United States Statutes at Large

SEC. 6. There shall be published three times each year during the month of January in a newspaper of general circulation published in the District of Columbia a notice to owners and tenants of alley dwellings and of other property in squares containing inhabited alleys, that alley dwellings in such squares may be demolished, removed, or vacated, and that the squares may be replatted on or before July 1, 1944.

Notices to owners and tenants.

SEC. 7. As used in this Act—

Definitions.

(a) The term "alley" means (1) any court, thoroughfare, or passage, private or public, less than thirty feet wide at any point; and (2) any court, thoroughfare, or passage, private or public, thirty feet or more in width, that does not open directly with a width of at least thirty feet upon a public street that is at least forty feet wide from building line to building line.

"Alley."

(b) The term "inhabited alley" means an alley in or appurtenant to which there are one or more alley dwellings.

"Inhabited alley."

(c) The term "alley dwelling" means any dwelling fronting upon or having its principal means of ingress from an alley. This definition does not include an accessory building, such as a garage, with living rooms for servants or other employees; if the principal entrance to the living rooms of the accessory building is from the street property to which it is accessory.

"Alley dwelling."

Accessory building not included

(d) The term "dwelling" means any building or structure used or designed to be used in whole or in part as a living or a sleeping place by one or more human beings.

"Dwelling."

(e) The term "person" includes any individual, partnership, corporation, or association.

"Person."

SEC. 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and the application thereof to other persons and circumstances shall not be affected thereby.

Saving clause.

SEC. 9. All Acts and parts of Acts contrary to the provisions of this Act or inconsistent therewith be, and the same are hereby, repealed.

Inconsistent laws repealed.

SEC. 10. This Act may be cited as the "District of Columbia Alley Dwelling Act."

Citation of Act.

Approved, June 12, 1934.

[CHAPTER 466.]

AN ACT

To revise air-mail laws, and to establish a commission to make a report to the Congress recommending an aviation policy.

June 12, 1934.
[S. 3170.]
[Public, No. 308.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April 29, 1930 (46 Stat. 259, 260; U.S.C., Supp. VII, title 39, secs. 464, 465c, 465d, and 465f), and the sections amended thereby are hereby repealed.

Revision of air-mail laws.
Vol. 46, p. 259; U.S.C., Supp. VII, p. 881, repealed.

SEC. 2. (a) Effective July 1, 1934, the rate of postage on air mail shall be 6 cents for each ounce or fraction thereof.

Postage rate increased.
Vol. 45, p. 594.

(b) When used in this Act—

Definitions.

(1) The term "air mail" means mail of any class prepaid at the rate of postage prescribed in subsection (a) of this section.

"Air mail."

(2) The term "person" includes an individual, partnership, association, or corporation.

"Person."

(3) The term "pilot" includes copilot.

"Pilot."

SEC. 3. (a) The Postmaster General is authorized to award contracts for the transportation of air mail by airplane between such

Contracts for carrying air mail.

Initial periods not to exceed one year.
Conditions of awards.

points as he may designate, and for initial periods of not exceeding one year, to the lowest responsible bidders tendering sufficient guaranty for faithful performance in accordance with the terms of the advertisement at fixed rates per airplane-mile: *Provided*, That where the Postmaster General holds that a low bidder is not responsible or qualified under this Act, such bidder shall have the right to appeal to the Comptroller General who shall speedily determine the issue, and his decision shall be final: *Provided further*, That the base rate of pay which may be bid and accepted in awarding such contracts shall in no case exceed 33⅓ cents per airplane-mile for transporting a mail load not exceeding three hundred pounds. Payment for transportation shall be at the base rate fixed in the contract for the first three hundred pounds of mail or fraction thereof plus one tenth of such base rate for each additional one hundred pounds of mail or fraction thereof, computed at the end of each calendar month on the basis of the average mail load carried per mile over the route during such month, except that in no case shall payment exceed 40 cents per airplane-mile.

Provisos.
Right of low bidder to appeal if refused contract.

Maximum base rate of pay.

Computation.

Contract nontransferable, unless approved by Postmaster General.

(b) No contract or interest therein shall be sold, assigned, or transferred by the person to whom such contract is awarded, to any other person without the approval of the Postmaster General; and upon any such transfer without such approval, the original contract, as well as such transfer, shall at the option of the Postmaster General become null and void.

Route extension.

(c) If, in the opinion of the Postmaster General, the public interest requires it, he may grant an extension of any route, for a distance not in excess of one hundred miles, and only one such extension shall be granted to any one person, and the rate of pay for such extension shall not be in excess of the contract rate on that route.

Pay rate.

Classification of routes.
Primary, to include transcontinental and coastal.

(d) The Postmaster General may designate certain routes as primary and secondary routes and shall include at least four transcontinental routes and the eastern and western coastal routes among primary routes. The character of the designation of such routes shall be published in the advertisements for bids, which bids may be asked for in whole or in part of such routes.

Bids may be referred to Interstate Commerce Commission if deemed excessive.

(e) If on any route only one bid is received, or if the bids received appear to the Postmaster General to be excessive, he shall either reject them or submit the same to the Interstate Commerce Commission for its direction in the premises before awarding the contract.

