federal-aid projects, and all such projects shall be subject to all of the provisions of the rules and regulations of the Secretary of Agriculture for administering the Federal Highway Act, as heretofore promulgated, except such provisions as are inconsistent or in conflict with these rules and regulations.

APPLICATION OF FUNDS TO PROJECTS

SEC. 3. Of the funds apportioned to any State under the act, not less than 25 percent shall be applied to secondary or feeder-road projects of the first classification (WPSO), that is, roads outside of municipalities and metropolitan areas, which are not included in the State highway system or Federal-aid highway system; and not less than 25 percent of such funds shall be applied to projects within municipalities or metropolitan areas located on the Federal-aid highway system or extensions thereof (WPMH) or on secondary or feeder roads of the third classification (WPMS). The remaining percentage of a State's apportionment may be applied to projects on the Federal-aid highway system or to secondary or feeder projects of the second classification located on the State highway system but not included in the Federal-aid highway system.

SELECTION OF PROJECTS

SEC. 4. Insofar as practicable and feasible, projects to be undertaken with works program highway funds shall be selected with respect to undertaking desirable improvements by providing employment in areas where large unemployment exists. Data furnished by the Emergency Relief Administration with respect to the relief load in the various counties of a State shall be used to the extent possible as a basis for the selection of projects in the different counties in the State.

PROGRAMS OF PROJECTS

SEC. 5. Each State highway department shall prepare in tabular form, for each of the hereinbefore-mentioned classifications of projects, programs of proposed works program highway projects to be undertaken indicating the project number, county, location, length, termini, proposed character of work, estimated man-hours of employment, estimated quantity, and cost of the principal kinds of materials entering into such work, the estimated total cost, and the amount of works program highway funds desired for each project. The tabulation for each classification of projects shall be totaled with respect to mileage, man-hours of employment, estimated cost of materials, estimated total cost, and the amount of works program highway funds desired. Each State highway department shall confer with the State relief administrator and the State administrator of the Works Progress Administration in an endeavor to select projects for which sufficient labor is available locally from relief rolls. The programs shall be accompanied by Federal-aid progress maps

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indicating in diagrammatic form the location of projects, their classification, and estimated cost. The programs may be submitted in whole or in part, except that no program will be considered for projects involving less than 25 percent of a State's apportionment unless made up of minor additions made possible by contract prices being less than the estimated costs. Insofar as possible programs for the complete utilization of the funds available to a State shall contain a list of contingent projects, in order of priority, which will be undertaken in the event projects on the regular programs fail to absorb all the funds.

The programs thus prepared shall be submitted to the district engineer of the Bureau of Public Roads for examination and review. Upon receipt of advice from him that they are satisfactory to recommend for approval, they shall be submitted by the State highway department to the State director of the National Emergency Council and the State administrator of the Works Progress Administration for concurrence in a recommendation of approval before being returned to the district engineer of the Bureau of Public Roads for transmittal to the headquarters office of the Bureau for final action.

BASIS OF APPROVAL OF PROJECTS

SEC. 6. All projects proposed by a State highway department shall be measured for approval on the basis of providing the equivalent of a man-year of employment on the project at a total cost to the Federal Government, including labor, materials, and all other items properly chargeable to the work, of not exceeding \$1,400 per man-year. Items properly chargeable to the cost of a project on which the above measure of participation shall apply are: (1) Costs incurred subsequent to the allocation of funds under the act (May 16, 1935) for surveys and the preparation of plans for projects which are approved for construction, except that no part of the expense of maintaining an overhead organization of a State highway department or other agency cooperating with the State in undertaking the work shall be included in such cost; (2) engineering costs for supervision of construction; (3) all construction costs whether by contract or force account, except that no reimbursement will be made for the use of publicly owned equipment whether owned by the State, county, or other political subdivision. Upon the completion of any project the total obligation of the Federal Government toward its improvement payable from works program highway funds shall not exceed the man-hour expenditure for total estimated cost of the project on which the project was approved multiplied by the number of man-hours of employment actually given on the job as determined by the accumulative totals for administrative, executive, and supervisory employees, and skilled, intermediate grade, and unskilled persons employed on the work during its prosecution. If any State highway department desires to undertake work of a type or character in which the total cost per man-year of direct employment on a project is in excess of \$1,400 per year such project may be approved, provided the obligation of the Federal Government is limited to this sum or its equivalent of 90 cents per man-hour of employment for the number of man-hours of employment actually given on the project under the conditions of employment hereinafter given.

SURVEYS, PLANS, SPECIFICATIONS, ETC.

SEC. 7. Surveys and plans, specifications, and estimates for all projects in each State shall be prepared under the immediate direction of the State highway department and the construction involved shall be under the immediate supervision of the State highway department. The State highway department, if it so desires, may utilize the services of efficient county or city engineering organizations for the preparation of plans for any project. Inasmuch as the Federal Highway Act requires each State to maintain at its own expense a highway department having adequate powers and suitably equipped and organized to discharge the duties required by the legislation, no part of the cost of maintaining a central office organization of the State highway department, or of city or county engineering organizations, which may be utilized by the State in the conduct of the work under this act, will be paid with Federal funds. Engineering charges reimbursable with Federal funds will be confined to the payment of salaries and necessary expenses of individuals actually employed in making the surveys and in the preparation of such plans and specifications.

The funds apportioned shall not be available for the payment of any portion of the cost of surveys and the preparation of plans incurred prior to the approval of the allotment of funds for this purpose on May 16, 1935, and no part of the cost of the surveys, plans, and engineering supervision of construction will be paid to any State which restricts employment of engineers on such work to residents of the State. The survey and design requirements for projects undertaken under this act shall be reasonably consistent with the type of work contemplated. Abbreviated plans previously acceptable to the Bureau of Public Roads for secondary projects under previous Public Works highway programs may be utilized to the maximum extent possible for work involving light grading where the improvement follows very closely the existing road or where the improvement consists of surfacing existing roads with local materials and the installation of small drainage structures. On projects involving heavier grading quantities, abbreviated plans may be submitted on which the project may be approved subject to the condition that complete plans will be prepared and quantities actually measured as a basis of settlement for the work actually performed. No minimum design standard shall be established other than that work undertaken with such funds shall provide a better type of improvement than existed previously on a project and one which can be maintained in a state of serviceability at a reasonable cost for maintenance.

METHODS OF UNDERTAKING THE WORK

SEC. 8. Wherever feasible and practical the contract method shall be used for undertaking work under the act. Where a State highway department, however, is organized and equipped to undertake projects on a day-labor or force-account basis, or desires to utilize the services of efficient city or county engineering organizations similarly organized and equipped to undertake projects on this basis, approval may be given to this latter method of undertaking the work on any project. On all work undertaken on a contract or force-account basis the specifications shall stipulate the minimum man-hours of employment established for the project, and no contract shall be awarded or force-account work approved on a basis which will provide less than the required man-hours of employment, unless the State highway department is willing to assume the additional cost involved. In the case of overruns or underruns in quantities or the performance of contingent items in the work performed on a contract or by force account, the minimum number of man-hours of employment to be given on the project shall be appropriately adjusted on the basis of the final cost of the project. The specifications shall not describe in detail any restrictive methods of undertaking the work, but the contractor shall be permitted to undertake the work in general conformity with approved State highway department specifications in which hand-labor methods shall be permitted to the maximum extent possible on any detail of work which can be undertaken by such methods without seriously impairing the quality of the work.

ADVERTISEMENT AND AWARD OF CONTRACT

SEC. 9. Before a contract is awarded for any project bids shall be requested by advertisement inserted once a week for not less than two weeks in such newspapers and/or other publications as will insure adequate publicity. The award, if made, shall be to the lowest qualified bidder submitting a proposal in conformity with the requirements of the specifications.

CONTRACTS AND CONSTRUCTION

SEC. 10. All contracts for the construction of works program highway projects shall be entered into by the State highway department and no contract for any such project, or part thereof, shall be entered into or award therefor made by any State without prior concurrence in such action by the district engineer of the Bureau of Public Roads.

Approval will not be given to any procedure or requirement designed to prevent the award of contracts to qualified contractors nonresident of the State in which the work is located. All contracts shall contain special provisions prescribed by the Bureau of Public Roads to give effect to requirements respecting wages, hours of work, conditions of employment, etc., as prescribed by executive orders and contemplated by these rules and regulations affecting such work.

WAGES OF LABOR

SEC. 11. All contracts for the construction of highways under this act shall prescribe the minimum rate of wages, as predetermined by the State highway department subject to the approval and in conformity with standards fixed by the Bureau of Public Roads, which contractors shall pay to the different classes of labor and such minimum rates shall be stated also in the advertisement for bids and in proposals or bids which may be submitted. The wage rates so determined shall be a minimum rate for unskilled labor, a minimum rate for labor, intermediate grade, and a minimum rate for skilled labor. The classification of labor employed on highway work into the three classes mentioned shall be in accordance with instructions issued by the Bureau of Public Roads. The minimum wage rates established shall be reasonably comparable to the hourly rates paid by the State highway department with its own funds for work of a similar character. In establishing wage rates to apply to different sections of a State consideration may be given to the variation in living costs in the different sections of a State.

All contracts for the construction of projects under these rules and regulations shall require that the wages of all labor shall be paid in legal tender of the United States. This condition will be considered satisfied if payment is made by a negotiable check, on a solvent bank, which may be readily cashed by the employee in the immediate community for the full amount, without discount or collection charges of any kind.

EMPLOYMENT OF LABOR

SEC. 12. Contracts for all projects shall provide that (except in executive, administrative, supervisory, and highly skilled positions) only persons certified for assignment to work by the United States Employment Service shall be employed, and that preference in the employment of persons certified by the United States Employment Service shall be given, when they are qualified, to those from the public relief rolls.

No person under the age of 16 years, and no one whose age or physical condition is such as to make his employment dangerous to his health or safety, or to the health and safety of others, shall be employed on any project. This paragraph shall not be construed to operate against the employment of physically handicapped persons, otherwise employable, where such persons may be safely assigned to work which they can ably perform.

No person currently serving sentence to a penal or correctional institution shall be employed on any project.

Except as specifically provided under this section, workers who are qualified by training or experience to be assigned to projects of this character shall not be discriminated against on any grounds whatsoever.

All contracts shall be conducted in accordance with safe working conditions, and every effort shall be made for the prevention of accidents.

The wages to be paid on projects under this act may not be pledged or assigned, and any purported pledge or assignment shall be null and void.

HOURS OF LABOR

SEC. 13. Contracts for all projects under this act shall contain a stipulation that the maximum hours of work for manual labor shall be 8 hours per day and 130 hours per month, and the maximum hours of work for clerical and other nonmanual employees shall be 8 hours per day and 40 hours per week. It shall not be considered practical and feasible to apply the 130-hour-per-month limitation to work located at points so remote and inaccessible that camps are necessary for housing and boarding practically all of the labor employed on the work as determined by the State highway department with the approval of the district engineer of the Bureau of Public Roads prior to advertisement, provided, however, that on all such isolated projects the maximum hours of work shall be 8 hours per day and 40 hours per week.

CERTIFIED PAY ROLLS TO BE FURNISHED

SEC. 14. The specifications for each project shall contain a provision requiring the contractor and all subcontractors to furnish to the State highway department, on forms to be prescribed and in accordance with instructions to be furnished, copies of weekly pay rolls within 3 days after the payment of such pay rolls and there shall be attached to such pay rolls an affidavit

as required by the provisions of Public Act No. 324—Seventy-third Congress, approved June 13, 1934, which shall be included in and made a part of the special provisions. Each pay roll shall also be accompanied by a statement indicating the approximate expenditures for the principal materials used or purchased for the work, itemized as may be required. The pay rolls shall be divided into four sections under which shall be appropriately grouped:

- (1) Executive, administrative, and supervisory employees.
- (2) Skilled labor.
- (3) Intermediate labor.
- (4) Unskilled labor.

All employees shall be paid weekly and all pay rolls shall be submitted for each calendar week not later than the third day after the date on which employees are paid, which shall not be later than Wednesday of the week following the week covered by the pay roll.

The total number of hours of employment given under each of the four sections of the pay roll, together with the total amount paid under each section of the pay roll, shall be shown on each weekly pay roll and the totals for both items shall be carried forward to succeeding pay rolls so that the final pay roll will reflect the total hours of employment given to the different classifications of labor as well as the total amounts paid to each classification. Deviation from this procedure will not be permitted. The contractor's time book shall be open to inspection by the Secretary, or his authorized representative, and to authorized representatives of the State highway department at any time.

A monthly report shall be prepared by the contractor on forms furnished by the Department of Labor for each calendar month, showing the number of persons on the pay rolls of the contractor and subcontractors on each project, the aggregate amount of such pay rolls, the man-hours worked during the month, and the approximate expenditures for materials during the month itemized as may be required. This report in duplicate shall be furnished to the State resident engineer on the project within 5 days after the close of each calendar month and promptly transmitted by him to the district engineer of the United States Bureau of Public Roads.

The pay rolls shall show clearly whether or not the persons listed thereon as obtained from the Reemployment Service were listed as drawn from the relief rolls.

EMPLOYMENT AGENCIES

SEC. 15. All contracts for work to be done under this act shall provide that labor required for such projects and appropriately to be selected through local employment services shall be selected from qualified workers referred by employment agencies designated by the United States Employment Service and in accordance with the required special provisions.

SUBLETTING AND SUBCONTRACTING

SEC. 16. All contracts for projects under this act shall contain suitable stipulations designed to insure that not less than 80 percent of the work embraced in the contract, exclusive of items not commonly found in contracts for similar work, or which require highly specialized knowledge, craftsmanship, and/or equipment not ordinarily available in contracting organizations which perform work of the character embraced in the contract, shall be performed by the contractor with his own organization; provided that a procedure may be approved whereby a contractor who states in his proposal a particular item or items which he proposes to sublet and names the subcontractor to whom he proposes to sublet such work, may, if such item or items do not constitute the major item or items of the contract, have such work performed by the subcontractor named, notwithstanding the above limitation. The State highway department shall furnish to the Bureau of Public Roads for transmittal to the Works Progress Administration and to the Department of Labor the names and addresses of all subcontractors on projects at the earliest date practicable.

USE OF DOMESTIC MATERIALS

SEC. 17. All contracts for projects under this act shall provide that in the performance of the work the contractor, subcontractors, material producers, or suppliers shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies, mined, produced, or

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manufactured, as the case may be, in the United States, unless articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; provided, however, that if the Bureau of Public Roads shall find that in respect to some particular articles, materials, or supplies, it is impracticable to make such requirement, or that it would unreasonably increase the cost, an exception shall be noted in the specifications as to those particular articles, materials, or supplies, and a public record shall be made of the findings which justified the exception.

DIRECT-LABOR OR FORCE-ACCOUNT WORK

SEC. 18. Any work done by direct labor or force account under this act shall be subject to these rules and regulations.

MATERIALS

SEC. 19. All contracts for the construction of highways under this act which are paid for in whole or in part with works program highway funds shall require the contractor to furnish all materials entering into the work, and no requirement shall be contained in any contract in any State providing price differentials for or restricting the use of materials to those produced within the State; provided that in the event any arrangements are made by the Federal Government for the purchase of materials which the contractor could utilize in his work, the specifications shall list such materials, the prices at which the contractor will be charged therefor or at which he may purchase them, and the methods under which they will be made available; and the contractor shall have the option of obtaining such materials as may be required in his work, by such methods, or of obtaining them through ordinary commercial channels, as may appear to his advantage.

