

52 Stat. 65.
7 U. S. C., Supp. V,
§ 1373 (a).
Failure to remedy
violation, additional
fine.

Proviso.
Maximum fine.
Service of notice of
violation.

SEC. 6. That subsection (a) of section 373 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the period at the end of such subsection and inserting in lieu thereof a semicolon and by adding the following: "and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required by this subsection within fifteen days after notice to him of such violation shall be subject to an additional fine of \$100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed \$5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at any established place of business operated by him, or both."

Approved, June 13, 1940.

[CHAPTER 364]

AN ACT

June 14, 1940
[H. R. 8026]
[Public, No. 629]

To establish the composition of the United States Navy, to authorize the construction of certain naval vessels, and for other purposes.

Navy.
Increase in authorized
composition in
under-age vessels.
34 U. S. C., Supp.
V, §§ 498-498k.
Post, p. 779.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authorized composition of the United States Navy in under-age vessels as established by the Act of May 17, 1938 (52 Stat. 401), is hereby further increased by one hundred and sixty-seven thousand tons, as follows:

Aircraft carriers.

(a) Aircraft carriers, seventy-nine thousand five hundred tons, making a total authorized under-age tonnage of two hundred and fifty-four thousand five hundred tons.

Cruisers.

(b) Cruisers, sixty-six thousand five hundred tons, making a total authorized under-age tonnage of four hundred and seventy-nine thousand and twenty-four tons.

Submarines.

(c) Submarines, twenty-one thousand tons, making a total authorized under-age tonnage of one hundred and two thousand nine hundred and fifty-six tons: *Provided*, That the foregoing total tonnage for aircraft carriers, cruisers, and submarines may be varied by thirty-three thousand four hundred tons in the aggregate so long as the sum of the total tonnages of these classes as authorized herein is not exceeded: *Provided further*, That the terms used in this or any other Act to describe vessels of designated classes shall not be understood as limited or controlled by definitions contained in any treaty which is not now in force.

Provisos.
Variance of tonnage.

Descriptive terms.

Construction.
34 U. S. C. §§ 494-
497; Supp. V, § 496.

SEC. 2. The President of the United States is hereby authorized to construct such vessels, including replacements authorized by the Act of March 27, 1934 (48 Stat. 503), as may be necessary to provide the total under-age composition authorized in section 1 of this Act.

Acquisition, etc., of
naval airplanes and
lighter-than-air craft.
Post, pp. 400, 780.

SEC. 3. The President of the United States is hereby authorized to acquire or construct naval airplanes, and lighter-than-air craft, and spare parts and equipment, as may be necessary to provide and maintain the number of useful naval airplanes at a total of not more than four thousand five hundred, including five hundred airplanes for the Naval Reserve; and the number of useful nonrigid lighter-than-air craft at a total of not more than eighteen.

Acquisition, etc., of
auxiliary vessels.

SEC. 4. The President of the United States is hereby further authorized to acquire and convert or to undertake the construction of seventy-five thousand tons of auxiliary vessels of such size, type, and design as he may consider best suited for the purposes of national defense.

SEC. 5. There is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary to effectuate the purposes of this Act, including not to exceed \$35,000,000 for shipbuilding ways, shipbuilding docks, and essential equipment and facilities at naval establishments for building or equipping any ship, herein or heretofore authorized, and, in addition, not to exceed \$6,000,000 for essential equipment and facilities at either private or naval establishments for the production of armor or armament: *Provided*, That equipment and facilities procured for the production of armor or armament pursuant to the authority contained herein may be leased, sold, or otherwise disposed of, in the discretion of the Secretary of the Navy, when no longer required for use under naval contract.

SEC. 6. The allocation and contracts for construction of the vessels herein authorized as well as the procurement and construction of airplanes and spare parts, shall be in accordance with the terms and conditions provided by the Act of March 27, 1934 (48 Stat. 503), as amended.

SEC. 7. Vessels of the following categories shall hereafter be deemed under age until the number of years indicated have elapsed since completion: Battleships, twenty-six years; aircraft carriers and cruisers, twenty years; other combatant surface craft, sixteen years; submarines, thirteen years.

SEC. 8. The construction, alteration, furnishing, or equipping of any naval vessel authorized by this Act, or the construction, alteration, furnishing, or equipping of any naval vessels with funds from any appropriation available for such purposes, contracts for which are made after June 30, 1940, shall be in accordance with the provisions of Public Law Numbered 846, Seventy-fourth Congress, approved June 30, 1936, unless such course, in the judgment of the President of the United States, should not be in the interest of national defense.

SEC. 9. For the purpose of modernizing the United States ships New York, Texas, and Arkansas, alterations and repairs to such vessels are hereby authorized at a total cost not to exceed the sum of \$6,000,000. This sum shall be in addition to the total appropriation expenditures for repairs and changes to each of these vessels as limited by the Act of July 18, 1935 (49 Stat. 482; U. S. C., title 5, sec. 468a).

