

[CHAPTER 154]

AN ACT

Authorizing the adoption for the Foreign Service of an accounting procedure in the matter of disbursement of funds appropriated for the Department of State.

April 25, 1940

[S. 3528]

[Public, No. 483]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of any other law the Secretary of State be, and he is hereby, authorized in his discretion to issue under the limitations and restrictions hereinafter established requisitions for advances of funds to disbursing officers of the Division of Disbursement, Treasury Department, under a "State account of advances" not to exceed the total amount of appropriations for the Department of State, the amounts so advanced to be used exclusively to pay upon proper vouchers obligations lawfully payable under the respective appropriations: *Provided*, That a separate "State account of advances" shall be established on the books of the Treasury Department relating to appropriations made to the Department of State for each fiscal year and that a "State account of advances" relating to the appropriations for one fiscal year shall not be used to pay vouchers pertaining to the appropriations of any other fiscal year. Expenditures from the amounts requisitioned under the "State account of advances" shall be charged to applicable appropriations on the books of the Treasury Department on the basis of transfer and counter warrants prepared in the State Department as of the close of each month and prior to audit, certification, or adjustment by the General Accounting Office. The General Accounting Office shall subsequently declare the sums finally due from the several appropriations upon audited vouchers according to law and shall certify the same to the Treasury Department which shall make the necessary adjustments between appropriations upon the basis of such audited settlements of the General Accounting Office: *Provided further*, That such adjustments shall be reflected on the books of the Government in the month and fiscal year during which the audited settlements are certified to the Treasury.

Approved, April 25, 1940.

Foreign Service accounting procedure. Disbursements of appropriated funds under a "State account of advances" authorized.

Use of advances.

Proviso. Separate account to be established.

Charging of expenditures.

Adjustments.

Entry provisions.

[CHAPTER 155]

AN ACT

To amend laws for preventing collisions of vessels, to regulate equipment of certain motorboats on the navigable waters of the United States, and for other purposes.

April 25, 1940

[H. R. 6039]

[Public, No. 484]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the word "motorboat" where used in this Act shall include every vessel propelled by machinery and not more than sixty-five feet in length except tugboats and towboats propelled by steam. The length shall be measured from end to end over the deck, excluding sheer: *Provided*, That the engine, boiler, or other operating machinery shall be subject to inspection by the local inspectors of steam vessels, and to their approval of the design thereof, on all said motorboats, which are more than forty feet in length, and which are propelled by machinery driven by steam.

Motorboats. *Ante*, p. 150. Vessels included.

Proviso. Inspection.

Classification.

SEC. 2. Motorboats subject to the provisions of this Act shall be divided into four classes as follows:

Class A. Less than sixteen feet in length.

	Class 1. Sixteen feet or over and less than twenty-six feet in length. Class 2. Twenty-six feet or over and less than forty feet in length. Class 3. Forty feet or over and not more than sixty-five feet in length.
Lights required.	SEC. 3. Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:
Classes A and 1.	(a) Every motorboat of classes A and 1 shall carry the following lights: First. A bright white light aft to show all around the horizon. Second. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides.
Classes 2 and 3.	(b) Every motorboat of classes 2 and 3 shall carry the following lights: First. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel; namely, from right ahead to two points abaft the beam on either side.
Fore part of the vessel.	Second. A bright white light aft to show all around the horizon and higher than the white light forward.
Aft.	Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.
Sides.	(c) Motorboats of classes 2 and 3, when propelled by sail and machinery, or by sail alone, shall carry the colored side lights, suitably screened, but not the white lights prescribed by this section: <i>Provided, however,</i> That motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision: <i>Provided further,</i> That motorboats of classes A and 1, when so propelled, shall not be required to carry the combined lantern prescribed by subsection (a) of this section.
When propelled by sail, etc.	(d) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this Act, when applied to lights, shall mean visible on a dark night with clear atmosphere.
Provisos. Other lights to be carried.	SEC. 4. Every motorboat of class 1, 2, or 3, shall be provided with an efficient whistle or other sound-producing mechanical appliance.
Exemptions.	SEC. 5. Every motorboat of class 2 or 3 shall be provided with an efficient bell.
Visibility of lights.	SEC. 6. Every motorboat subject to any of the provisions of this Act and also all vessels propelled by machinery other than by steam more than sixty-five feet in length shall carry at least one life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce, for each person on board,
Sound signals.	
Life preservers.	

so placed as to be readily accessible: *Provided*, That every such motorboat and every such vessel propelled by machinery other than by steam more than sixty-five feet in length carrying passengers for hire shall carry so placed as to be readily accessible at least one life preserver of the sort prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce, for each person on board.