On direct-labor or force-account work all materials shall be purchased under competitive bids, except that for minor quantities of materials which may be obtained locally from a number of independent sources, the receipt by the State of quotations from not less than three local dealers will be considered as sufficient means to secure economy and efficiency in the corresponding expenditure of public funds. Published advertisements shall be employed in the purchase of large quantities of materials and the award made on the basis of sealed bids publicly opened. In the event that arrangements are made by the Government for the purchase of materials which may be used on direct-labor or force-account work, the same option with respect to the use of such materials shall obtain as on contract work.

All materials whether used on contract or force-account work shall comply with approved specifications.

APPROVAL OF PLANS BY DISTRICT ENGINEER

SEC. 20. When, in the opinion of the district engineer of the Bureau of Public Roads, a State shall have filed a complete project statement for a project on an approved program and satisfactory plans, specifications, and estimate therefor, or for any part thereof, the district engineer may authorize advertisement of such project, or of such part thereof, and/or may recommend approval of such plans, specifications, and estimates, but shall not concur in the award of any contract until after the project statement has been approved.

Projects of a high order of priority with respect to providing employment on desirable improvements, and conforming to these rules and regulations to the extent of a reasonable percentage of the work permissible under the different classifications of projects, may be approved by the district engineer for construction upon the submission of a project statement and satisfactory plans prior to formal action on a detailed program submitted by any State, provided clearance is obtained on such projects from the State director of the National Emergency Council and the State administrator of the Works Progress Administration.

ROADSIDE IMPROVEMENT PROJECTS

SEC. 21. The selection of projects to be undertaken under this act shall include the appropriate landscaping of parkways or roadsides on a reasonably extensive mileage and involving an expenditure of not less than 1 percent of the apportionment to each State.

HIGHWAY PLANNING PROJECTS

SEC. 22. With the approval of the Secretary, not to exceed 1½ percent of the amount apportioned to any State for highways, roads, and streets may be used for surveys, plans, and engineering investigations of projects for future construction in such State or for the general planning of a complete highway system and program of highway improvement for such State. Such proposed surveys, plans, and engineering investigations shall be initiated by the State highway departments in the same manner as other projects by the submission of a project statement and, if approved by the Secretary, the work may be prosecuted under a project agreement. This section shall not apply to surveys, plans, or engineering investigations of construction projects to be financed with any Federal funds immediately available.

ALTERNATE PLAN FOR UTILIZATION OF WORKS PROGRAM HIGHWAY FUNDS

SEC. 23. Any State highway department desiring to do so may propose an alternate plan for the utilization of works program highway funds and such alternate plan may be approved provided it satisfies the following conditions:

(1) That the State enter into a binding agreement with the Secretary to undertake works program highway projects in accordance with all the rules and regulations promulgated for such projects except with respect to section 6, entitled "Basis of approval of projects", and such portions of other sections as directly relate to section 6.

(2) That in consideration of such release from the requirements of the rules and regulations respecting "Basis of approval of projects" and such portions of other sections as directly relate to this section, the State agrees:

(a) To secure from the United States Employment Service and give employment to its full quota of individuals determined by dividing the allotment to the State for works program highway projects by the allowable expenditure of \$1,400 per man-year of employment, or to provide the equivalent in man-hours of employment thereof on the basis of 1,560 man-hours of employment per year (130 hours per month times 12 months): *Provided, however,* that if the minimum wage rates established by the State highway department are such as to make possible monthly earnings substantially in excess of the schedule of monthly earnings established by Executive order for the general works program by giving employment for less than 130 hours per month, the equivalent hours of employment per month may be adjusted accordingly and the equivalent man-hours of employment per year may be computed on such basis.

(b) To give employment to all such individuals so employed at the determined wage rates and hours of employment for a period of 1 year, or the equivalent thereof in man-hours of employment on highway work under the direct supervision of the State highway department.

(c) To provide State funds to carry into effect this obligation to the extent necessary in excess of Federal highway funds allotted the State.

(d) To cooperate with the Bureau of Public Roads and the Works Progress Administration in every way possible to make such employment effective and in harmony with the administration's work-relief policies.

(e) To furnish certified copies of all pay rolls on which labor obtained from the United States Employment Service is employed under this proposal showing the names of persons secured from the United States Employment Service and the total man-hours of employment given to each. The totals in man-hour employment shall be carried forward to succeeding pay rolls.

(3) To safeguard the interests of the Government the total Federal reimbursement to the State at any time on works program highway projects approved under the alternate plan shall not exceed the product of the total man-hours employment given to individuals secured from the United States Employment Service on such projects and other projects undertaken by the State on which credit may be taken for its employment quota, multiplied by the allowable expenditure of works program highway funds for each man-hour of employment given, computed as outlined in this section.

MAINTENANCE OF SECONDARY OR FEEDER ROADS

SEC. 24. Project agreements for secondary or feeder road projects shall provide for the maintenance of such projects by the State where the law permits the State to undertake such maintenance; otherwise the State shall submit,

in the form prescribed by the Secretary, an agreement with the county or other political subdivision for such maintenance.

MAINTENANCE OF PROJECTS WITHIN MUNICIPALITIES

SEC. 25. Project agreements for projects within municipalities shall provide for the maintenance of such projects by the State where the law permits the State to undertake such maintenance; otherwise the State shall submit, in the form prescribed by the Secretary, an agreement with the municipality or other political subdivision for such maintenance.

AVAILABILITY OF FUNDS

SEC. 26. The funds apportioned to the State under the act are for use during the fiscal year 1936. They are only available to the extent that they can be used expeditiously under these rules and regulations.

STATES WITHOUT SATISFACTORY HIGHWAY DEPARTMENTS

SEC. 27. If the Secretary shall find that any State is without a satisfactory State highway department, as defined by the Federal Highway Act (Sec. 2), the administration of the apportionment to such State, pursuant to the Emergency Relief Appropriation Act of 1935, shall be subject to such special rules and regulations, authorized by law, as may be prescribed by the Secretary of Agriculture.

PAYMENT TO STATES

SEC. 28. No payments will be made to any State on account of work performed on any project which has not been done in accordance with these rules and regulations and the special provisions issued thereunder. The final voucher for each project shall be accompanied by a statement showing: (1) the total man-hours of employment given to persons employed on the project under each pay-roll classification, together with the total amounts paid to such employment classifications; (2) the quantities and cost of each of the principal materials purchased from commercial sources and entering into the work; and (3) the quantities of each of the principal materials produced locally by the contractor and/or subcontractors and entering into the work.

APPLICATION OF REGULATIONS

SEC. 29. These rules and regulations shall apply to all funds allocated and apportioned or otherwise made available thereunder for the construction of public highways and other related projects (except within or adjacent to national forests, national parks, national parkways, or other Federal reservations) from the appropriations contained in the Emergency Relief Appropriation Act of 1935. They shall not apply to projects under the direction or supervision of the Works Progress Administration.

VIOLATION OF RULES AND REGULATIONS

SEC. 30. Any contractor who deliberately violates the spirit and intent of these rules and regulations or the special provisions issued thereunder shall not be eligible to bid upon any further work involving the use of works program highway funds.

**RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS
OF THE EMERGENCY RELIEF APPROPRIATION ACT OF 1935 (PUB.
RES. NO. 11—74TH CONG.) WHICH RELATE TO THE ELIMINATION
OF HAZARDS TO LIFE AT RAILROAD GRADE CROSSINGS, IN AC-
CORDANCE WITH THE PROVISIONS OF THE FEDERAL HIGHWAY
ACT**

(GRADE CROSSINGS)

[Approved by the Secretary of Agriculture and by the Works Progress Administrator July 8, 1935, and by the President of the United States July 12, 1935, AS AMENDED August 29, 1935, and September 12, 1935]

DEFINITIONS

SECTION 1. For the purpose of these rules and regulations, the following definitions shall be controlling.

The term "Act" shall mean those provisions of the Emergency Relief Appropriation Act of 1935 (Pub. Res. No. 11—74th Cong.) which provide for the elimination of existing hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade-crossing structures, and the relocation of highways to eliminate grade crossings in accordance with the provisions of the Federal Highway Act as amended and supplemented and subject to the provisions of section 1 of the act of June 18, 1934 (48 Stat. 993).

The term "State" as used herein shall include the Territory of Hawaii and the District of Columbia.

The term "Secretary" shall mean the Secretary of Agriculture of the United States.

The term "Works program grade-crossing funds" shall mean the \$200,000,000 of Federal funds allocated by the President under the act and any further sums so allocated and apportioned to the several States by the Secretary of Agriculture for the elimination of hazards to life at railroad grade crossings, in accordance with the provisions of the Federal Highway Act as amended and supplemented and subject to the provisions of section 1 of the act of June 18, 1934 (48 Stat. 993).

Projects located on the Federal-aid highway system outside of municipalities involving the use of such funds shall be designated "U. S. Works Program Grade-Crossing Project No. WPGH —." Projects within municipalities, whether or not located on extensions of the Federal-aid highway system into and through such municipalities, involving the use of such funds shall be designated "U. S. Works Program Grade-Crossing Project No. WPGM —." Projects located on secondary or feeder roads outside of municipalities involving the use of such funds shall be designated "U. S. Works Program Grade-Crossing Project No. WPGS —." Any signs which may be displayed on any such project for the purpose of its identification by firms or individuals to whom any contract for its construction is awarded shall refer to the project by the appropriate foregoing designation.

The term "apportionment" refers to the amounts which have been placed to the credit of the individual States by the Secretary's certificate of apportionment of June 3, 1935, for the elimination of hazards to life at railroad grade crossings.

"Secondary or feeder roads" for the purpose of these regulations shall be defined as roads outside of municipalities and streets within municipalities which are not included in the approved Federal-aid highway system or extensions thereof into and through municipalities.

A "municipality" shall be construed to mean a populous community, generally of defined area, usually organized pursuant to law into a body politic with corporate name and continuous succession and for the purpose and with the authority of subordinate local self-government.

INITIATION OF PROJECTS

SEC. 2. All projects under this act shall be initiated by the States and submitted in the same manner as other Federal-aid projects, and all such projects

shall be subject to all of the provisions of the rules and regulations of the Secretary of Agriculture for administering the Federal Highway Act, as heretofore promulgated, except such provisions as are inconsistent or in conflict with these rules and regulations.

APPLICATION OF FUNDS TO PROJECTS

SEC. 3. The funds apportioned to any State under the act shall be applied to projects which eliminate the hazards to life at railroad grade crossings without limitation as to location of projects, except that not less than 25 percent of a State's apportionment shall be expended for eliminating the hazards to life at railroad grade crossings with secondary or feeder roads as defined herein unless a lesser percentage is approved by the Secretary upon a satisfactory showing by the State as contemplated in section 1 of the act of June 18, 1934 (48 Stat. 993).

To secure a reasonably equitable distribution of benefits to the individually operated railroads in a State, projects shall be apportioned, within practical limits, to the individually operated railroads in such manner that the total cost of the project or projects for the elimination of hazards to life at railroad grade crossings on any individually operated railroad shall have approximately the same relation to the total apportionment to the State as the mileage of railroad owned or operated by such railroad bears to the total mileage of railroads owned or operated in the State. For this purpose data obtained from the Interstate Commerce Commission will be furnished the State showing the mileage, exclusive of trackage rights, owned or operated on December 31, 1934, by the individual class 1 railroads in the State, together with the mileage of all other classifications of railroads owned or operated in the State.

The mileage of high-speed electric railway lines in any State may be considered in connection with the programming of projects, in which event such mileage shall be reported by a State highway department when submitting the first increment of its program. Nothing in this method of distribution of projects shall operate to prevent the elimination of hazards to life at important main-line railroad crossings of individually operated railroads which railroads may have only a relatively small mileage in any one State.

Within the limitations established by these rules and regulations the funds apportioned shall be available to pay the entire cost of projects of the following character, exclusive of any charges for rights-of-way and/or property damage:

- a. The separation of grades at crossings.
- b. The protection of grade crossings.
- c. The reconstruction of existing railroad grade-crossing structures.
- d. The relocation of highways to eliminate grade crossings.

The separation of grades at crossings may be by underpass or overpass and may include any necessary track elevation or depression and such additional work as may be required by changes in grade or alignment of the highway or relocation of the highway or railroad tracks. Works Program grade-crossing funds may be used in combination with funds from other sources for the accomplishment of projects of greater magnitude than would be possible with Works Program grade-crossing funds alone. The proper approach to a structure eliminating a grade crossing frequently involves major changes in highway alignment which may be a part of a comprehensive complete relocation of the highway. Under such conditions, and under all other conditions, the cost of relocating and constructing the highway approaches to grade-separation structures chargeable to Works Program grade-crossing funds will be limited to work actually necessary and performed within 1,500 feet on each side of the nearest track of the crossing measured along the center line of the highway improvement.

The protection of railroad grade crossings shall be accomplished by means of approved flashing-light signals, unless greater protection is desired than is afforded by flashing lights, in which event the installation of crossing gates, barriers, or other somewhat similar devices, which are satisfactory to the State highway department and the affected railroad company, may be submitted for approval. Railroad grade-crossing protection devices of the flashing-light type shall conform to the requirements for this type of signal as outlined in memoranda to district engineers on this subject issued by the chief of the Bureau of Public Roads under dates of April 6, 1934, July 18, 1934, August 15, 1934, November 2, 1934, and December 20, 1934. These requirements permit the use of:

- (1) Recommended standards for flashing-light signals adopted by the joint committee on grade-crossing protection of the Association of American Railroads.

- (2) Flashing-light signals conforming essentially to the standards recommended by the joint committee on grade-crossing protection of the Association of American Railroads which carry additional features such as a rotating disc or other devices which do not impair the operation or detract from the uniformity or utility of the signals.
- (3) A wigwag signal of the magnetic type having standard signs and mounting height, a balanced outline reasonably in keeping with stationary lights with backgrounds and an aspect, when operating, essentially the same as flashing lights.

A definite agreement between the State highway department and the affected railroad company shall be entered into respecting the maintenance of such installations and no Federal funds shall be paid for any installation until such agreement has been filed. The plans and specifications for work of this character shall be in sufficient detail to define or describe the exact kind and quality of material required or, in the case of an operating mechanism, to cover fully the essential requirements of the operating parts so that there may be effective competition in the purchase of materials or parts going into such installations.

The reconstruction of existing railroad grade-crossing structures shall include strengthening and widening or a relocation and rebuilding of the structure to provide approach alignment adequate for the safety of highway traffic. The cost of relocating and constructing highway approaches to reconstructed grade-separation structures chargeable to Works Program grade-crossing funds will be limited to work actually necessary and performed within 1,500 feet on each side of the nearest track of the crossing measured along the center line of the highway improvement.

The relocation of highways to eliminate railroad grade crossings shall include the construction of new highway facilities or the reconstruction of existing highways in such manner that traffic following the new or reconstructed route will not encounter the affected crossings. The relocation of highways to eliminate grade crossings may be of any length, but the cost of such highway relocations chargeable to Works Program grade-crossing funds shall not exceed:

- (1) The estimated cost of providing grade-separation structures and approaches thereto for the crossings eliminated on the route; or
- (2) The estimated cost of providing on the relocation an improvement to modern standards with a surfacing type comparable to that existing on the portion of the route so relocated.

