

or maintain the public walks on the highway bridge that overhang the described property in question, the permit shall be considered null and void, and the Secretary of the Treasury is hereby authorized to include in such permit such other conditions as he may deem necessary in order to assure that the maintenance of the walks will not interfere with the use of the said property by the United States.

Approved, May 1, 1941.

## [CHAPTER 83]

## AN ACT

May 1, 1941  
[S. 482]  
[Public Law 46]

To provide for the appointment of one additional United States district judge for the northern district of Ohio.

Ohio. U. S.  
Additional district judge.

*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 be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, one additional United States district judge for the northern district of Ohio: *Provided,* That the first vacancy occurring in the office of district judge in said district shall not be filled.

*Proviso.*

Approved, May 1, 1941.

## [CHAPTER 84]

## AN ACT

May 2, 1941  
[H. R. 3252]  
[Public Law 46]

To make emergency provision for certain activities of the United States Maritime Commission, and for other purposes.

U. S. Maritime Commission.  
Determination of foreign ship-construction costs.

54 Stat. 2643.  
50 U. S. C., app., prec. § 1 note.  
Contracts for construction, etc., of vessels.

Negotiating authority.

49 Stat. 1985.  
46 U. S. C., ch. 27.  
*Ante*, p. 6.

Modification of contracts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the authority of the United States Maritime Commission under Public Resolution Numbered 82, Seventy-sixth Congress, approved June 11, 1940 (54 Stat. 306), shall continue in effect during the national emergency declared by the President on September 8, 1939, to exist, but not after June 30, 1942.

SEC. 2. (a) Whenever deemed by the President of the United States to be in the best interests of the national commerce and defense during the national emergency declared by the President on September 8, 1939, to exist, but not after June 30, 1942, (1) the United States Maritime Commission is hereby authorized, subject to the provisions of subsections (b) and (c) hereof, to negotiate contracts for the acquisition, construction, reconstruction, alteration, reconditioning, repair, outfitting, or equipping of complete vessels, or any portion thereof, including plans, spare parts, and equipment therefor, that the Commission has been or may be authorized to acquire, construct, reconstruct, alter, recondition, repair, outfit, or equip, pursuant to the Merchant Marine Act, 1936, as amended, or section 4 of Public Law Numbered 5, Seventy-seventh Congress, approved February 6, 1941, with or without advertising or competitive bidding upon determination that the price is fair and reasonable; (2) upon its determination that such action is in the best interests of the national commerce and defense because of changes in conditions occurring after the execution of its contracts heretofore or hereafter entered into for the construction, reconstruction, alteration, reconditioning, repair, outfitting, or equipping of vessels, the Commission is hereby authorized to modify such contracts in conformity with provisions hereof relating to negotiated contracts, and to adjust the payments to be made thereunder, but the aggregate amount payable to the contractor under any contract modified pursuant hereto shall

not exceed the amount which would have been payable if the contract as modified had been entered into under the authority of this section; (3) the furnishing of materials and performance of work required for or in connection with contracts made by the Commission for the acquisition, construction, reconstruction, alteration, reconditioning, repair, outfitting, or equipping of vessels shall, in the discretion of the President, take priority over the furnishing of materials or performance of work for private account or for export.

(b) The provisions of Public Law Numbered 831, Seventy-sixth Congress, approved October 10, 1940 (54 Stat. 1092) (relating to compensation for all hours worked by laborers and mechanics in excess of eight hours per day or forty hours per week at not less than one-and-one-half times the basic rate of pay), shall apply in respect of any contract negotiated pursuant to subsection (a) hereof.

(c) The cost-plus-a-percentage-of-cost system of contracting shall not be used under the authority to negotiate contracts granted by subsection (a) hereof, but contracts may be used providing for payment of cost plus a fixed fee, or cost plus a fixed fee with such bonuses and penalties as the Commission may deem necessary to secure maximum performance under such contracts, if for each contract (1) such fixed fee does not exceed 7 per centum of the estimated cost of the contract (exclusive of the fee and any bonuses payable thereunder) as determined by the Commission at the time of entering into such contract, and (2) the aggregate of such fixed fee plus any such bonuses payable thereunder does not exceed 10 per centum of such estimated cost. Performance or payment bonds required of the contractor under the Act of August 24, 1935 (49 Stat. 793; U. S. C., title 40, sec. 270a to 270d), may be waived by the Commission with respect to any contract negotiated or modified hereunder providing for payment of cost plus a fee as herein authorized. Any contract negotiated or modified hereunder providing for payment of cost plus a fee as herein authorized shall be excluded from consideration in the determination of profit of the contractor under section 505 (b) (2) of the Merchant Marine Act, 1936, as amended.

(d) The Commission shall report every three months to the Congress the contracts entered into or modified under the authority hereof and not included in a prior report.