Proviso.
Boats carrying passengers for hire.

SEC. 7. No such motorboat, while carrying passengers for hire, shall be operated or navigated except in charge of a person duly licensed for such service by a local board of inspectors. Whenever any person applies to be licensed as operator of any motorboat carrying passengers for hire, the inspectors shall make diligent inquiry as to his character, and shall carefully examine the applicant orally as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as to warrant the belief that he can safely be entrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such motorboat carrying passengers for hire for the term of five years. Such license shall be subject to suspension or revocation on the same grounds and in the same manner and with like procedure as is provided in the case of suspension or revocation of licenses of officers under the provisions of section 4450 of the Revised Statutes, as amended (U. S. C., 1934 edition, Supp. III, title 46, sec. 239): *Provided*, That motorboats shall not be required to carry licensed officers except as required in this Act: *And provided further*, That licenses herein prescribed shall not be required of motorboats engaged in fishing contests previously arranged and announced.

Licensed-operator requirements.

Suspension, etc., of license.

50 Stat. 544.
46 U. S. C., Supp. V, § 239.

Provisos.
Other licensed officers.

Fishing contests.

SEC. 8. Every motorboat and also every vessel propelled by machinery other than by steam more than sixty-five feet in length shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the board of supervising inspectors, with the approval of the Secretary of Commerce, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

Fire extinguishers.

SEC. 9. The provisions of sections 4, 5, and 8 of this Act shall not apply to motorboats propelled by outboard motors while competing in any race previously arranged and announced or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

Racing boats propelled by outboard motors.

SEC. 10. Every motorboat and also every vessel propelled by machinery other than by steam more than sixty-five feet in length shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the board of supervising inspectors with the approval of the Secretary of Commerce: *Provided*, That this section shall apply only to such motorboats or vessels, the construction of which or the replacement of the engine or engines of which is commenced subsequent to the passage of this Act.

Flame arrestor devices.

Proviso.
Application restricted.

SEC. 11. Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by regulations of the board of supervising inspectors with the approval of the Secretary of Commerce for properly and efficiently ventilating the bilges of the

Bilge, etc., ventilation.