The estimated cost of providing grade-separation structures and approaches thereto within the limits prescribed herein shall be determined and agreed upon by the State highway department and representatives of the affected railroad company. A copy of such estimate properly approved and signed by representatives of these agencies shall be filed with each project of this character. The estimated cost of providing on the relocation an improvement to modern standards with a surfacing type comparable to that existing on the portion of the route so relocated shall be determined by the State highway department and approved by the district engineer of the Bureau of Public Roads.

Where the cost of a highway relocation to eliminate railroad grade crossings is in excess of the amount chargeable to Works Program grade-crossing funds, provision will have to be made to complete the relocation with funds from other sources before approval is given to the project. Under such conditions, for accounting purposes, it may be desirable to sectionalize the work into different contracts or in the event the balance of the relocation is to be undertaken with Works Program highway funds the two sections may be grouped under a single contract even though they carry different project numbers. First-stage grading construction will be acceptable on highway relocations to eliminate railroad grade crossings provided the State highway department will undertake a commitment for future surfacing within a definite date.

Where a single structure or relocation eliminates grade crossings over the tracks of more than one individually operated railroad, the cost of such structure or relocation shall be chargeable to work performed on the different railroads in the ratio which the number of tracks of each individual railroad bears to the total number of tracks at the crossing.

The funds apportioned under the act shall not be available for the separation of grades at railroad grade crossings on a newly established highway route which is not essentially a relocation of an existing route.

SELECTION OF PROJECTS

SEC. 4. Insofar as practicable and feasible, projects to be undertaken with Works Program grade-crossing funds shall be selected on the individually operated railroads with respect to their relative traffic hazards and the possibility of providing employment in areas where large unemployment exists. Grade-crossing-elimination projects within or adjacent to the larger municipalities, which are manually protected and which are used by a considerable volume of highway traffic, or which are frequently occupied by train movements, are especially desirable projects, if funds are available or provision has been made by the State or local authorities for the settlement of rights-of-way costs and/or property damage. Every effort should be made to physically close railroad grade crossings the use of which is practically eliminated by the relocation of highway routes or by the construction of separation structures in the vicinity of such crossings. The extent to which railroad grade-crossing protection may be employed in lieu of grade-crossing eliminations will be determined by the State highway department subject to the condition, however, that important crossings which cannot be reached in the elimination program and which are not now protected by acceptable devices may be required to be acceptably protected as a part of the program.

PROGRAMS OF PROJECTS

SEC. 5. Each State highway department shall prepare in tabular form, for each of the hereinbefore-mentioned classifications of projects, programs of proposed Works Program grade-crossing projects to be undertaken, grouped for each individually operated railroad, indicating the project number, county, location, proposed character of work, estimated man-hours of employment, estimated quantity and cost of the principal kinds of materials entering into such work, the estimated total cost, and the amount of Works Program grade-crossing funds desired for each project. The tabulations for each classification of projects shall be totaled with respect to number of crossings, man-hours of employment, estimated cost of materials, estimated total cost, and the amount of Works Program grade-crossing funds desired. Each State highway department shall confer with the State relief administrator and the State administrator of the Works Progress Administration in an endeavor to select projects for which sufficient labor is available locally from relief rolls. The programs shall be accompanied by Federal-aid progress maps indicating in diagrammatic form the location of projects, their classification, and estimated cost. The programs may be submitted in whole or in part, except that no program will be considered for projects involving less than 25 percent of a State's apportionment unless made up of minor additions made possible by contract prices being less than estimated costs.

Insofar as possible, programs for the complete utilization of the funds available to a State shall contain a list of contingent projects, in order of priority, which will be undertaken in the event projects on the regular program fail to absorb all the funds.

The programs thus prepared shall be submitted to the district engineer of the Bureau of Public Roads for examination and review. Upon receipt of advice from him that they are satisfactory to recommend for approval, they shall then be submitted by the State highway department to the State director of the National Emergency Council and the State administrator of the Works Progress Administration for concurrence in a recommendation of approval before being returned to the district engineer of the Bureau of Public Roads for transmittal to the headquarters office of the bureau for final action.

[Section 6—"Basis of Approval of Projects"—is revoked in its entirety.]

SURVEYS, PLANS, SPECIFICATIONS, ETC.

SEC. 7. Surveys and plans, specifications, and estimates for all projects in each State shall be prepared under the immediate direction of the State highway department and the construction involved shall be under the immediate supervision of the State highway department. The State highway department, if it so desires, may utilize the services of the engineering organizations of the affected railroad companies, or the engineering organizations of consulting engineers for the preparation of plans for any project. Inasmuch as the Federal Highway Act requires each State to maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge the duties required by the legislation, no part of the cost of main-

taining a central office organization of the State highway department or of railroad or consultants' engineering organizations which may be utilized by the State in the conduct of the work under this act will be paid with Federal funds. Engineering charges reimbursable with Federal funds will be confined to the payment of salaries of individuals actually employed in the preparation of such plans and specifications. The funds apportioned shall not be available for the payment of any portion of the cost of surveys and the preparation of plans incurred prior to the approval of the allotment of funds for this purpose on May 16, 1935, and no part of the cost of the surveys, plans, and engineering supervision of construction will be paid to any State which restricts employment of engineers on such work to residents of the State. The design requirements for highway bridges as contained in the standard specifications for highway bridges adopted by the American Association of State Highway Officials shall obtain with respect to structures carrying highway traffic over the railroads. The design requirements of the American Railway Engineering Association shall obtain with respect to structures carrying railroad traffic. Railroad clearances in general shall conform to those in effect on the individual railroads concerned.

METHODS OF UNDERTAKING WORK

SEC. 8. Wherever feasible and practicable the contract method shall be followed in performing work of eliminating hazards to life at railroad grade crossings. Work necessary for the maintenance of railroad traffic including temporary-support trestles, track adjustment, signal adjustment, the rearrangement of telephone and telegraph lines on railroad right-of-way, and the adjustment of existing drainage facilities may be undertaken on a force-account basis by the railroad company with its own forces.

Where a State highway department is organized and equipped to undertake projects on a day-labor or force-account basis or desires to utilize the services of other efficient organizations similarly organized and equipped to undertake projects on this basis, approval may be given to this latter method of undertaking the work on particular projects.

ADVERTISEMENT AND AWARD OF CONTRACTS

SEC. 9. Before contract is awarded for any project, bids shall be requested by advertisements inserted once a week for not less than 2 weeks in such newspapers and/or other publications as will insure adequate publicity. The award, if made, shall be to the lowest qualified bidder submitting a proposal in conformity with the specification requirements.

CONTRACTS AND CONSTRUCTION

SEC. 10. All contracts for the construction of Works Program grade-crossing projects shall be entered into by the State highway department, and no contract for any such project, or part thereof, shall be entered into or award therefor made by any State without prior concurrence in such action by the district engineer of the Bureau of Public Roads.

Approval will not be given to any procedure or requirement designed to prevent the award of contracts to qualified contractors nonresident of the State in which the work is located. All contracts shall contain special provisions prescribed by the Bureau of Public Roads to give effect to requirements respecting wages, hours of work, conditions of employment, etc., as prescribed by Executive orders and contemplated by these rules and regulations affecting such work.

WAGES OF LABOR

SEC. 11. All contracts for the construction of grade-crossing projects shall prescribe the minimum rates of wages as predetermined by the State highway department subject to the approval and in conformity with standards fixed by the Bureau of Public Roads, which contractors shall pay to the different classes of labor, and such minimum rates shall be stated also in the advertisement for bids and in proposals or bids which may be submitted. The wage rates so determined shall be a minimum rate for unskilled labor, a minimum rate for labor, intermediate grade, and a minimum rate for skilled labor. The classification of labor employed on grade-crossing work into the three classes mentioned shall be in accordance with instructions issued by the Bureau of Public Roads. The minimum wage rate established shall be reasonably comparable to the hourly

rates paid by the State highway department with its own funds for work of a similar character. In establishing wage rates to apply to different sections of a State, consideration may be given to the variation in living costs in the different sections of a State. All contracts for the construction of projects under these rules and regulations shall require that the wages of all labor shall be paid in legal tender of the United States. This condition will be considered satisfied if payment is made by a negotiable check, on a solvent bank, which may be readily cashed by the employee in the immediate community for the full amount, without discount or collection charges of any kind.

EMPLOYMENT OF LABOR

SEC. 12. Contracts for all projects shall provide that (except in executive, administrative, supervisory, and highly skilled positions) only persons certified for assignment to work by the United States Employment Service shall be employed, and that preference in the employment of persons certified by the United States Employment Service shall be given, when they are qualified, to those from the public relief rolls.

No person under the age of sixteen (16) years, and no one whose age or physical condition is such as to make his employment dangerous to his health or safety or to the health and safety of others shall be employed on any project. This paragraph shall not be construed to operate against the employment of physically handicapped persons, otherwise employable, where such persons may be safely assigned to work which they can ably perform.

No person currently serving sentence to a penal or correctional institution shall be employed on any project.

Except as specifically provided under this section, workers who are qualified by training or experience to be assigned to projects of this character shall not be discriminated against on any grounds whatsoever.

All contracts shall be conducted in accordance with safe working conditions, and every effort shall be made for the prevention of accidents.

The wages to be paid on projects under this act may not be pledged or assigned, and any purported pledge or assignment shall be null and void.

HOURS OF LABOR

SEC. 13. Contracts for all projects under this act shall contain a stipulation that the maximum hours of work for manual labor shall be 8 hours per day and 130 hours per month, and the maximum hours of work for clerical and other nonmanual employees shall be 8 hours per day and 40 hours per week. It shall not be considered practical and feasible to apply the 130-hour-per-month limitation to work located at points so remote and inaccessible that camps are necessary for housing and boarding practically all of the labor employed on the work as determined by the State highway department with the approval of the district engineer of the Bureau of Public Roads prior to advertisement, provided, however, that on all such isolated projects the maximum hours of work shall be 8 hours per day and 40 hours per week.

CERTIFIED PAY ROLLS TO BE FURNISHED

SEC. 14. The specifications for each project shall contain a provision requiring the contractor and all subcontractors to furnish to the State highway department, on forms to be prescribed and in accordance with instructions to be issued, copies of weekly pay rolls within 3 days after the payment of such pay rolls, and there shall be attached to such pay rolls an affidavit as required by the provisions of Public Act No. 324, Seventy-third Congress, approved June 13, 1934, which shall be included in and made a part of the special provisions. Each pay roll shall be accompanied by a statement indicating the approximate expenditures for the principal materials used or purchased for the work, itemized as may be required. The pay rolls shall be divided into four sections, under which shall be appropriately grouped:

- (1) Executive, administrative, and supervisory employees.
- (2) Skilled labor.
- (3) Intermediate labor.
- (4) Unskilled labor.

All employees shall be paid weekly and all pay rolls shall be submitted for each calendar week not later than the third day after the date on which employees are paid, which shall not be later than Wednesday of the week following the week covered by the pay roll.

The total number of hours of employment given under each of the four sections of the pay roll, together with the total amount paid under each section of the pay roll, shall be shown on each weekly pay roll, and the totals for both items shall be carried forward to succeeding pay rolls, so that the final pay roll will reflect the total hours of employment given to the different classifications of labor as well as the total amounts paid to each classification. Deviation from this procedure will not be permitted. The contractor's time book shall be open to inspection by the Secretary, or his authorized representative, and to authorized representatives of the State highway department at any time.

A monthly report shall be prepared by the contractor on forms furnished by the Department of Labor for each calendar month, showing the number of persons on the pay rolls of the contractor and subcontractors on each project, the aggregate amount of such pay rolls, the man-hours worked during the month, and the approximate expenditures for materials during the month, itemized as may be required. This report in duplicate shall be furnished to the State resident engineer on the project within 5 days after the close of each calendar month and promptly transmitted by him to the district engineer of the United States Bureau of Public Roads.

The pay rolls shall show clearly whether or not the persons listed thereon as obtained from the Reemployment Service were listed as drawn from the relief rolls.

EMPLOYMENT AGENCIES

SEC. 15. All contracts for work to be done shall provide that labor required for such projects and appropriately to be selected through local employment services shall be selected from qualified workers referred by employment agencies designated by the United States Employment Service and in accordance with the required special provisions.

SUBLETTING AND SUBCONTRACTING

SEC. 16. All contracts for projects shall contain suitable stipulations designed to insure that not less than 80 percent of the work embraced in the contract, exclusive of items not commonly found in contracts for similar work, or which require highly specialized knowledge, craftsmanship, and/or equipment not ordinarily available in contracting organizations which perform work of the character embraced in the contract, shall be performed by the contractor with his own organization; provided, that a procedure may be approved whereby a contractor who states in his proposal a particular item or items which he proposes to sublet and names the subcontractor to whom he proposes to sublet such work, may, if such item or items do not constitute the major item or items of the contract, have such work performed by the subcontractor named notwithstanding the above limitation. The State highway department shall furnish to the Bureau of Public Roads for transmittal to the Works Progress Administration and to the Department of Labor the names and addresses of all subcontractors on projects at the earliest date practicable.

USE OF DOMESTIC MATERIALS

SEC. 17. All contracts for projects shall provide that in the performance of the work the contractor, subcontractors, material producers, or suppliers shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, unless articles, materials, or supplies of the class or kind to be used, or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality; provided, however, that if the Bureau of Public Roads shall find that in respect to some particular articles, materials, or supplies it is impracticable to make such requirement, or that it would unreasonably increase the cost, an exception shall be noted in the specifications as to those particular articles, materials, or supplies, and a public record shall be made of the findings which justified the exception.

DIRECT-LABOR OR FORCE-ACCOUNT WORK

SEC. 18. All work done by direct labor or force account shall be subject to these rules and regulations except work of this character necessary for the maintenance of railroad traffic and the adjustment of railroad facilities which may be performed by the railroad companies with their own forces in accordance with the working agreements between the railroad labor unions and the affected railroads. On such work the railroads will be reimbursed for actual costs incurred because of the project, and their accounts of such work must be kept in such way that they may be readily audited prior to reimbursement. Any material furnished by the railroad company for temporary work will be paid for at actual cost less fair salvage value when the material is released.

MATERIALS

SEC. 19. All contracts for the construction of grade-crossing projects which are paid for in whole or in part with Works Program grade-crossing funds shall require the contractor to furnish all materials entering into the work, and no requirement shall be contained in any contract in any State providing price differentials for or restricting the use of materials to those produced within the State; provided that in the event any arrangements are made by the Federal Government for the purchase of materials which the contractor could utilize in his work, the specifications shall list such materials, the prices at which the contractor will be charged therefor or at which he may purchase them, and the methods under which they will be made available; and the contractor shall have the option of obtaining such materials as may be required in his work, by such methods or of obtaining them through ordinary commercial channels, as may appear to his advantage.

On direct-labor or force-account work all materials shall be purchased under competitive bids, except that for minor quantities of materials which may be obtained locally from a number of independent sources, the receipt by the State of quotations from not less than three local dealers will be considered as sufficient means to secure economy and efficiency in the corresponding expenditure of public funds. Published advertisements shall be employed in the purchase of large quantities of materials and the award made on the basis of sealed bids publicly opened. In the event that arrangements are made by the Government for the purchase of materials which may be used on direct-labor or force-account work, the same option with respect to the use of such materials shall obtain as on contract work.

