

[CHAPTER 224]

AN ACT

To authorize the granting of a right-of-way for roadway purposes on the Fort Thomas Military Reservation, Kentucky, in exchange for the release of property rights in and to a certain road on said reservation.

May 28, 1940
[S. 3402]
[Public, No. 536]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized, under such terms and conditions as may be deemed advisable by him, to grant to Minnie Halle Kramer, widow of Simon Pendleton Kramer, her heirs and assigns, an easement for a right-of-way for roadway purposes in a certain road as now located on the Fort Thomas Military Reservation, Kentucky, extending from south Fort Thomas Avenue on the westerly boundary of said reservation to lands of the said Minnie Halle Kramer adjacent to the easterly boundary of said reservation, in exchange for the release to the United States of the property rights of the said Minnie Halle Kramer, her heirs and assigns, in a certain road, or such portion thereof as may be designated by the Secretary of War, located on said reservation as described in and reserved in a certain deed of A. H. Bloom, dated August 27, 1887, conveying to the United States part of the lands comprising the Fort Thomas Military Reservation, Kentucky.

Fort Thomas Military Reservation, Ky.
Grant of easement for right-of-way.

Release of property rights in exchange.

Approved, May 28, 1940.

[CHAPTER 225]

AN ACT

To increase the number of brigadier generals of the line of the Regular Army by four.

May 28, 1940
[S. 3423]
[Public, No. 537]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the number of brigadier generals of the line of the Regular Army is hereby increased from forty-six to fifty, and hereafter upon the appointment of an officer below the rank of brigadier general to be chief of Infantry, Cavalry, Field Artillery, or Coast Artillery, he shall at the same time be appointed to be a permanent brigadier general of the line and an increase in the number of brigadier generals for this purpose is hereby authorized: *Provided*, That no further appointments to the grade of brigadier general of the line shall thereafter be made until the total number thereof shall be less than fifty: *Provided further*, That the selection of chief of branch shall not be limited to the list of brigadier generals.

Brigadier generals, Regular Army.
Increase in number.
Chiefs of branches.

Provided.
Further appointments.

Selection of chief of branch.

Approved, May 28, 1940.

[CHAPTER 226]

AN ACT

To provide for a more permanent tenure for persons carrying the mail on star routes.

May 31, 1940
[S. 1214]
[Public, No. 538]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3951 of the Revised Statutes, as amended (U. S. C., 1934 edition, title 39, sec. 434), is hereby amended by the addition of the following:

Postal Service.
Contracts for carrying mails.

“The Postmaster General may, in his discretion and under such regulations as he may prescribe, allow additional compensation to a star-route contractor for necessary increased travel caused by obstruction of roads, destruction of bridges, discontinuance of ferries, or any other cause occurring during the contract term, but such additional compensation allowed shall not be proportionately greater

Star-route contractor, additional pay for increased travel.

Proviso.
Nonapplication of
designated law.

than the rate established by the contract involved: *Provided*, That the provisions of section 3960 of the Revised Statutes (U. S. C., title 39, sec. 440) that no compensation shall be paid for additional service in carrying the mail until such additional service is ordered, the sum to be allowed therefor to be expressed in the order and entered upon the books of the department, and that no compensation shall be paid for any additional regular service rendered before the issuing of such order, shall not apply to any service authorized under this paragraph.

New awards, to re-
lease contractors, etc.

Conditions specified.

"The Postmaster General may, in his discretion and in the interest of the Postal Service, readvertise and award new contracts for the purpose of releasing contractors and their sureties under the following conditions: (a) Where a change is ordered in the Service involving a material increase or decrease in the amount of service required to such extent as to impose undue hardship on the contractor; (b) where an abnormal or sustained increase in the quantity of mail develops during a contract period or after a bid has been submitted, necessitating larger capacity equipment to maintain the service; (c) where a change in schedule is ordered that will necessitate the contractor being away from the initial terminal an excessively longer or an excessively shorter period than was required in the advertised schedule; (d) where it is found after full investigation that the compensation of such contractors is wholly inadequate and that the continuation of the contract would impose undue hardship upon the contractor: *Provided*, That provision (d) shall be effective only upon the giving by the contractor of ninety days' advance notice of his desire to be released: *Provided further*, That such contractor shall waive the one month's extra pay authorized by law where contracts are canceled under section (d)."