Sec. 3. Whenever, during the national emergency declared by the President on September 8, 1939, to exist, but not after June 30, 1942, the Maritime Commission determines that operation in the foreign trade under charter to a private operator of any vessel of the Commission available for the purposes hereof is necessary for the maintenance of the foreign commerce of the United States, and that the necessary service cannot be so provided as to meet effectively such needs under the provisions of the Merchant Marine Act, 1936, as amended, the Commission may, notwithstanding any other provision of law, charter such vessel to a private operator, a citizen of the United States (as defined in section 2 of the Shipping Act, 1916, as amended), for use in such foreign trades or services as the Commission may prescribe, on time or bare-boat basis, with or without competitive bidding or advertisement, upon such terms and conditions, for such period or periods, and subject to such restrictions, as the Commission may deem necessary or desirable for the protection of the public interest, and at such rate of charter as it may deem to be fair and reasonable in view of the attendant circumstances, but if the vessel is one constructed under the said Act, not lower than the minimum charter hire would be if the vessel were chartered under the provisions of section 714 of the said Act, as amended. Nothing in

Priorities.

Overtime compensation.  
40 U. S. C. § 326  
note.

Form of contracts.

Waiver of certain requirements.

49 Stat. 1092.  
46 U. S. C. § 1155  
(b) (2).  
Reports to Congress.

Chartering of vessels.  
54 Stat. 2643.  
50 U. S. C., app.,  
prec. § 1 note.

49 Stat. 2008.  
46 U. S. C. §§ 1191-  
1204.

39 Stat. 729.  
46 U. S. C. § 802.

Charter rate.

49 Stat. 2011.  
46 U. S. C. § 1204.

54 Stat. 4.  
29 U. S. C. §§ 441-457.  
*Post*, p. 764.  
Working hours and  
overtime employment.  
Rules and regula-  
tions.  
54 Stat. 2643.  
50 U. S. C., app.,  
prec. § 1 note.

Overtime compen-  
sation.

Uniformity with  
other Government  
agencies.

Emergency ship  
construction.  
*Ante*, pp. 5, 6.

*Ante*, pp. 31, 53; *post*,  
p. 745.

this Act shall be construed to modify or affect any provision of the Neutrality Act of 1939, as amended.

SEC. 4. During the national emergency declared by the President on September 8, 1939, to exist, but not after June 30, 1942, notwithstanding any other provision of law, (1) the United States Maritime Commission is authorized to prescribe rules and regulations with regard to working hours and overtime employment for naval architects, marine engineers, draftsmen, estimators, inspectors of new construction and materials, and marine surveyors, or any of such employees engaged in its ship-construction program or its national-defense activities, and for other employees of the Commission performing services in such ship-construction program or national-defense activities which the Commission shall determine to be comparable to those of employees of other Government departments or agencies engaged in national-defense activities and authorized by law to receive compensation for overtime work, (2) compensation for employment in excess of forty hours in any administrative workweek computed at a rate not less than one-and-one-half times the regular rate is hereby authorized to be paid to the aforesaid employees of the Commission who work overtime pursuant to such rules and regulations, and (3) the President is authorized, in his discretion, to establish, in regard to hours of work and compensation for overtime of the employees hereinabove referred to, such uniformity with the War Department, the Navy Department, and the Coast Guard, and their field services as he may deem necessary in the interest of national defense. In determining overtime compensation for per annum employees under this section, the pay for one day shall be considered to be one three-hundred-and-sixtieth of their respective per annum salaries, and the pay for one hour shall be considered to be one-eighth of the pay for one day.

SEC. 5. The provisions of sections 1 and 2 of Public Law Numbered 5, Seventy-seventh Congress, approved February 6, 1941, shall apply to all activities and functions which the Maritime Commission may be authorized to perform pursuant to an Act to promote the defense of the United States, approved March 11, 1941, or any appropriations to carry out such Act, but nothing herein shall be construed to affect the appropriation made by Public Law Numbered 5.

Approved, May 2, 1941.

#### [CHAPTER 85]

#### AN ACT

May 5, 1941  
[S. 1254]  
[Public Law 47]

To limit the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States, with respect to counsel in certain matters.

Counsel in selective  
service matters.  
Inapplicability of  
certain laws with  
respect to.  
*Post*, p. 861.

54 Stat. 885.  
50 U. S. C., app. §§  
301-318.

54 Stat. 889.  
50 U. S. C., app. § 305  
(g).

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That nothing in sections 109 and 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203) or in section 190 of the Revised Statutes (U. S. C., title 5, sec. 99) shall be deemed to apply to any person because of his appointment under authority of the Selective Training and Service Act of 1940 or the Selective Service Regulations made in pursuance thereof as a member of a local board, a board of appeal, an advisory board for registrants, as a Government appeal agent, or as an individual to conduct hearings on appeals of persons claiming exemption from combatant training and service because of conscientious objections as provided in section 5 (g) of the Selective Training and Service Act of 1940.

Approved, May 5, 1941.