All materials, whether used on contract or force-account work, shall comply with approved specifications.

APPROVAL OF PLANS BY DISTRICT ENGINEER

SEC. 20. When, in the opinion of the district engineer of the Bureau of Public Roads, a State shall have filed a complete project statement for a project on an approved program and satisfactory plans, specifications, and estimates therefor, or for any part thereof, the district engineer may authorize advertisement of such project, or of such part thereof, and/or may recommend approval of such plans, specifications, and estimates, but shall not concur in the award of any contract until after the project statement has been approved.

Projects of a high order of priority with respect to providing employment and eliminating hazards, and conforming to these rules and regulations to the extent of a reasonable percentage of the work permissible under the different classifications of projects may be approved by the district engineer for construction upon the submission of a project statement and satisfactory plans prior to formal action on a detailed program submitted by any State, provided clearance is obtained on such projects from the State director of the National Emergency Council and the State administrator of the Works Progress Administration.

HIGHWAY PLANNING PROJECTS

SEC. 21. With the approval of the Secretary, not to exceed $1\frac{1}{2}$ percent of the amount apportioned to any State for eliminating the hazards to life at railroad grade crossings may be used for surveys, plans, and engineering investigations of projects for future construction in such State or for the general planning of a complete highway system and program of highway improvement for such State. Such proposed surveys, plans, and engineering investigations shall be initiated by the State highway department in the same manner as other

projects by the submission of a project statement and, if approved by the Secretary, the work may be prosecuted under a project agreement. This section shall not apply to surveys, plans, or engineering investigations of construction projects to be financed with any regular Federal-aid funds immediately available.

[Section 22—"Alternate Plan for Utilization of Works Program Grade Crossing Funds"—is revoked in its entirety.]

STATE REGULATORY BODIES

SEC. 23. A State which has laws vesting control of grade-crossing matters in any other agency than the State highway department must necessarily effect cooperative arrangements between such agency and the State highway department for the purpose of carrying out the program of projects contemplated by the act. Controversies over the division of cost between a railroad and the State should not arise when Federal funds are available for paying 100 percent of the construction cost of grade-crossing projects. The approval of a public utilities commission or other governing body in a State to work of this character where agreement exists between the affected parties with respect to established grades, clearances, etc., and controversies are eliminated respecting division of costs, will be largely a matter of form. Every effort, therefore, should be made to prevent delay to the program because of the formality of clearing such matters through a State regulatory body.

CONTRIBUTIONS FROM RAILROADS

SEC. 24. Grade-crossing projects shall be undertaken on a basis that will impose no involuntary contributions on the affected railroads. State laws which impose a fixed contribution upon the railroad companies for work of this character shall be held not to apply to projects under the act. If any contribution by a railroad company is indicated for right-of-way or construction cost of any project, the record of such project shall be supplemented by a statement from the railroad company that the indicated participation is wholly voluntary.

MAINTENANCE OF SECONDARY OR FEEDER PROJECTS

SEC. 25. Project agreements for secondary or feeder-road projects shall provide for the maintenance of such projects by the State where the law permits the State to undertake such maintenance; otherwise the State shall submit, in the form prescribed by the Secretary, an agreement with the county or other political subdivision for such maintenance.

MAINTENANCE OF PROJECTS WITHIN MUNICIPALITIES

SEC. 26. Project agreements for projects within municipalities shall provide for the maintenance of such projects by the State where the law permits the State to undertake such maintenance; otherwise the State shall submit, in the form prescribed by the Secretary, an agreement with the municipality or other political subdivision for such maintenance.

AVAILABILITY OF FUNDS

SEC. 27. The funds apportioned to the State under the act are for use during the fiscal year 1936. They are available only to the extent that they can be used expeditiously under these rules and regulations.

STATES WITHOUT SATISFACTORY HIGHWAY DEPARTMENTS

SEC. 28. If the Secretary shall find that any State is without a satisfactory State highway department, as defined by the Federal Highway Act (Sec. 2), the administration of the apportionment to such State, pursuant to the Emergency Relief Appropriation Act of 1935, shall be subject to such special rules and regulations, authorized by law, as may be prescribed by the Secretary of Agriculture.

PAYMENT TO STATES

SEC. 29. No payments will be made to any State on account of work performed on any project which has not been done in accordance with these rules and regulations and the special provisions issued thereunder. The final voucher for each project shall be accompanied by a statement showing: (1) The total man-

hours of employment given to persons employed on the project under each payroll classification, together with the total amounts paid to such employment classifications; (2) the quantities and cost of each of the principal materials purchased from commercial sources and entering into the work; and (3) the quantities of each of the principal materials produced locally by the contractor and/or subcontractors and entering into the work.

APPLICATION OF REGULATIONS

SEC. 30. These rules and regulations shall apply to all funds allocated and apportioned or otherwise made available thereunder for the elimination of hazards to life at railroad grade crossings from the appropriations contained in the Emergency Relief Appropriation Act of 1935. They shall not apply to projects under the direction or supervision of the Works Progress Administration.

VIOLATION OF RULES AND REGULATIONS

SEC. 31. Any contractor who deliberately violates the spirit and intent of these rules and regulations or the special provisions issued thereunder shall not be eligible to bid upon any further work involving the use of Works Program grade-crossing funds.

FLOOD-RELIEF LEGISLATION AND RULES AND REGULATIONS

APPROPRIATIONS FOR VERMONT, NEW HAMPSHIRE, AND KENTUCKY

[45 STAT. 570]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes

FLOOD RELIEF, VERMONT, NEW HAMPSHIRE, AND KENTUCKY

For the relief of the following States as a contribution in aid from the United States, induced by the extraordinary conditions of necessity and emergency resulting from the unusually serious financial loss to such States through the damage to or destruction of roads and bridges by the floods of 1927, imposing a public charge against the property of said States beyond their reasonable capacity to bear, and without acknowledgment of any liability on the part of the United States in connection with the restoration of such local improvements, namely: Vermont, \$2,654,000; New Hampshire, \$653,300; Kentucky, \$1,889,994; in all \$5,197,294, to be immediately available and to remain available until expended: *Provided*, That the sums hereby appropriated shall be expended by the State highway departments of the respective States with the approval of the Secretary of Agriculture for the restoration, including relocation, of roads and bridges so damaged or destroyed, in such manner as to give the largest measure of permanent relief, under rules and regulations to be prescribed by the Secretary of Agriculture: *Provided further*, That the amount herein appropriated for each State shall be available when such State shall have or make available a like sum from State funds for the purposes contained herein.

Approved May 16, 1928.

RULES AND REGULATIONS FOR CARRYING OUT THE FLOOD-RELIEF ACT FOR VERMONT, NEW HAMPSHIRE, AND KENTUCKY

[Approved by the Secretary of Agriculture June 26, 1928]

REGULATION 1. DEFINITIONS

SECTION 1. For the purposes of these regulations, the following terms shall be construed, respectively, to mean:

Act.—Those provisions of the act of Congress approved May 16, 1928, entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1929, and for other purposes" (Public, No. 392, 70th Cong.), appropriating certain specific sums for the relief of the States of Vermont, New Hampshire, and Kentucky, respectively, because of the unusually serious financial loss in such States through the damage to, or destruction of, roads and bridges by the floods of 1927.

Secretary.—The Secretary of Agriculture of the United States.

Authorized representatives of the Chief of the Bureau of Public Roads.—District engineers and such other officials or employees as the Chief of Bureau may designate from time to time.

REGULATION 2. APPLICATION OF REGULATIONS

SECTION 1. These rules and regulations shall apply to all projects (or portions of projects) which may be submitted by a State under the act, whether such projects are or are not on the system of Federal-aid highways.

SEC. 2. All projects submitted by a State under the act shall be subject also to the rules and regulations made and published by the Secretary under date of July 22, 1922, for carrying out the Federal Highway Act (except the provisions thereof relative to forest roads), insofar as such rules and regulations are not inconsistent nor in conflict with the act or with these rules and regulations.

SEC. 3. That portion of the act which reads "in such manner as to give the largest measure of permanent relief" is construed to comprehend: (a) The establishment of continuity of routes in whole or in part destroyed or damaged by the floods of 1927, so designed and built as to afford adequate highway service within the most reasonable maintenance cost, (b) the rebuilding or restoring of feeder roads, including bridges to the main routes, in a manner adequate for the traffic, and designed to withstand future possible floods, and (c) such incidental work as may be necessary to protect and to complete the improvement in a manner calculated to prove durable and lasting.

REGULATION 3. PROGRAM OF FLOOD RELIEF PROJECTS

SECTION 1. On or before July 15, 1928, the highway department of each of the States of Vermont, New Hampshire, and Kentucky shall file with the Secretary a map on which shall be shown the several areas in which roads and bridges were damaged or destroyed by floods during the calendar year 1927 and shall submit with such map a tabulation of the State's proposed program of flood-relief projects.

SEC. 2. The program as submitted by a State may be revised or amended from time to time.

REGULATION 4. PROJECT STATEMENTS

SECTION 1. The highway department of each State shall submit, on the regular Federal-aid forms of the Bureau of Public Roads, a project statement for each proposed flood-relief project. Each project shall be designated "State —, Flood Relief Project No. —." These projects shall be numbered consecutively, in the order of their submission, from 1 up.

SEC. 2. Such project statements may be submitted in general terms descriptive of the work to be done, (a) over a route if on a Federal-aid highway or a main State highway, or (b) within a county or town if not on a Federal-aid highway or main State highway. After such project statement is approved, the plans, specifications, and estimates may be submitted by sections, lettered consecutively. Each section shall be accompanied by a sketch map and other information in such detail as will enable the Secretary to determine the relation of the work proposed to the damage wrought by the floods of 1927, the measure of permanent relief which it will afford, and the propriety of its approval under the act.

SEC. 3. In addition to ordinary bridge work, grading, and surfacing incidental to the type of highway improvement determined, projects may include such items as channel changes, stream control, or other work necessary to the completed road, but shall not include charges for rights of way or damages to private property.

REGULATION 5. SURVEYS, PLANS, SPECIFICATIONS, AND ESTIMATES

SECTION 1. The surveys, plans, specifications, and estimates shall be made by the highway departments of the respective States and shall show in convenient form and detail the work to be performed and the probable cost thereof, which may include the cost of making such surveys, plans, specifications, and estimates.

SEC. 2. Copies of the specifications shall be submitted with the plans and estimates, except that where standard specifications have been submitted by the highway department and approved by the Chief of the Bureau of Public Roads a statement to the effect that approved standard specifications shall govern may be submitted in lieu thereof.

REGULATION 6. PROJECT AGREEMENTS

SECTION 1. A project agreement between the highway department and the Secretary for each flood-relief project or section thereof shall be executed on a form to be furnished by the Secretary. No payment shall be made by the United States unless or until such agreement has been executed.

SEC. 2. Subsequent to execution of the agreement no change which will increase the cost of a project to the Federal Government shall be made, except upon approval of the Secretary, and no changes shall be made in the termini or type, except upon approval of the Chief of the Bureau of Public Roads, but minor alterations which do not affect the general nature of the improvement or increase the total cost to the Federal Government may be authorized by the Chief of the Bureau of Public Roads or his authorized representative.

REGULATION 7. FORCE ACCOUNT WORK

SECTION 1. Force account projects may be approved to the limited extent determined by: (a) The availability of suitable equipment owned by the State, (b) work of a character not feasible to contract, and (c) the availability of an efficient force already organized by the State and operating or ready to operate without delay.

INTERNATIONAL HIGHWAYS AND CONFERENCES

ASSISTANCE IN FURTHERANCE OF INTER-AMERICAN HIGHWAY AUTHORIZED

[45 Stat. 490]

Joint Resolution Authorizing assistance in the construction of an inter-American highway on the Western Hemisphere

Whereas the Sixth International Conference of American States, at Habana, Cuba, resolved as follows:

"To recommend to the Pan American Congress of Highways, which will meet at Rio de Janeiro in July of the present year, the consideration and adoption of agreements that will be conducive to the construction of a longitudinal communication highway to traverse the continent, taking into consideration and deciding all questions relative to studies, route, branch connections, technical and economical cooperation of the different countries, and other matters included in the determination of this problem.

"The Pan American Union is entrusted with the compilation of information and the preparation of projects which will serve to give effect to this resolution, submitting this material in due time to the Pan American Congress of Highways."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States should manifest the utmost interest in the purposes of the aforesaid resolution, and that in order to promote the speedy realization of these purposes and objects the President is requested to direct the several agencies of the Government, and they are hereby authorized to lend such cooperation and assistance as may be feasible and appropriate with a view to having the matter thoroughly considered by the approaching conference; and he is further requested to advise Congress of any conclusions reached and any action which may be suggested by the conference.

Approved, May 4, 1928.

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COOPERATION IN FURTHERANCE OF INTER-AMERICAN HIGHWAY AUTHORIZED

[45 Stat. 1697]

Joint Resolution Authorizing the appropriation of the sum of \$50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, furthering the building of an inter-American highway or highways

Whereas the Sixth International Conference of American States, by resolution adopted at Habana, on February 7, 1928, intrusted the Pan American Union with the preparation of projects for the construction of an inter-American highway; and

Whereas the governing board of the Pan American Union, acting through the Pan American Confederation for Highway Education, has requested the cooperation of the several Governments, members of the Union, in the formulation of such projects; and

Whereas the Congress of the United States of America, by joint resolution adopted May 4, 1928, requested the President to direct the several agencies of the Government to cooperate with the States, members of the Pan American Union, in the preparation of such projects: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, when he shall find that any or all of such States having initiated a request or signified a desire to the Pan American Union to cooperate, in the reconnaissance surveys to develop the facts and to report to Congress as to the feasibility of possible routes, the probable cost, the economic service and such other information as will be pertinent to the building of an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees, transportation, and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary, and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the projects described.

Approved, March 4, 1929.

APPROPRIATION IN FURTHERANCE OF INTER-AMERICAN HIGHWAY

[46 Stat. 115]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes

* * * * *

Inter-American highway: To enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, when he shall find that any or all of such States having initiated a request or signified a desire to the Pan American Union to cooperate in the reconnaissance surveys to develop the facts and to report to Congress as to the feasibility of possible routes, the probable cost, the economic service and such other information as will be pertinent to the building of an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees and rent in the District of Columbia and elsewhere, contingent expenses, official cards, printing and binding, purchase of necessary books and documents, transportation and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary

SEC. 2. Copies of the specifications shall be submitted with the plans and estimates, except that where standard specifications have been submitted by the highway department and approved by the Chief of the Bureau of Public Roads a statement to the effect that approved standard specifications shall govern may be submitted in lieu thereof.

REGULATION 6. PROJECT AGREEMENTS

SECTION 1. A project agreement between the highway department and the Secretary for each flood-relief project or section thereof shall be executed on a form to be furnished by the Secretary. No payment shall be made by the United States unless or until such agreement has been executed.

SEC. 2. Subsequent to execution of the agreement no change which will increase the cost of a project to the Federal Government shall be made, except upon approval of the Secretary, and no changes shall be made in the termini or type, except upon approval of the Chief of the Bureau of Public Roads, but minor alterations which do not affect the general nature of the improvement or increase the total cost to the Federal Government may be authorized by the Chief of the Bureau of Public Roads or his authorized representative.