<p><i>Proviso.</i> Application re- stricted.</p>	<p>engine and fuel tank compartments so as to remove any explosive or inflammable gases: <i>Provided</i>, That this section shall apply only to such motorboats or vessels, the construction or decking over of which is commenced subsequent to the passage of this Act.</p>
<p>Pilot rules.</p>	<p>SEC. 12. Motorboats shall not be required to carry on board copies of the pilot rules.</p>
<p>Reckless operation of vessels.</p>	<p>SEC. 13. No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person.</p>
<p>Penalty.</p>	<p>SEC. 14. Any person who shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, limb, or property of any person shall be deemed guilty of a misdemeanor and on conviction thereof by any court of competent jurisdiction shall be punished by a fine not exceeding \$2,000, or by imprisonment for a term of not exceeding one year, or by both such fine and imprisonment, at the discretion of the court.</p>
<p>Enforcement.</p>	<p>SEC. 15. Any officer of the United States authorized to enforce the navigation laws of the United States, shall have power and authority to swear out process and to arrest and take into custody, with or without process, any person who may commit any act or offense prohibited by section 13, or who may violate any provision of said section: <i>Provided</i>, That no person shall be arrested without process for any offense not committed in the presence of some one of the aforesaid officials: <i>Provided further</i>, That whenever an arrest is made under the provisions of this Act, the person so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offense alleged against him, and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in cases of crimes against the United States.</p>
<p><i>Proviso.</i> Arrest.</p>	<p>SEC. 16. If any motorboat or vessel subject to any of the provisions of this Act is operated or navigated in violation of this Act or any regulation issued thereunder, the owner or operator, either one or both of them, shall, in addition to any other penalty prescribed by law than that contained in section 14 of this Act, be liable to a penalty of \$100: <i>Provided</i>, That in the case of motorboats or vessels subject to the provisions of this Act carrying passengers for hire, a penalty of \$200 shall be imposed on the owner or operator, either one or both of them, thereof for any violation of section 6, 7, or 8 of this Act or of any regulations pertaining thereto. For any penalty incurred under this section the motorboat or vessel shall be held liable and may be proceeded against by way of libel in the district court of any district in which said motorboat or vessel may be found.</p>
<p>Examination of al- leged offense.</p>	<p>SEC. 17. The board of supervising inspectors with the approval of the Secretary of Commerce shall establish all necessary regulations required to carry out in the most effective manner all of the provisions of this Act, and such regulations when approved by the Secretary of Commerce shall have the force of law. The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under this Act or any regulation thereunder relating to motorboats or vessels, except the penalties provided for in section 14 hereunder. The Secretary of Commerce shall establish such regulations as may be necessary to secure the enforcement of the provisions of this Act by any officer of the United States authorized to enforce the navigation laws of the United States.</p>
<p>Liability of owner or operator. Penalties.</p>	<p>SEC. 18. The proviso contained in the last paragraph of section 2 of the Act of May 11, 1918 (40 Stat. 549), shall apply also with like force and effect to motorboats as defined in this Act.</p>
<p><i>Proviso.</i> Motorboats carry- ing passengers for hire.</p>	<p>SEC. 19. The board of supervising inspectors with the approval of the Secretary of Commerce shall establish all necessary regulations required to carry out in the most effective manner all of the provisions of this Act, and such regulations when approved by the Secretary of Commerce shall have the force of law. The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under this Act or any regulation thereunder relating to motorboats or vessels, except the penalties provided for in section 14 hereunder. The Secretary of Commerce shall establish such regulations as may be necessary to secure the enforcement of the provisions of this Act by any officer of the United States authorized to enforce the navigation laws of the United States.</p>
<p>Liability of vessel.</p>	<p>SEC. 20. The board of supervising inspectors with the approval of the Secretary of Commerce shall establish all necessary regulations required to carry out in the most effective manner all of the provisions of this Act, and such regulations when approved by the Secretary of Commerce shall have the force of law. The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under this Act or any regulation thereunder relating to motorboats or vessels, except the penalties provided for in section 14 hereunder. The Secretary of Commerce shall establish such regulations as may be necessary to secure the enforcement of the provisions of this Act by any officer of the United States authorized to enforce the navigation laws of the United States.</p>
<p>Regulations.</p>	<p>SEC. 21. The board of supervising inspectors with the approval of the Secretary of Commerce shall establish all necessary regulations required to carry out in the most effective manner all of the provisions of this Act, and such regulations when approved by the Secretary of Commerce shall have the force of law. The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under this Act or any regulation thereunder relating to motorboats or vessels, except the penalties provided for in section 14 hereunder. The Secretary of Commerce shall establish such regulations as may be necessary to secure the enforcement of the provisions of this Act by any officer of the United States authorized to enforce the navigation laws of the United States.</p>
<p>Remission of fine, etc.</p>	<p>SEC. 22. The board of supervising inspectors with the approval of the Secretary of Commerce shall establish all necessary regulations required to carry out in the most effective manner all of the provisions of this Act, and such regulations when approved by the Secretary of Commerce shall have the force of law. The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under this Act or any regulation thereunder relating to motorboats or vessels, except the penalties provided for in section 14 hereunder. The Secretary of Commerce shall establish such regulations as may be necessary to secure the enforcement of the provisions of this Act by any officer of the United States authorized to enforce the navigation laws of the United States.</p>
<p>Officers, minimum number. 46 U. S. C. § 223.</p>	<p>SEC. 23. The board of supervising inspectors with the approval of the Secretary of Commerce shall establish all necessary regulations required to carry out in the most effective manner all of the provisions of this Act, and such regulations when approved by the Secretary of Commerce shall have the force of law. The Secretary of Commerce or any officer of the Department of Commerce authorized by the Secretary of Commerce may, upon application therefor, remit or mitigate any fine, penalty, or forfeiture incurred under this Act or any regulation thereunder relating to motorboats or vessels, except the penalties provided for in section 14 hereunder. The Secretary of Commerce shall establish such regulations as may be necessary to secure the enforcement of the provisions of this Act by any officer of the United States authorized to enforce the navigation laws of the United States.</p>