Limitation on mileage.

(f) The Postmaster General shall not award contracts for air-mail routes or extend such routes in excess of an aggregate of twenty-nine thousand miles, and shall not establish schedules for air-mail transportation on such routes and extensions in excess of an annual aggregate of forty million airplane-miles.

Existing contracts.

(g) Authority is hereby conferred upon the Postmaster General to provide and pay for the carriage of mail by air in conformity with the terms of any contract let by him prior to the passage of this Act, or which may be let pursuant to a call for competitive bids therefor issued prior to the passage of this Act, and to extend any such contract for an additional period or periods not exceeding nine months in the aggregate at a rate of compensation not exceeding that established by this Act nor that provided for in the original contract: *Provided*, That no such contract may be so extended unless the contractor shall agree in writing to comply with all the provisions of this Act during the extended period of the contract.

Extension authorized.

Proviso.
Condition.

Posting advertisements for bids.

SEC. 4. The Postmaster General shall cause advertisements of air-mail routes to be conspicuously posted at each such post office that is a terminus of the route named in such advertisement, for at least

twenty days, and a notice thereof shall be published at least once a week for two consecutive weeks in some daily newspaper of general circulation published in the cities that are the termini for the route before the time of the opening of bids.

Publication in daily newspaper

SEC. 5. After the bids are opened, the Postmaster General may grant to a successful bidder a period of not more than thirty days from the date of award of the contract to take the steps necessary to qualify for mail services under the terms of this Act: *Provided*, That, at the time of the award, the successful bidder executes an adequate bond with sufficient surety guaranteeing and assuring that, within such period, said bidder will fully qualify under the Act faithfully to execute and to carry out the terms of the contract: *Provided further*, That, if there is a failure so to qualify, the amount designated in the bond will be forfeited and paid to the United States of America.

Successful bidder may be allowed 30 days to qualify.

Provisos.
Surety bond

Forfeiture, if failing to qualify.

SEC. 6. (a) The Interstate Commerce Commission is hereby empowered and directed, after notice and hearing, to fix and determine by order, as soon as practicable and from time to time, the fair and reasonable rates of compensation for the transportation of air mail by airplane and the service connected therewith over each air-mail route, but not in excess of the rates provided for in this Act, prescribing the method or methods by weight or space, or both, or otherwise, for ascertaining such rates of compensation, and to publish the same, which shall continue in force until changed by the said Commission after due notice and hearing.

Fixing rates by Interstate Commerce Commission.

(b) The Interstate Commerce Commission is hereby directed, at least once in every calendar year from the date of letting of any contract, to review the rates of compensation being paid to the holder of such contract, in order to be assured that no unreasonable profit is resulting or accruing therefrom. In determining what may constitute an unreasonable profit, the said Commission shall take into consideration all forms of gross income derived from the operation of airplanes over the route affected.

Periodic review of rates.

(c) Any contract which may hereafter be let or extended pursuant to the provisions of this Act, and which has been satisfactorily performed by the contractor during its initial or extended period, shall thereafter be continued in effect for an indefinite period, subject to any reduction in the rate of payment therefor, and such additional conditions and terms, as the said Commission may prescribe, which shall be consistent with the requirements of this Act; but any contract so continued in effect may be terminated by the said Commission upon sixty days' notice, upon such hearing and notice thereof to interested parties as the Commission may determine to be reasonable; and may also be terminated by the contractor at its option upon sixty days' notice. On the termination of any air-mail contract, in accordance with any of the provisions of this Act, the Postmaster General may let a new contract for air-mail service over the route affected, as authorized in this Act.

Indefinite extensions if contracts satisfactorily performed.

Termination, upon 60 days' notice.

(d) All provisions of section 5 of the Act of July 28, 1916 (39 Stat. 412; U.S.C., title 39, secs. 523 to 568, inclusive), relating to the administrative methods and procedure for the adjustment of rates for carriage of mail by railroads shall be applicable to the ascertainment of rates for the transportation of air mail by airplane under this Act so far as consistent with the provisions of this Act. For the purposes of this section the said Commission shall also have the same powers as the Postmaster General is authorized to exercise under section 10 of this Act with respect to the keeping, examination, and auditing of books, records, and accounts of air-mail contractors, and it is authorized to employ special agents or examiners to conduct

Pay readjustments, etc.
Vol. 39, p. 425.
U.S.C., p. 1267.

Authority of Commission to examine records and accounts.

such examination or audit, who shall have power to administer oaths, examine witnesses, and receive evidence.

Fixing fair rate of pay for air-mail transportation.

(e) In fixing and determining the fair and reasonable rates of compensation for air-mail transportation, the Commission shall give consideration to the amount of air mail so carried, the facilities supplied by the carrier, and its revenue and profits from all sources, and from a consideration of these and other material elements, shall fix and establish rates for each route which, in connection with the rates fixed by it for all other routes, shall be designed to keep the aggregate cost of the transportation of air mail on and after July 1, 1938, within the limits of the anticipated postal revenue therefrom.

Relation of contractor with aviation industry.