REGULATION 7. FORCE ACCOUNT WORK

SECTION 1. Force account projects may be approved to the limited extent determined by: (a) The availability of suitable equipment owned by the State, (b) work of a character not feasible to contract, and (c) the availability of an efficient force already organized by the State and operating or ready to operate without delay.

INTERNATIONAL HIGHWAYS AND CONFERENCES

ASSISTANCE IN FURTHERANCE OF INTER-AMERICAN HIGHWAY AUTHORIZED

[45 Stat. 490]

Joint Resolution Authorizing assistance in the construction of an inter-American highway on the Western Hemisphere

Whereas the Sixth International Conference of American States, at Habana, Cuba, resolved as follows:

"To recommend to the Pan American Congress of Highways, which will meet at Rio de Janeiro in July of the present year, the consideration and adoption of agreements that will be conducive to the construction of a longitudinal communication highway to traverse the continent, taking into consideration and deciding all questions relative to studies, route, branch connections, technical and economical cooperation of the different countries, and other matters included in the determination of this problem.

"The Pan American Union is entrusted with the compilation of information and the preparation of projects which will serve to give effect to this resolution, submitting this material in due time to the Pan American Congress of Highways."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Government of the United States should manifest the utmost interest in the purposes of the aforesaid resolution, and that in order to promote the speedy realization of these purposes and objects the President is requested to direct the several agencies of the Government, and they are hereby authorized to lend such cooperation and assistance as may be feasible and appropriate with a view to having the matter thoroughly considered by the approaching conference; and he is further requested to advise Congress of any conclusions reached and any action which may be suggested by the conference.

Approved, May 4, 1928.

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COOPERATION IN FURTHERANCE OF INTER-AMERICAN HIGHWAY
AUTHORIZED

[45 Stat. 1697]

Joint Resolution Authorizing the appropriation of the sum of \$50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, furthering the building of an inter-American highway or highways

Whereas the Sixth International Conference of American States, by resolution adopted at Habana, on February 7, 1928, intrusted the Pan American Union with the preparation of projects for the construction of an inter-American highway; and

Whereas the governing board of the Pan American Union, acting through the Pan American Confederation for Highway Education, has requested the cooperation of the several Governments, members of the Union, in the formulation of such projects; and

Whereas the Congress of the United States of America, by joint resolution approved May 4, 1928, requested the President to direct the several agencies of the Government to cooperate with the States, members of the Pan American Union, in the preparation of such projects: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$50,000 to enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, when he shall find that any or all of such States having initiated a request or signified a desire to the Pan American Union to cooperate, in the reconnaissance surveys to develop the facts and to report to Congress as to the feasibility of possible routes, the probable cost, the economic service and such other information as will be pertinent to the building of an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees, transportation, and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary, and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the projects described.

Approved, March 4, 1929.

APPROPRIATION IN FURTHERANCE OF INTER-AMERICAN HIGHWAY

• [46 Stat. 115]

An Act Making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide urgent supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes

* * * * *

Inter-American highway: To enable the Secretary of State to cooperate with the several Governments, members of the Pan American Union, when he shall find that any or all of such States having initiated a request or signified a desire to the Pan American Union to cooperate in the reconnaissance surveys to develop the facts and to report to Congress as to the feasibility of possible routes, the probable cost, the economic service and such other information as will be pertinent to the building of an inter-American highway or highways, to be expended upon the order of the Secretary of State, including the additional cost incident to the assignment by the President of personnel in the Government service, as now authorized, additional compensation of such personnel for foreign service, compensation of employees and rent in the District of Columbia and elsewhere, contingent expenses, official cards, printing and binding, purchase of necessary books and documents, transportation and subsistence or per diem in lieu of subsistence (notwithstanding the provisions of any other act), stenographic and other services by contract if deemed necessary

without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), and such other expenses as may be deemed necessary by the Secretary of State in furtherance of the projects described, fiscal year 1930, to remain available until expended, \$50,000.

Approved, March 26, 1930.

AUTHORIZATION IN FURTHERANCE OF INTER-AMERICAN HIGHWAY

[48 STAT. 996]

AN ACT

To increase employment by authorizing an appropriation to provide for emergency construction of public highways and related projects, and to amend the Federal Aid Road Act, approved July 11, 1916, as amended and supplemented, and for other purposes

Sec. 15. To provide for the continuation of the cooperative reconnaissance surveys for a proposed inter-American highway as provided in Public Resolution Numbered 104, approved March 4, 1929 (45 Stat. 1697), and for making location surveys, plans, and estimates for such highway, the Secretary of Agriculture is hereby authorized to expend not more than \$75,000 to pay all costs hereafter incurred for such work from any moneys available from the administrative funds provided under the Act of July 11, 1916 (U. S. C., title 23, sec. 21), as amended, or as otherwise provided.

Approved, June 18, 1934.

APPROPRIATIONS FOR CONSTRUCTION OF ROAD AT MONTICELLO AND IN FURTHERANCE OF INTER-AMERICAN HIGHWAY

[48 STAT. 1032, 1042]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1934, and prior fiscal years, to provide supplemental general and emergency appropriations for the fiscal years ending June 30, 1934, and June 30, 1935, and for other purposes

BUREAU OF PUBLIC ROADS

For the construction of roads within the grounds of the Thomas Jefferson Memorial Foundation at Monticello, near Charlottesville, Virginia, fiscal year 1935, \$30,000.

DEPARTMENT OF STATE

Inter-American Highway: To meet such expenses as the President in his discretion may deem necessary to enable the United States to cooperate with the several Governments, members of the Pan American Union, in connection with the survey and construction of the proposed Inter-American Highway, \$1,000,000, to remain available until expended. The expenditure of such sum shall be subject to the receipt of assurances satisfactory to the President from such governments of their cooperation in such survey and construction.

Approved, June 19, 1934.

APPROPRIATION FOR INTER-AMERICAN HIGHWAY

[52 Stat. 88]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1938, and for other purposes

* * * * *

DEPARTMENT OF AGRICULTURE

* * * * *

BUREAU OF PUBLIC ROADS

Inter-American highway: For the continuation of cooperation with the several governments, members of the Pan American Union, in connection with the survey and construction of the inter-American highway as provided by the Act approved March 4, 1929 (45 Stat. 1697), and supplemental Acts, the Secretary of Agriculture is hereby authorized to expend not to exceed \$34,000 from the administrative funds provided under the Act of July 11, 1916, as amended.

* * * * *

Approved, March 5, 1938.

APPROPRIATION FOR INTER-AMERICAN HIGHWAY

[52 Stat. 1146]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1938, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1938, and June 30, 1939, and for other purposes

* * * * *

DEPARTMENT OF STATE

* * * * *

Pan American Highway: To meet such expenses as the President in his discretion may deem necessary to enable the United States to collaborate with the several governments, members of the Pan American Union, in regard to the proposed Pan American Highway, as authorized by the convention ratified by the United States, July 15, 1937, \$50,000, fiscal year 1939, to be immediately available; the expenditure of such sum shall be subject to the receipt of assurances satisfactory to the President from such governments of their cooperation as provided in said convention, but no part of such sum shall be expended except for engineering advice and assistance.

* * * * *

Approved, June 25, 1938.

PARTICIPATION IN THIRD PAN AMERICAN HIGHWAY CONFERENCE
AUTHORIZED

[52 Stat. 408]

JOINT RESOLUTION

To authorize an appropriation for the expenses of participation by the United States in the Third Pan American Highway Conference

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000, or so much thereof as may be necessary, for the expenses of participation by the United States in the Third Pan American Highway Conference, to be held in Chile during the fiscal year 1939, including personal services in the District of Columbia and elsewhere, without reference to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers, and periodicals; official cards; printing and binding; entertainment; local transportation; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other

appropriations from which payment may have been made for any of the purposes herein specified.

Approved, May 20, 1938.

APPROPRIATION FOR PERMANENT ASSOCIATION OF INTERNATIONAL ROAD CONGRESSES

[49 STAT. 73]

AN ACT

Making appropriations for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1936, and for other purposes

* * * * *

TITLE I—DEPARTMENT OF STATE

* * * * *

Permanent Association of International Road Congresses, \$588.

* * * * *

Approved, March 22, 1935.

PARTICIPATION IN INTERNATIONAL ROAD CONGRESS AUTHORIZED

[50 STAT. 750]

JOINT RESOLUTION

To authorize an appropriation for the expenses of participation by the United States in the Eighth International Road Congress in 1938

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, or so much thereof as may be necessary, for the expenses of participation by the United States in the Eighth International Road Congress, to be held in The Netherlands in 1938, including personal services in the District of Columbia and elsewhere, without reference to the Classification Act of 1923, as amended; stenographic reporting, translating, and other services, by contract if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses; purchase of necessary books, documents, newspapers, and periodicals; official cards; printing and binding; preparation, installation, transportation, and operation of an appropriate exhibit; entertainment; local transportation; the payment of expenses incident to travel by steamer, rail, or motorbus on the official congress inspection trip; and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payment may have been made for any of the purposes herein specified.

Approved, August 24, 1937.

APPROPRIATION FOR PARTICIPATION IN INTERNATIONAL ROAD CONGRESS

[52 STAT. 254]

AN ACT

Making appropriations for the Departments of State and Justice and for the Judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1939, and for other purposes

* * * * *

TITLE I—DEPARTMENT OF STATE

* * * * *

CONTRIBUTIONS, QUOTAS, AND SO FORTH

For payment of the annual contributions, quotas, and expenses, including loss by exchange in discharge of the obligations of the United States in connection with international commissions, congresses, bureaus, and other objects, in not to exceed the respective amounts, as follows: * * * Permanent Association of International Road Congresses, \$5,588, including not to exceed \$5,000, to be immediately available, to enable the United States to participate in the meetings of the said Association and of its executive committee, including travel and

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subistence, in the calendar year 1938, as authorized by Public Resolution Numbered 68, Seventy-fifth Congress, approved August 24, 1937;

Approved, April 27, 1938.

RELATIVE TO PROPOSED HIGHWAY TO CONNECT UNITED STATES WITH ALASKA

[49 STAT. 869]

AN ACT

Relative to the proposed survey, location, and construction of a highway to connect the northwestern part of continental United States with British Columbia, Yukon Territory, and the Territory of Alaska

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is requested, through such channels as he may deem proper, to negotiate and enter into an agreement or agreements between the Governments of the United States and of the Dominion of Canada, for the survey, location, and construction of a highway to connect the Pacific northwestern part of continental United States with British Columbia and Yukon Territory, in the Dominion of Canada, and the Territory of Alaska; in cooperation with the Government of the Dominion of Canada to cause a survey or surveys to be made to determine the most practicable route for such highway, as well as specifications and estimates of the probable cost thereof, and plans for financing its construction and maintenance.

SEC. 2. The President is hereby authorized, upon the conclusion of the negotiations and the execution of the agreement or agreements herein authorized, to designate such existing agency of the Government of the United States as he may select for this purpose, or such officials or agency as he may specially appoint or create for the purposes of this Act, to carry on the work of survey and location of the route for such highway, and of the construction thereof after such route shall have been determined and approved by the President. And such agency or officials, so designated or appointed by the President hereunder, shall be, and they are hereby, authorized and empowered to communicate directly with a like agency or officials to be appointed by the Government of the Dominion of Canada, for the purpose of coordinating and expediting the work of such survey, location, and construction of such highway.

Approved, August 26, 1935.

ALASKAN INTERNATIONAL HIGHWAY COMMISSION AUTHORIZED

[52 STAT. 590]

AN ACT

To create a Commission to be known as the Alaskan International Highway Commission

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States, within ninety days from the passage of this Act, shall appoint, and he is hereby empowered to appoint, a Commission to be known as the Alaskan International Highway Commission, to be composed of five members, one a citizen of the Territory of Alaska, one a Member of the Congress of the United States, and three citizens of the United States of America; said Commissioners to be appointed for a two-year term and to serve without salary or other compensation. Said Commission shall be authorized by the President to cooperate and communicate directly with any similar agency which may be appointed in the Dominion of Canada in a study for the survey, location, and construction of a highway to connect the Pacific Northwest part of continental United States with British Columbia and the Yukon Territory in the Dominion of Canada, and the Territory of Alaska. Said Commission may cooperate with any such agency in the Dominion of Canada, in the study of specifications, estimates, and plans for the financing of the construction and maintenance of said road. Said Commission shall, within two years after their appointment, report to the President of the United States the extent and results of their activities and of any con-

ferences, relative to such highway, and the President of the United States shall transmit said report to the Congress of the United States.

Approved, May 31, 1938.

AUTHORIZATION FOR CHORRERA-RIO HATO ROAD IN PANAMA

[PUBLIC—No. 200—76TH CONGRESS]

[CHAPTER 335—1ST SESSION]

[S. 2163]

AN ACT

To authorize an appropriation to meet such expenses as the President, in his discretion, may deem necessary to enable the United States to cooperate with the Republic of Panama in completing the construction of a national highway between Chorrera and Rio Hato, Republic of Panama, for defense purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated the sum of not to exceed \$1,500,000, to meet such expenses as the President, in his discretion, may deem necessary to enable the United States to cooperate with the Republic of Panama in connection with the construction of a highway between Chorrera and Rio Hato, in the Republic of Panama: *Provided,* That the expenditure of such sum shall be subject to the receipt of assurances satisfactory to the President from the Government of the Republic of Panama of its cooperation in such construction.

Approved, July 20, 1939.

APPROPRIATION FOR INTER-AMERICAN HIGHWAY AND FOR CHORRERA-RIO HATO ROAD IN PANAMA

[PUBLIC—No. 361—76TH CONGRESS]

[CHAPTER 633—1ST SESSION]

[H. R. 7462]

AN ACT

Making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1939, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1939, and June 30, 1940, and for other purposes

* * * * *

PUBLIC ROADS ADMINISTRATION

Inter-American Highway: For the continuation of cooperation with the several governments, members of the Pan American Union, in connection with the survey and construction of the inter-American highway as provided in Public Resolution Numbered 104, approved March 4, 1929 (45 Stat. 1697), as amended or supplemented, and for performing engineering service in pan-American countries for and upon the request of any agency or governmental corporation of the United States, the Public Roads Administration is hereby authorized to expend not to exceed \$40,000 to pay all costs incurred for such work from the administrative funds provided under the Act of July 11, 1916 (23 U. S. C. 21), as amended or supplemented, or as otherwise provided.

* * * * *

CORPS OF ENGINEERS

Chorrera and Rio Hato Road, Republic of Panama: To enable the United States to cooperate with the Republic of Panama in connection with the construction of a highway between Chorrera and Rio Hato, in the Republic of Panama, as authorized by the Act approved July 20, 1939 (Public, Numbered 200, Seventy-sixth Congress), \$1,500,000, fiscal year 1940, to remain available until expended.

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Approved, August 9, 1939.

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MISCELLANEOUS LEGISLATION

AUTHORIZATION OF ROAD CONSTRUCTION IN NATIONAL PARKS

[43 STAT. 90]

An Act Authorizing the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, in his administration of the National Park Service, is hereby authorized to construct, reconstruct, and improve roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior.

SEC. 2. That for such purposes, including the making of necessary surveys and plans, there is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, the following sums, to be available until expended: The sum of \$2,500,000 for the fiscal years ending June 30, 1924, and June 30, 1925; the sum of \$2,500,000 for the fiscal year ending June 30, 1926; and the sum of \$2,500,000 for the fiscal year ending June 30, 1927.