Provisos.
Advance notice by
contractor.
Waiver of extra pay.

Contracts for addi-
tional mail service.

SEC. 2. Section 1 of the Act of July 26, 1892 (27 Stat. 268; title 39, sec. 422, U. S. C.), is amended to read as follows:

"After providing by general advertisement for the transportation of the mails in any State or Territory as authorized by law, the Postmaster General may secure any mail service that may become necessary before the next general advertisement for said State or Territory by posting notices, for a period of not less than ten days, in the post offices at the termini of any route to be let, and upon a bulletin board in the Post Office Department, inviting proposals in such form and with such guaranty as may be prescribed by the Postmaster General, for the performance of the proposed service. The contract for such service shall be made to run to the end of the contract term under the general advertisement, shall be made with the lowest responsible bidder whose proposal is in due form, and who, under the law, is eligible as a bidder for such postal service."

Letting to lowest
responsible bidder.

SEC. 3. Section 3949 of the Revised Statutes, as amended (title 39, sec. 429, U. S. C.), is amended to read as follows:

Award of contracts
to lowest responsible
bidder, etc.

"All contracts for carrying the mail shall be in the name of the United States and shall be awarded to the lowest responsible bidder tendering sufficient guaranties for faithful performance in accordance with the terms of the advertisement. Such contracts shall require due celerity, certainty, and security in the performance of the service; but the Postmaster General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract."

Star Route Service.
Residence of bidders.

No proposal for a contract for Star Route Service shall be considered unless the bidder is a legal resident of the county or counties traversed by the roads over which the mails are to be carried, or a legal resident within the counties adjoining such county or coun-

ties; except that proposals for carrying the mail tendered by firms, companies, or corporations shall be considered: *Provided*, That such firms, companies, or corporations are actually engaged in business within the counties in which individuals are herein restricted as to residence: *And provided further*, That the term "county", as used herein, shall include parish or other similar primary subdivision of a State.

Approved, May 31, 1940.

Provisos.
Companies, etc.

"County"; parish,
etc., included.

[CHAPTER 227]

AN ACT

Authorizing the continuance of the Prison Industries Reorganization Administration, established by Executive Order Numbered 7194 of September 26, 1935, to June 30, 1941.

May 31, 1940
[S. 2303]
[Public, No. 539]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties and functions of the Prison Industries Reorganization Administration, established by Executive Order Numbered 7194 of September 26, 1935, are hereby continued until June 30, 1941.

Prison Industries
Reorganization Ad-
ministration.
Continuance until
June 30, 1941.

SEC. 2. There is hereby authorized to be appropriated for the administrative expenses of the Administration an amount of \$50,000 for the fiscal year 1941.

Appropriation au-
thorized.

Approved, May 31, 1940.

[CHAPTER 228]

AN ACT

To amend section 5 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925 (43 Stat. 1190; 34 U. S. C. 893), so as to authorize the payment of a per diem in connection with naval aerial surveys and flight checking of aviation charts.

May 31, 1940
[S. 3013]
[Public, No. 540]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 5 of the Act entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925 (43 Stat. 1190; 34 U. S. C. 893), is hereby amended to read as follows:

Aerial surveys by
Army, Navy, and
Marine Corps per-
sonnel.
10 U. S. C. § 306.

"Sec. 5. To cover actual additional expenses to which flyers are subjected when making aerial surveys, hereafter a per diem of \$7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army, Navy, and Marine Corps for the actual time consumed while traveling by air, under competent orders, in connection with naval aerial surveys and flight checking of Hydrographic Office aviation charts, and aerial surveys of rivers and harbors or other governmental projects, and a per diem of \$6 for the actual time consumed in making such aerial surveys, or flight checking of Hydrographic Office aviation charts. The per diem authorized in connection with naval aerial surveys and flight checking of Hydrographic Office aviation charts shall be paid from the appropriation 'Pay, subsistence, and transportation of naval personnel'. The per diem authorized in connection with aerial surveys of rivers and harbors or other governmental projects shall be paid from appropriations available for the particular improvement or project for which the survey is being made: *Provided*, That not more than one of the per diem allowances authorized in this section shall be paid for any one day: *And provided further*, That Naval and

Per diem for actual
additional expenses.

Per diem for actual
time consumed.

Payment.

Provisos.
Allowance limited.

Restriction.