Motorboats as defined in this Act are hereby exempted from the provisions of Revised Statutes 4399, as amended (48 Stat. 125).

SEC. 19. This Act shall take effect upon its approval as to all of the sections hereof except sections 6, 7, and 8, which sections shall take effect one year from the date of said approval, and for a period of one year from the date of approval of this Act sections 5, 6, and 7 of the Motorboat Act of June 9, 1910 (Public, Numbered 201, Sixty-first Congress; 36 Stat. 462), shall continue in full force and effect, except that from and after the date of the approval of this Act the Secretary of Commerce shall have authority to remit or mitigate all fines or penalties heretofore or hereafter incurred or imposed under sections 5 and 6 of the Motorboat Act of June 9, 1910. Except as hereinabove expressly provided, the Motorboat Act of June 9, 1910, above referred to, is repealed upon the approval of this Act and as to sections 5, 6, and 7 of said Act hereinabove continued the said sections are hereby repealed effective one year from the date of approval of this Act. Nothing in this Act shall be deemed to alter or amend section 4417a of the Revised Statutes (U. S. C., 1934 edition, Supp. IV, title 46, sec. 391a), the Act of August 26, 1935 (U. S. C., 1934 edition, Supp. IV, ch. 7A, secs. 178 and 179), the Act of June 20, 1936 (U. S. C., 1934 edition, Supp. IV, title 46, sec. 367), or repeal Acts of Congress or treaties embodying or revising international rules for preventing collisions at sea.

SEC. 20. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 21. The provisions of section 210 of title II of the Anti-Smuggling Act, approved August 5, 1935 (49 Stat. 526; U. S. C., 1934 edition, Supp. IV, title 46, sec. 288), requiring a certificate of award of a number to be kept at all times on board of the vessel to which the number has been awarded shall not apply to any vessel not exceeding seventeen feet in length measured from end to end over the deck, excluding sheer, or to any vessel whose design of fittings are such that the carrying of the certificate of award of the number on such vessel would render such certificate imperfect, illegible, or would otherwise tend to destroy its usefulness as a means of ready identification.

Approved, April 25, 1940.

[CHAPTER 156]

AN ACT

To amend the provisions of law relating to the use of private vehicles for official travel in order to effect economy and better administration.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of February 14, 1931 (46 Stat. 1103), as amended by section 9 of the Act of March 3, 1933 (47 Stat. 1516; U. S. C., title 5, sec. 73a), entitled "An Act to permit payments for the operation of motorcycles and automobiles used for necessary travel on official business, on a mileage basis in lieu of actual operating expenses", is further amended by striking out the words "his own" wherever they appear therein and inserting in lieu thereof the words "a privately owned".

Approved, April 25, 1940.

Exemption from certain inspection.
46 U. S. C. § 361.

Effective dates.

36 Stat. 463.
46 U. S. C. §§ 515-517.

Continuance of certain provisions.

Authority to remit fines, etc.

Repeal of Act of 1910; exceptions.

Designated Acts or treaties not affected.

49 Stat. 868.
46 U. S. C., Supp. V, §§ 178, 179.
49 Stat. 1544.

Appropriation authorized.

Undocumented vessels, certificates of award, etc.

April 25, 1940
[H. R. 6693]

[Public, No. 435]

Private vehicles for official travel.
Provisions relating to use of, amended.