SEC. 3. That the Secretary of Agriculture is authorized to reserve from distribution to the several States, in addition to the 10 per centum authorized by section 5 of the act of November 10, 1921 (Forty-second Statutes at Large, page 213) not exceeding 5 per centum of the material, equipment, and supplies hereafter received from the Secretary of War, and to transfer said material, equipment, and supplies to the Secretary of the Interior for use in constructing, reconstructing, improving, and maintaining roads and trails in the national parks and monuments: *Provided*, That no charge shall be made for such transfer except such sums as may be agreed upon as being reasonable charges for freight, handling, and conditioning for efficient use.

Approved, April 9, 1924.

SECRETARY OF AGRICULTURE AUTHORIZED TO PERFORM ENGINEERING SERVICES FOR OTHER FEDERAL AGENCIES

[44 STAT. 997]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1928, and for other purposes

* * * * *

The Secretary of Agriculture is authorized to expend not to exceed \$15,000 of the administrative fund provided by the Federal Aid Road Act of July 11, 1916, as amended, for supervising the preparation, distribution, and use of picric acid, trinitrotoluol, trojan powder, and such other surplus war explosives as may be made available for agricultural purposes, independently or in co-operation with agricultural colleges and other agencies, and for investigating and reporting upon the results obtained from the use of the explosives: *Provided*, That expenditures hereunder shall be reimbursed to the administrative fund by charge to other Federal activities, agricultural colleges, or other agencies to which the explosives are distributed: *Provided further*, That hereafter, the Secretary of Agriculture is authorized upon the request of any branch of the Federal Government, to perform any engineering service in connection with the survey, construction, maintenance, or improvement of roads, payment of the salaries and expenses of employees so engaged and of the cost of transportation, repairs, and replacements of equipment and supplies of the Department of Agriculture used in such work to be made by transfer of funds in the manner provided by section 7 of the Act approved May 21, 1920 (Forty-first Statutes, page 613).

* * * * *

Approved, January 18, 1927.

REGULATION OF TOLLS ON BRIDGES ACROSS RED RIVER

[44 Stat. 1451]

An Act To regulate tolls charged for transit over highway bridges across the Red River between the States of Oklahoma and Texas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when tolls are charged for the transit over any highway bridge across the Red River between the States of Oklahoma and Texas of persons, animals, cars, vehicles, or other property, such tolls shall be just and reasonable, and the Secretary of War shall, upon complaint, or may, upon his own initiative, without complaint, and after notice and hearing, at any time and from time to time prescribe the just and reasonable rates of toll for such transit over such bridges, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Approved, March 4, 1927.

APPROPRIATIONS FOR ROADS ON INDIAN RESERVATIONS
AUTHORIZED

[45 Stat. 750]

An Act To authorize an appropriation for roads on Indian reservations

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That appropriations are hereby authorized out of any money in the Treasury not otherwise appropriated for material, equipment, supervision and engineering, and the employment of Indian labor in the survey, improvement, construction, and maintenance of Indian reservation roads not eligible to Government aid under the Federal Highway Act and for which no other appropriation is available, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Approved, May 26, 1928.

USE OF FEDERAL PRISONERS IN ROAD CONSTRUCTION AND FOR
OTHER PURPOSES AUTHORIZED

[46 Stat. 391]

An Act To provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes

* * * * *

SEC. 2. The Attorney General may make available the services of United States prisoners to the heads of the several departments under such terms, conditions, and at such rates as may be mutually agreed upon, for the purpose of constructing or repairing roads the cost of which is borne exclusively by the United States; clearing, maintaining, and reforesting public lands; building levees; and for constructing or repairing any other public ways or works which are or may be financed wholly or in major part by funds appropriated from the Treasury of the United States. To carry out the purpose of this section the Attorney General may establish, equip, and maintain camps upon sites selected by him and designate such camps as a place for confinement of persons convicted of an offense against the laws of the United States, or transfer thereto any person convicted of any offense against the laws of the United States. The expenses of transferring and maintaining prisoners at such camps shall be paid from the appropriation "Support of United States prisoners," and said appropriation may, in the discretion of the Attorney General, be reimbursed for such expenses.

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Approved, May 27, 1930.

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REGULATION OF TOLLS OVER CERTAIN BRIDGES PROVIDED

[46 Stat. 821]

An Act To provide for the regulation of tolls over certain bridges

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any bridge authorized, prior to March 23, 1906, by act of Congress specifically reserving to Congress the right to alter, amend, or repeal such act, shall, in respect of the regulation of all tolls, be subject to the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

Approved, June 27, 1930.

PROVISION FOR NATIONAL-PARK APPROACHES

[46 Stat. 1053]

An Act To amend the act of April 9, 1924, so as to provide for national-park approaches

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act authorizing the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks and monuments under the jurisdiction of the Department of the Interior" (43 Stat. 90; U. S. C., title 16, p. 390, sec. 8), approved April 9, 1924, is hereby amended by adding the following:

"SEC. 4. Whenever the Secretary of the Interior shall determine it to be in the public interest he may designate as national-park approach roads and as supplementary parts of the highway systems of any of the national-parks roads whose primary value is to carry national-park travel and which lead across lands wholly or to the extent of 90 per centum owned by the Government of the United States and which will connect the highways within a national park with a convenient point on or leading to the Federal 7 per centum highway system: *Provided*, That such approach roads so designated shall be limited to not to exceed sixty miles in length between a park gateway and such point on or leading to the nearest convenient 7 per centum system road; or, if such approach road is on the 7 per centum system, it shall be limited to not to exceed thirty miles: *Provided further*, That not to exceed forty miles of any one approach road shall be designated in any one county.

"SEC. 5. The Secretary of the Interior is hereby authorized during the fiscal years 1932 and 1933 to construct, reconstruct, and improve such national-park approach roads so designated, inclusive of necessary bridges, and to enter into agreements for the maintenance thereof by State or county authorities, or to maintain them when otherwise necessary, as well as hereafter to construct, reconstruct, and improve roads and trails within the national parks and national monuments; and for all such purposes there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums: \$7,500,000 for the fiscal year ending June 30, 1932; the sum of \$7,500,000 for the fiscal year ending June 30, 1933: *Provided*, That under agreement with the Secretary of the Interior the Secretary of Agriculture may carry out any or all of the provisions of this section: *Provided further*, That not to exceed \$1,500,000 shall be allocated annually for the construction, reconstruction, and improvement of such national-park approach roads: *And provided further*, That nothing in this act shall be construed to limit the authority of the Secretary of the Interior to hereafter construct, reconstruct, improve, and maintain roads and trails within the national parks and national monuments.

"SEC. 6. Whenever any such approach road is proposed under the terms of this act across or within any national forest the Secretary of the Interior shall secure the approval of the Secretary of Agriculture before construction shall begin."

Approved, January 31, 1931.

FEDERAL AGENCIES AUTHORIZED TO PERFORM SERVICES AND FURNISH SUPPLIES AND MATERIALS FOR OTHER FEDERAL AGENCIES

[47 STAT. 417]

AN ACT

Making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes

* * * * *

TITLE VI—INTERDEPARTMENTAL WORK

SEC. 601. Section 7 of the Act entitled "An Act making appropriations for fortifications and other works of defense, for the armament thereof and for the procurement of heavy ordnance for trial and service, for the fiscal year ending June 30, 1921, and for other purposes," approved May 21, 1920 [U. S. C., title 31, sec. 686], is amended to read as follows:

"Sec. 7. (a) Any executive department or independent establishment of the Government, or any bureau or office thereof, if funds are available therefor and if it is determined by the head of such executive department, establishment, bureau, or office to be in the interest of the Government so to do, may place orders with any other such department, establishment, bureau, or office for materials, supplies, equipment, work, or services, of any kind that such requisitioned Federal agency may be in a position to supply or equipped to render, and shall pay promptly by check to such Federal agency as may be requisitioned, upon its written request, either in advance or upon the furnishing or performance thereof, all or part of the estimated or actual cost thereof as determined by such department, establishment, bureau, or office as may be requisitioned; but proper adjustments on the basis of the actual cost of the materials, supplies, or equipment furnished, or work or services performed, paid for in advance, shall be made as may be agreed upon by the departments, establishments, bureaus, or offices concerned: *Provided, however,* That if such work or services can be as conveniently or more cheaply performed by private agencies such work shall be let by competitive bids to such private agencies. Bills rendered, or requests for advance payments made, pursuant to any such order, shall not be subject to audit or certification in advance of payment.

"(b) Amounts paid as provided in subsection (a) shall be credited, (1) in the case of advance payments, to special working funds, or (2) in the case of payments other than advance payments, to the appropriations or funds against which charges have been made pursuant to any such order, except as hereinafter provided. The Secretary of the Treasury shall establish such special working funds as may be necessary to carry out the provisions of this subsection. Such amounts paid shall be available for expenditure in furnishing the materials, supplies, or equipment, or in performing the work or services, or for the objects specified in such appropriations or funds. Where materials, supplies, or equipment are furnished from stocks on hand, the amounts received in payment therefor shall be credited to appropriations or funds, as may be authorized by other law, or, if not so authorized, so as to be available to replace the materials, supplies, or equipment, except that where the head of any such department, establishment, bureau, or office determines that such replacement is not necessary the amounts paid shall be covered into the Treasury as miscellaneous receipts.

"(c) Orders placed as provided in subsection (a) shall be considered as obligations upon appropriations in the same manner as orders or contracts placed with private contractors. Advance payments credited to a special working fund shall remain available until expended."¹

Approved, June 30, 1932.

* * * * *

¹ An amendment of June 22, 1936 (49 Stat. 1648, Sec. 8) provides that funds transferred shall have no longer period of availability for obligation than the appropriation from which such advance payments are made.

PURCHASE OF ARTICLES, MATERIALS, AND SUPPLIES MINED OR
PRODUCED IN THE UNITED STATES

[47 STAT. 1520]

AN ACT

Making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes

* * * * *

TITLE III

SECTION 1. That when used in this title—

(a) The term "United States," when used in a geographical sense, includes the United States and any place subject to the jurisdiction thereof;

(b) The terms "public use," "public building," and "public work" shall mean use by, public building of, and public work of, the United States, the District of Columbia, Hawaii, Alaska, Puerto Rico, the Philippine Islands, American Samoa, the Canal Zone, and the Virgin Islands.

SEC. 2. Notwithstanding any other provision of law, and unless the head of the department or independent establishment concerned shall determine it to be inconsistent with the public interest, or the cost to be unreasonable, only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States, shall be acquired for public use. This section shall not apply with respect to articles, materials, or supplies for use outside the United States, or if articles, materials, or supplies of the class or kind to be used or the articles, materials, or supplies from which they are manufactured are not mined, produced, or manufactured, as the case may be, in the United States in sufficient and reasonably available commercial quantities and of a satisfactory quality.

SEC. 3. (a) Every contract for the construction, alteration, or repair of any public building or public work in the United States growing out of an appropriation heretofore made or hereafter to be made shall contain a provision that in the performance of the work the contractor, subcontractors, materialmen, or suppliers shall use only such unmanufactured articles, materials, and supplies as have been mined or produced in the United States, and only such manufactured articles, materials, and supplies as have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States except as provided in section 2: *Provided, however,* That if the head of the department or independent establishment making the contract shall find that in respect to some particular articles, materials, or supplies it is impracticable to make such requirement or that it would unreasonably increase the cost, an exception shall be noted in the specifications as to that particular article, material, or supply, and a public record made of the findings which justified the exception.

(b) If the head of a department, bureau, agency, or independent establishment which has made any contract containing the provision required by subsection (a) finds that in the performance of such contract there has been a failure to comply with such provisions, he shall make public his findings, including therein the name of the contractor obligated under such contract, and no other contract for the construction, alteration, or repair of any public building or public work in the United States or elsewhere shall be awarded to such contractor, subcontractors, materialmen, or suppliers with which such contractor is associated or affiliated, within a period of three years after such finding is made public.

SEC. 4. This title shall take effect on the date of its enactment, but shall not apply to any contract entered into prior to such effective date.

SEC. 5. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application thereof to other persons or circumstances, shall not be affected thereby.

Approved March 3, 1933.

Approved June 15, 1934

APPROPRIATION FOR SURVEY FOR NATCHEZ TRACE PARKWAY

[48 STAT. 791]

AN ACT

To provide for an appropriation of \$50,000 with which to make a survey of the Old Indian Trail known as the Natchez Trace, with a view of constructing a national road on this route to be known as the Natchez Trace Parkway

Whereas the Natchez Trace was one of the most ancient and important Indian roads leading from the territory in the section of Tennessee about Nashville in a southwest course, crossing the Tennessee River at Colbert Shoals a few miles below Muscle Shoals, thence passing in a southwest course through the Chickasaw and Choctaw Indian lands in what is now Mississippi, in an almost direct course by Jackson, Mississippi, to Natchez; and

Whereas the Natchez Trace is located throughout almost its entire length on highlands between watersheds on the most suitable route over which to establish the national parkway through a section of the country greatly in need of such road facilities from a national standpoint to connect the North and East directly with the Natchez, New Orleans, and southwest section of the country; and

Whereas the Natchez Trace was made famous for the service it rendered in affording General Jackson a route over which much of his forces moved to take part in Jackson's famous victory over the British at New Orleans, and also by reason of the fact that General Jackson returned with his army over this Trace to Nashville after the Battle of New Orleans; and

Whereas the Natchez Trace is known as one of the Nation's most famous old roads, and has been marked by handsome boulders with suitable inscriptions by the Daughters of the American Revolution at great expense, these boulders being placed every few miles from one end of the Trace to the other; and

Whereas unusual interest is being manifested in the building of a national parkway by the Government, Natchez Trace organizations having been perfected in almost every county through which the Trace passes; and

Whereas the Government has recently adopted a policy and set up a division in the Department of the Interior, known as the National Park Service to engage in a national way in laying out parks, reservations, and building parkways: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated out of the Treasury of the United States, a sum not exceeding \$50,000 to be used by the Department of the Interior through the National Park Service with which to make a survey of the Old Natchez Trace throughout its entire length leading from the section of Tennessee about Nashville to Natchez, Mississippi, the same to be known as the Natchez Trace Parkway. The said survey shall locate the Natchez Trace as near as practicable in its original route. An estimate of cost of construction of an appropriate national parkway over this route, and such other data as will be valuable shall be obtained by said survey with the objective of determining matters concerning the construction of the Natchez Trace Parkway.

Approved, May 21, 1934.

COMPENSATION OF LABOR

[48 STAT. 948]

AN ACT

To effectuate the purpose of certain statutes concerning rates of pay for labor, by making it unlawful to prevent anyone from receiving the compensation contracted for thereunder, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whoever shall induce any person employed in the construction, prosecution, or completion of any public building, public work, or building or work financed in whole or in part by loans or grants from the United States, or in the repair thereof to give up any part of the compensation to which he is entitled under his contract of employment, by force, intimidation, threat of procuring dismissal from such employment, or by any other manner whatsoever, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

SEC. 2. To aid in the enforcement of the above section, the Secretary of the Treasury and the Secretary of the Interior jointly shall make reasonable regulations for contractors or subcontractors on any such building or work, including a provision that each contractor and subcontractor shall furnish weekly a sworn affidavit with respect to the wages paid each employee during the preceding week.