SEC. 10. The provisions of section 4 of the Act approved April 25, 1939 (53 Stat. 590, 592), shall, during the period of any national emergency declared by the President to exist, be applicable to naval public works and naval public utilities projects in the Fourteenth Naval District for which appropriations are made or authorized: *Provided*, That the fixed fee to be paid the contractor as a result of any contract entered into under the authority contained herein, or any contract hereafter entered into under the authority contained in said Act of April 25, 1939, shall not exceed 6 per centum of the estimated cost of the contract, exclusive of the fee, as determined by the Secretary of the Navy.

SEC. 11. In the discretion of the President, there is hereby authorized and established a Naval Consulting Board of seven members to be appointed by the President, by and with the advice and consent of the Senate, from among eminent civilians in the fields of industry, science, and research, to serve during the pleasure of the President. This Board is hereby authorized to make recommendations to the Secretary of the Navy in any matter concerning the Naval Establishment and the national defense. The members thereof shall serve without compensation, but shall be reimbursed for all expenses incurred incident to their travel and employment as members of the

Appropriations authorized.

Shipbuilding ways, etc.

Equipment, etc., for production of armor, etc.

Proviso.
Disposition when no longer required.

Allocation and contracts for construction, etc.

34 U. S. C. §§ 494-497; Supp. V, § 496.

Under-age vessels.

Construction, etc., contracts made after June 30, 1940.

49 Stat. 2036.
41 U. S. C., Supp. V, §§ 35-45.

Modernization of designated ships, cost limitation.
Ante, p. 295.

5 U. S. C., Supp. V, § 468a.

Fourteenth Naval District.
Contracts on a cost-plus-a-fixed-fee basis.

Proviso.
Amount of fixed fee, limitation.
Post, p. 677.

Naval Consulting Board, establishment.

Recommendations, scope.

Compensation; expenses.

Appropriation authorized.

Board. There is hereby authorized to be appropriated out of any money in the Treasury not otherwise appropriated, not to exceed \$25,000 to effectuate the purposes of this section.

Approved, June 14, 1940.

[CHAPTER 365]

JOINT RESOLUTION

June 15, 1940
[H. J. Res. 367]
[Pub. Res., No. 83]

To authorize the Secretaries of War and of the Navy to assist the governments of American republics to increase their military and naval establishments, and for other purposes.

Assistance to governments of American republics.

Coast-defense and antiaircraft matériel.

Testing and repairing.

Plans, etc.

Construction of war vessels.

Armament, etc.

Antiaircraft artillery.

Testing and repairing.

Plans, etc.

Provisions. Treaty violations, etc.

No expense to U. S.; restriction on credits.

Use of U. S. shipyards, etc.; contract restriction.

Information relating to arms, etc.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the President may, in his discretion, authorize the Secretary of War to manufacture in factories and arsenals under his jurisdiction, or otherwise procure, coast-defense and antiaircraft matériel, including ammunition therefor, on behalf of the government of any American republic; to sell such matériel and ammunition to any such government; to test or prove such matériel and ammunition prior to sale or delivery to any such government; to repair such matériel on behalf of any such government; and to communicate to any such government plans, specifications, or other information relating to such matériel and ammunition as may be sold to any such government.

(b) The President may, in his discretion, authorize the Secretary of the Navy to construct vessels of war on behalf of the government of any American republic in shipyards under his jurisdiction; to manufacture armament and equipment for such vessels on behalf of any such government in arsenals under his jurisdiction; to sell armament and equipment for such vessels to any such government; to manufacture antiaircraft artillery and ammunition therefor, on behalf of any such government in factories and arsenals under his jurisdiction; to sell antiaircraft artillery and ammunition therefor to any such government; to test or prove such vessels, armament, artillery, ammunition, or equipment prior to sale or delivery to any such government; to repair such vessels, armament, artillery, or equipment on behalf of any such government; and to communicate to any such government plans, specifications, and other information relating to such vessels of war and their armament and equipment or antiaircraft artillery and ammunition therefor, as may be sold to any such government or relating to any vessels of war which any such government may propose to construct or manufacture within its own jurisdiction: *Provided*, That nothing contained herein shall be construed as authorizing the violation of any of the provisions of any treaty to which the United States is or may become a party or of any established principles or precedents of international law: *And provided further*, That no transaction authorized herein shall result in expense to the United States, nor involve the extension of credits by the United States: *And provided further*, That no contract shall be entered into under the terms of this joint resolution which shall interfere with or delay the United States in the full use of its shipyards, arsenals, munition plants, and other equipment for its own purposes.

SEC. 2. In carrying out transactions authorized by section 1, the Secretary of War and the Secretary of the Navy are authorized, in their discretion and provided that it be not inconsistent with any defense requirements of the United States or of its possessions, to communicate or transmit to the government of any American republic or to any duly authorized person for the use of such government information pertaining to the arms, ammunition, or implements of war sold under the terms of that section or to any vessels of war