Approved, June 13, 1934.

AMENDMENT OF CRIMINAL CODE WITH REGARD TO FRAUDULENT CLAIMS

[48 STAT. 996]

AN ACT

To amend section 35 of the Criminal Code of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35 of the Criminal Code of the United States, as amended (U. S. C., title 18, secs. 80, 82, 83, 84, 85, and 86), be, and the same is hereby, amended to read as follows:

"SEC. 35. Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall take and carry away or take for his own use, or for the use of another, with intent to steal or purloin, or shall willfully injure or commit any depredation against, any property of the United States, or any branch or department thereof, or any corporation in which the United States of America is a stockholder, or any property which has been or is being made, manufactured, or constructed under contract for the War or Navy Departments of the United States; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; and whoever, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, or willfully to conceal such money or other property, shall deliver or cause to be delivered to any person having authority to receive the same any amount of such money or other property less than that for which he received a certificate or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein and with intent to defraud the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both. And whoever shall purchase, or receive in pledge, from any person any arms, equipment, ammunition, clothing, military stores, or other property furnished by the United States, under a clothing allowance or otherwise, to any soldier, sailor, officer, cadet, or midshipman in the military or naval service of the United States or of the National Guard or Naval Militia, or to any person accompanying, serving, or retained with the land or naval forces and subject to military or naval law, having knowledge or reason to believe that the property has been taken from the possession of the United States or furnished by the United States under such allowance, shall be fined not more than \$500 or imprisoned not more than two years, or both."

Approved June 18, 1934.

WASHINGTON-LINCOLN MEMORIAL GETTYSBURG BOULEVARD

[49 Stat. 285]

JOINT RESOLUTION

For the establishment of a commission for the construction of a Washington-Lincoln Memorial Gettysburg Boulevard connecting the present Lincoln Memorial in the city of Washington with the battlefield of Gettysburg in the State of Pennsylvania

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby established a commission to be known as the United States Commission for the construction of a Washington-Lincoln Memorial Gettysburg Boulevard connecting the present Lincoln Memorial in the city of Washington with the battlefield of Gettysburg in the State of Pennsylvania (hereinafter referred to as the Commission), and to be composed of thirteen commissioners, as follows: The President of the United States; Presiding Officer of the Senate, the Speaker of the House of Representatives, and the President of the Commissioners of the District of Columbia, ex-officio; two persons to be appointed by the President of the United States; one Senator from the State of Maryland and one Senator from the State of Pennsylvania, to be appointed by the President pro tempore of the Senate; the Chief of the Bureau of Public Roads, Department of Agriculture; the Director, National Park Service, Department of Interior; Engineer Commissioner of the District of Columbia; and one Representative from the State of Maryland and one from the State of Pennsylvania, to be appointed by the Speaker of the House of Representatives. The commissioners shall serve without compensation and shall select a chairman from among their number.

SEC. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000, to be expended by the Commission in accordance with the provisions of this resolution.

SEC. 3. That it shall be the duty of the Commission to prepare a plan or plans in cooperation with the Bureau of Public Roads, Department of Agriculture; the Highway Departments of Pennsylvania, Maryland, and District of Columbia to further commemorate the public services of George Washington and Abraham Lincoln by the construction of a boulevard or highway connecting the present Lincoln Memorial and the Washington Monument in the city of Washington with the Gettysburg battlefield in the State of Pennsylvania; and to give due and proper consideration to any plan or plans which may be submitted to it.

SEC. 4. That the Commission, after selecting a chairman and a vice chairman from among its members, may employ a secretary and such other assistants as may be needed for clerical work connected with the duties of the Commission and may also engage the services of expert advisers, and may fix their respective compensations within the amount appropriated for such purposes.

SEC. 5. That the commissioners shall be paid their actual and necessary traveling, hotel, and other expenses incurred in the discharge of their duties out of the amount appropriated.

SEC. 6. That the Commission shall on or before one year after the date of enactment of this resolution, make a report to the Congress, in order that enabling legislation may be enacted, provided such enabling legislation stipulates that the said highway or boulevard shall be constructed by the Highway Departments of Pennsylvania, Maryland, and District of Columbia, under the supervision of the Chief of the Bureau of Public Roads, Department of Agriculture, from funds provided by the said State of Pennsylvania, the said State of Maryland and the District of Columbia, including any future allocation of Federal-aid highway funds or grants to the said States of Pennsylvania, Maryland, and to the District of Columbia. The passage of this Act does not commit the United States to build the said highway or boulevard at Federal expense, and if authorized the Federal funds for the construction of the said highway or boulevard will be the allocations that may accrue to the said States and the District of Columbia in future appropriations of Federal-aid highway and grant funds. Any appropriations under the authority of this Act shall be deducted from the next regular apportionment or allocation of Federal-aid highway funds or Federal-grant highway funds, under existing or future authorizations as determined by the Secretary of Agriculture to Pennsylvania, Maryland and the District of Columbia.

SEC. 7. That the term of Commission hereby created shall expire within one year after the completion of the proposed boulevard or highway.

SEC. 8. This joint resolution shall take effect immediately.

Approved, May 20, 1935.

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**TO PROVIDE THAT TOLLS ON CERTAIN BRIDGES SHALL BE JUST
AND REASONABLE**

[49 STAT. 670]

AN ACT

To provide that tolls on certain bridges over navigable waters of the United States shall be just and reasonable, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter tolls for passage or transit over any bridge over any of the navigable waters of the United States, if such bridge is used for purposes of travel or transportation in interstate or foreign commerce, shall be just and reasonable; but the provisions of this Act shall not apply to any bridge subject to the provisions of the Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906, as amended, nor to any bridge built under the authority of the legislature of the State across rivers or other waterways the navigable portions of which lie wholly within the limits of a single State, nor to any bridge on which the tolls are prescribed by a contract entered into by or with any State or political subdivision thereof, or any municipality.

SEC. 2. The Secretary of War is authorized, either upon complaint or upon his own initiative, to conduct an inquiry at any time for the purpose of determining whether any toll charged for passage or transit over any bridge to which this Act applies is in violation of the provisions of section 1, and if he finds, after full opportunity for hearing, that such toll is in violation of such provisions he is authorized and empowered to determine and by order to prescribe what will be the just and reasonable toll to be thereafter charged, and after such order takes effect it shall be unlawful to collect a toll for such passage or transit in excess of that so prescribed. Any such order shall take effect upon the expiration of thirty days after its issuance.

SEC. 3. Any order issued under section 2 may be reviewed by the Court of Appeals of the District of Columbia, or the circuit court of appeals for any judicial circuit in which the bridge in question is wholly or partly located, if a petition for such review is filed within three months after the date such order was issued. The judgment of any such court shall be final, except that it shall be subject to review by the Supreme Court of the United States upon certiorari, in the manner provided in section 240 of the Judicial Code, as amended. The review by such courts shall be limited to questions of law, and the findings of fact by the Secretary of War, if supported by substantial evidence, shall be conclusive. Upon such review, such courts shall have power to affirm or, if the order is¹ not in accordance with law, to modify or to reverse the order, with or without remanding the case for a rehearing as justice may require.

SEC. 4. In the execution of his functions under this Act the Secretary of War, or any officer or employee designated by him, is authorized to hold hearings, examine witnesses, and receive evidence at any place designated by him, and to administer oaths and affirmations, and require by subpoena the attendance and testimony of witnesses and the production of books, papers, and documents from any place in the United States. In any case¹ disobedience to any such subpoena the Secretary of War may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents. No person shall be excused from attending and testifying or from producing books, papers, and documents in any inquiry under this Act, or in obedience to any such subpoena, or in any cause or proceeding, criminal or otherwise, based upon or arising under this Act, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Any person who shall

¹ So in original.

neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, if in his power to do so, in obedience to a subpoena or lawful requirement under this Act, shall, upon conviction thereof, be punished by a fine of not to exceed \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 5. In any case where there is in effect a toll prescribed by an order issued under section 2, for passage or transit over any bridge to which this Act applies, any person who demands or collects a toll for such passage or transit in excess of that so prescribed shall, upon conviction thereof, be punished by a fine of not to exceed \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

Approved, August 21, 1935.

CONTRACTS TO BE ACCOMPANIED BY A PERFORMANCE BOND FOR PROTECTION OF LABORERS AND PERSONS FURNISHING MATERIALS

[49 STAT. 793]

Requiring contracts for the construction, alteration, and repair of any public building or public work of the United States to be accompanied by a performance bond protecting the United States and by an additional bond for the protection of persons furnishing material and labor for the construction, alteration, or repair of said public building or public work

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) before any contract, exceeding \$2,000 in amount, for the construction, alteration, or repair of any public building or public work of the United States is awarded to any person, such person shall furnish to the United States the following bonds, which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor":

(1) A performance bond with a surety or sureties satisfactory to the officer awarding such contract, and in such amount as he shall deem adequate, for the protection of the United States.

(2) A payment bond with a surety or sureties satisfactory to such officer for the protection of all persons supplying labor and material in the prosecution of the work provided for in said contract for the use of each such person. Whenever the total amount payable by the terms of the contract shall be not more than \$1,000,000 the said payment bond shall be in a sum of one-half the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$1,000,000 and not more than \$5,000,000, the said payment bond shall be in a sum of 40 per centum of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$5,000,000 the said payment bond shall be in the sum of \$2,500,000.

(b) The contracting officer in respect of any contract is authorized to waive the requirement of a performance bond and payment bond for so much of the work under such contract as is to be performed in a foreign country if he finds that it is impracticable for the contractor to furnish such bonds.

(c) Nothing in this section shall be construed to limit the authority of any contracting officer to require a performance bond or other security in addition to those, or in cases other than the cases specified in subsection (a) of this section.

SEC. 2. (a) Every person who has furnished labor or material in the prosecution of the work provided for in such contract, in respect of which a payment bond is furnished under this Act and who has not been paid in full therefor before the expiration of a period of ninety days after the day on which the last of the labor was done or performed by him or material was furnished or supplied by him for which such claim is made, shall have the right to sue on such payment bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute said action to final execution

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and judgment for the sum or sums justly due him: *Provided, however,* That any person having direct contractual relationship with a subcontractor but no contractual relationship express or implied with the contractor furnishing said payment bond shall have a right of action upon the said payment bond upon giving written notice to said contractor within ninety days from the date on which such person did or performed the last of the labor or furnished or supplied the last of the material for which such claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. Such notice shall be served by mailing the same by registered mail, postage prepaid, in an envelop addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or in any manner in which the United States marshal of the district in which the public improvement is situated is authorized by law to serve summons.

(b) Every suit instituted under this section shall be brought in the name of the United States for the use of the person suing, in the United States District Court for any district in which the contract was to be performed and executed and not elsewhere, irrespective of the amount in controversy in such suit, but no such suit shall be commenced after the expiration of one year after the date of final settlement of such contract. The United States shall not be liable for the payment of any costs or expenses of any such suit.

SEC. 3. The Comptroller General is authorized and directed to furnish, to any person making application therefor who submits an affidavit that he has supplied labor or materials for such work and payment therefor has not been made or that he is being sued on any such bond, a certified copy of such bond and the contract for which it was given, which copy shall be prima facie evidence of the contents, execution, and delivery of the original, and, in case final settlement of such contract has been made, a certified statement of the date of such settlement, which shall be conclusive as to such date upon the parties. Applicants shall pay for such certified copies and certified statements such fees as the Comptroller General fixes to cover the cost of preparation thereof.

SEC. 4. The term "person" and the masculine pronoun as used throughout this Act shall include all persons whether individuals, associations, copartnerships, or corporations.

SEC. 5. This act shall take effect upon the expiration of sixty days after the date of its enactment, but shall not apply to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract. The Act entitled "An Act for the protection of persons furnishing materials and labor for the construction of public works," approved August 13, 1894, as amended (U. S. C., title 40, sec. 270), is repealed, except that such Act shall remain in force with respect to contracts for which invitations for bids have been issued on or before the date this Act takes effect, and to persons or bonds in respect of such contracts.

Approved, August 24, 1935.

ACCEPTANCE OF BIDS MADE SUBJECT TO CODES OF FAIR COMPETITION AUTHORIZED

[49 STAT. 990]

JOINT RESOLUTION

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

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That no bid submitted prior to the enactment of this joint resolution in response to the invitation of any executive department, independent establishment, or other agency or instrumentality of the United States, the District of Columbia, or any corporation all the stock of which is owned by the United States (all of the foregoing being hereinafter

designated as "agencies of the United States"), if otherwise valid and acceptable, shall be rejected because made subject to the provisions of any code or codes of fair competition, or any related requirements (as provided in Executive Order Numbered 6646 of March 14, 1934), if the bidder, with the assent of his surety, shall agree in writing that the contract, if entered into, shall, in lieu of such code provisions or other related requirements, be subject to all Acts of Congress, enacted after the date of enactment of this joint resolution, requiring the observance of minimum wages, maximum hours, or limitations as to age of employees in the performance of contracts with agencies of the United States. In such cases the compensation provided for in the contract shall be reduced from that stated in the bid by the amount that the contracting officer, subject to the approval of the Comptroller General, shall find the cost of performing the contract is reduced solely by reason of the contractor not complying with the provisions of such code or codes or related requirements; and the compensation for the performance of the contract shall be increased from that fixed in the contract by the amount that the contracting officer, subject to the approval of the Comptroller General, shall find the cost of performing the contract has been increased solely by reason of compliance with such subsequent Acts of Congress, if any, relating to the performance of contracts with agencies of the United States.

Approved, August 29, 1935.

AMENDING ACT RELATING TO WAGES FOR LABORERS AND MECHANICS

[49 Stat. 1011]

[PUBLIC—No. 403—74TH CONGRESS]

AN ACT

To amend the Act approved March 3, 1931, relating to the rate of wages for laborers and mechanics employed by contractors and subcontractors on public buildings

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors or subcontractors, and for other purposes", approved March 3, 1931, is amended to read as follows:

"That the advertised specifications for every contract in excess of \$2,000, to which the United States or the District of Columbia is a party, for construction, alteration, and/or repair, including painting and decorating, of public buildings or public works of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the city, town, village, or other civil subdivision of the State in which the work is to be performed, or in the District of Columbia if the work is to be performed there; and every contract based upon these specifications shall contain a stipulation that the contractor or his subcontractor shall pay all mechanics and laborers employed directly upon the site of the work, unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account, the full amounts accrued at time of payment, computed at wage rates not less than those stated in the advertised specifications, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics, and that the scale of wages to be paid shall be posted by the contractor in a prominent and easily accessible place at the site of the work; and the further stipulation that there may be withheld from the contractor so

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much of accrued payments as may be considered necessary by the contracting officer to pay to laborers and mechanics employed by the contractor or any subcontractor on the work the difference between the rates of wages required by the contract to be paid laborers and mechanics on the work and the rates of wages received by such laborers and mechanics and not refunded to the contractor, subcontractors, or their agents.

"Sec. 2. Every contract within the scope of this Act shall contain the further provision that in the event it is found by the contracting officer that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by the contract has been or is being paid a rate of wages less than the rate of wages required by the contract to be paid as aforesaid, the Government may, by written notice to the contractor, terminate his right to proceed with the work or such part of the work as to which there has been a failure to pay said required wages and to prosecute the work to completion by contract or otherwise, and the contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

"Sec. 3. (a) The Comptroller General of the United States is hereby authorized and directed to pay directly to laborers and mechanics from any accrued payments withheld under the terms of the contract any wages found to be due laborers and mechanics pursuant to this Act; and the Comptroller General of the United States is further authorized and is directed to distribute a list to all departments of the Government giving the names of persons or firms whom he has found to have disregarded their obligations to employees and subcontractors. No contract shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or firms have an interest until three years have elapsed from the date of publication of the list containing the names of such persons or firms.

"(b) If the accrued payments withheld under the terms of the contract, as aforesaid, are insufficient to reimburse all the laborers and mechanics with respect to whom there has been a failure to pay the wages required pursuant to this Act, such laborers and mechanics shall have the right of action and/or of intervention against the contractor and his sureties conferred by law upon persons furnishing labor or materials, and in such proceedings it shall be no defense that such laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

"Sec. 4. This Act shall not be construed to supersede or impair any authority otherwise granted by Federal law to provide for the establishment of specific wage rates.

"Sec. 5. This Act shall take effect thirty days after its passage, but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this Act.

"Sec. 6. In the event of a national emergency the President is authorized to suspend the provisions of this Act.

"Sec. 7. The funds appropriated and made available by the Emergency Relief Appropriation Act of 1935 (Public Resolution Numbered 11, Seventy-fourth Congress), are hereby made available for the fiscal year ending June 30, 1936, to the Department of Labor for expenses of the administration of this Act."

Approved, August 30, 1935.

HOURS OF LABOR ON PUBLIC WORKS

[U. S. C., 1934 EDITION, TITLE 40]

* * * * *

SEC. 321. The service and employment of all laborers and mechanics who are or may be employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are or may be, employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the

District of Columbia, is limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics or of such persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to require or permit any such laborer or mechanic or any such person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, to work more than eight hours in any calendar day, except in case of extraordinary emergency: *Provided*, That nothing in this section and section 322 of this title, shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock-excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States. (Aug. 1, 1892, c. 352, Sec. 1, 27 Stat. 340; Mar. 3, 1913, c. 106, 37 Stat. 726.)

Sec. 322. Any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon a public work of the United States or of the District of Columbia, or any person employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, who shall intentionally violate any provision of section 321 of this title, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed \$1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof. (Aug. 1, 1892, c. 352, Sec. 2, 27 Stat. 340; Mar. 3, 1913, c. 106, 37 Stat. 726.)

Sec. 323. The provisions of sections 321 and 322 of this title shall not be so construed as to in any manner apply to or affect contractors or subcontractors, or to limit the hours of daily service of laborers or mechanics engaged upon any public work of the United States or of the District of Columbia, or persons employed to perform services similar to those of laborers and mechanics in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia, for which contracts were entered into prior to August 1, 1892, or under the provisions of appropriation acts approved prior to that date. (Aug. 1, 1892, c. 352, Sec. 3, 27 Stat. 340; Mar. 3, 1913, c. 106, 37 Stat. 727.)

Sec. 324. Every contract made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day upon such work; and every such contract shall stipulate a penalty for each violation of such provision in such contract of \$5 for each laborer or mechanic for every calendar day in which he shall be required or permitted to labor more than eight hours upon said work; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, forthwith report to the proper officer of the United States, or of any Territory, or of the District of Columbia, all violations of the provisions of this section directed to be made in every such contract, together with the name of each laborer or mechanic who has been required or permitted to labor in violation of such stipulation and the day of such violation, and the amount of the penalties imposed according to the stipulation in any such contract shall be directed to be withheld for the use and benefit of the United States, the District of Columbia, or the Territory contracting by the officer or person whose duty it shall be to approve the payment of the moneys due under such contract, whether the violation of the

provisions of such contract is by the contractor or any subcontractor. Any contractor or subcontractor aggrieved by the withholding of any penalty as hereinbefore provided shall have the right within six months thereafter to appeal to the head of the department making the contract on behalf of the United States or the Territory, and in the case of a contract made by the District of Columbia to the commissioners thereof, who shall have power to review the action imposing the penalty, and in all such appeals from such final order whereby a contractor or subcontractor may be aggrieved by the imposition of the penalty hereinbefore provided such contractor or subcontractor may within six months after decision by such head of a department or the Commissioners of the District of Columbia file a claim in the Court of Claims, which shall have jurisdiction to hear and decide the matter in like manner as in other cases before said court. (June 19, 1912, c. 174, Sec. 1, 37 Stat. 137.)

SEC. 325. Nothing in section 324 of this title shall apply to contracts for transportation by land or water, or for the transmission of intelligence, or for the purchase of supplies by the Government, whether manufactured to conform to particular specifications or not, or for such materials or articles as may usually be bought in open market, except armor and armor plate, whether made to conform to particular specifications or not, or to the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States: *Provided*, That all classes of work which have been, or may be performed by the Government shall, when done by contract, by individuals, firms, or corporations for or on behalf of the United States or any of the Territories or the District of Columbia, be performed in accordance with the terms and provisions of section 324. No penalties shall be imposed for any violation of such provision in such contract due to any extraordinary events or conditions of manufacture, or to any emergency caused by fire, famine, or flood, by danger to life or to property, or by other extraordinary event or condition on account of which the President shall subsequently declare the violation to have been excusable. Nothing in this section or section 324 shall be construed to repeal or modify sections 321 to 323 of this title, or apply to contracts entered into under the provisions of appropriation Acts approved prior to June 19, 1912. (June 19, 1912, c. 174, Sec. 2, 37 Stat. 138.)

SEC. 326. In case of national emergency the President is authorized to suspend provisions of law prohibiting more than eight hours' labor in any one day of persons engaged upon work covered by contracts with the United States: *Provided*, That the wages of persons employed upon such contracts shall be computed on a basic day rate of eight hours' work, with overtime rates to be paid for at not less than time and one-half for all hours' work in excess of eight hours. (Mar. 4, 1917, c. 180, 39 Stat. 1192.)

* * * * *

RIGHTS OF WAY OVER RAILROAD PROPERTY

[41 STAT. 621]

An Act Authorizing certain railroad companies, or their successors in interest, to convey for public-road purposes certain parts of their rights of way

* * * * *

That all railroad companies to which grants for rights of way through the public lands have been made by Congress, or their successors in interest or assigns, are hereby authorized to convey to any State, county, or municipality any portion of such right of way to be used as a public highway or street: *Provided*, That no such conveyance shall have the effect to diminish the right of way of such railroad company to a less width than fifty feet on each side of the center of the main track of the railroad as now established and maintained.

* * * * *

Approved May 25, 1920.

RIGHT OF WAY OVER UNION PACIFIC RAILROAD

[41 STAT. 304]

An Act Authorizing the Union Pacific Railroad Company, or its successors, to convey for public-road purposes certain parts of its right of way

* * * * *

That the Union Pacific Railroad Company, or any of its successors or assigns, is hereby authorized to convey to any State, county, or municipality any portion of its right of way, to be used as a public highway or street: *Provided*, That no such conveyance shall have the effect to diminish the right of way of said railroad company to a less width than fifty feet on each side of the center of the main track of the railroad as now established and maintained. Received by the President, October 10, 1919.

* * * * *

(Note by the Department of State.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.)

Act of October 22, 1919 (41 Stat. 304).

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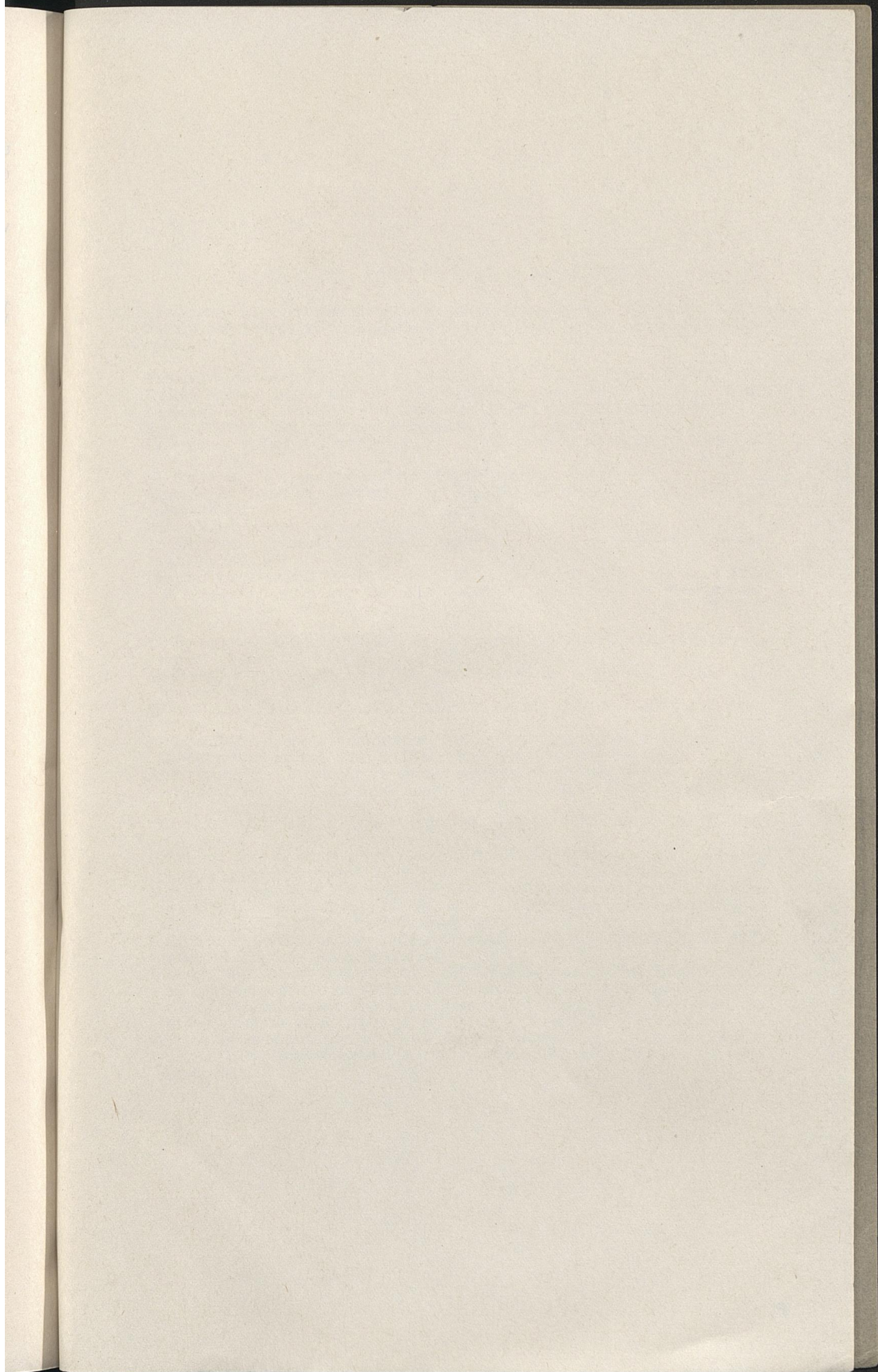
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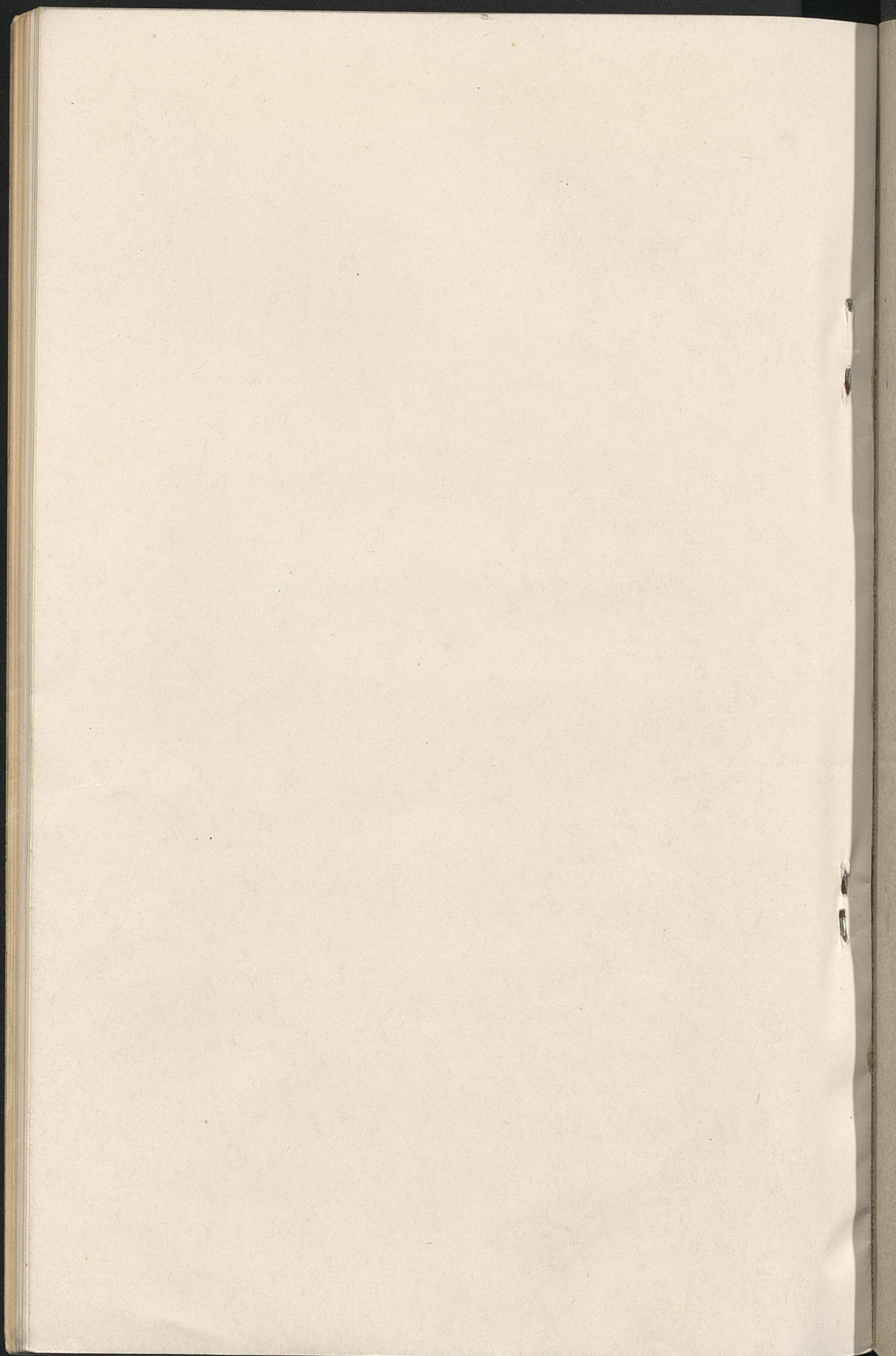
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(The following laws are not included in this publication and the Public Roads Administration does not maintain a supply; they are cited for reference purposes)

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National Labor Relations Act, approved July 5, 1935 (49 Stat. 449).
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Making an appropriation of \$100,000 for the investigation and survey of a canal and highway across the Republic of Nicaragua, approved August 9, 1939 (Pub. No. 361, p. 31, 76th Congress).
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