SEC. 7. (a) After December 31, 1934, it shall be unlawful for any person holding an air-mail contract to buy, acquire, hold, own, or control, directly or indirectly, any shares of stock or other interest in any other partnership, association, or corporation engaged directly or indirectly in any phase of the aviation industry, whether so engaged through air transportation of passengers, express, or mail, through the holding of an air-mail contract, or through the manufacture or sale of airplanes, airplane parts, or other materials or accessories generally used in air transportation, and regardless of whether such buying, acquisition, holding, ownership, or control is done directly, or is accomplished indirectly, through an agent, subsidiary, associate, affiliate, or by any other device whatsoever: *Provided*, That the prohibitions herein contained shall not extend to interests in landing fields, hangars, or other ground facilities necessarily incidental to the performance of the transportation service of such air-mail contractor, nor to shares of stock in corporations whose principal business is the maintenance or operation of such landing fields, hangars, or other ground facilities.

Proviso. Interests in ground facilities not included.

Interlocking directorates or intercorporate relationships.

(b) After December 31, 1934, it shall be unlawful (1) for any partnership, association, or corporation, the principal business of which, in purpose or in fact, is the holding of stock in other corporations, or (2) for any partnership, association, or corporation engaged directly or indirectly in any phase of the aviation industry, as specified in subsection (a) of this section, to buy, acquire, hold, own, or control, directly or indirectly, either as specified in such subsection (a) or otherwise, any shares of stock or other interests in any other partnership, association, or corporation which holds an air-mail contract.

Ineligibility of individual holding office, etc., in such stock or aviation corporation.

(c) No person shall be qualified to enter upon the performance of an air-mail contract, or thereafter to hold an air-mail contract, if at or after the time specified for the commencement of mail transportation under such contract, such person is (or, if a partnership, association, or corporation, has and retains a member, officer, or director that is) a member, officer, director, or stockholder in any other partnership, association, or corporation, whose principal business, in purpose or in fact, is the holding of stock in other corporations, or which is engaged in any phase of the aviation industry, as specified in subsection (a) of this section.

If ever engaged in unlawful combination to prevent bid making.

(d) No person shall be qualified to enter upon the performance of, or thereafter to hold an air-mail contract, (1) if at or after the time specified for the commencement of mail transportation under such contract, such person is (or, if a partnership, association, or corporation, has a member, officer, or director, or an employee performing general managerial duties, that is) an individual who has theretofore entered into any unlawful combination to prevent the making of any bids for carrying the mails: *Provided*, That whenever required by the Postmaster General the bidder shall submit an affidavit executed by the bidder, or by such of its officers, directors, or general mana-

Proviso. Sworn declaration by bidder.

gerial employees as the Postmaster General may designate, sworn to before an officer authorized and empowered to administer oaths, stating in such affidavit that the affiant has not entered nor proposed to enter into any combination to prevent the making of any bid for carrying the mails, nor made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person to bid or not to bid for any mail contract, or (2) if it pays any officer, director, or regular employee compensation in any form, whether as salary, bonus, commission, or otherwise, at a rate exceeding $17,500 per year for full time.

Maximum pay restrictions.

SEC. 8. Any company alleging to hold a claim against the Government on account of any air-mail contract that may have heretofore been annulled, may prosecute such claim as it may have against the United States for the cancelation of such contract in the Court of Claims of the United States, provided that such suit be brought within one year from the date of the passage of this Act; and any person not ineligible under the terms of this Act who qualifies under the other requirements of this Act, shall be eligible to contract for carrying air mail, nothwithstanding the provisions of section 3950 of the Revised Statutes (Act of June 8, 1872).

Prosecution of claims for annulled or canceled contracts.

Qualifications.

Combinations to prevent bids.
R S., sec. 3950, p. 766.

SEC. 9. Each person desiring to bid on an air-mail contract shall be required to furnish in its bid a list of all the stockholders holding more than 5 per centum of its entire capital stock, and of its directors, and a statement covering the financial set-up, including a list of assets and liabilities; and in the case of a corporation, the original amount paid to such corporation for its stock, and whether paid in cash, and if not paid in cash, a statement for what such stock was issued. Such information and the financial responsibility of such bidder, as well as the bond offered, may be taken into consideration by the Postmaster General in determining the qualifications of the bidder.

List of stockholders and directors, financial statement, etc., to accompany bid.

SEC. 10. All persons holding air-mail contracts shall be required to keep their books, records, and accounts under such regulations as may be promulgated by the Postmaster General, and he is hereby authorized to examine and audit the books, records, and accounts of such contractors and to require a full financial report under such regulations as he may prescribe.

Keeping records and accounts

Inspection

SEC. 11. Before the establishment and maintenance of an air-mail route the Postmaster General shall notify the Secretary of Commerce, who thereupon shall certify to the Postmaster General the character of equipment to be employed and maintained on each air-mail route. In making this determination the Secretary of Commerce, in his specifications furnished to the Postmaster General, shall determine only the speed, load capacity, and safety features and safety devices on airplanes to be used on the route, which said specifications shall be included in the advertisement for bids.

Equipment, requirements.

SEC. 12. The Secretary of Commerce is authorized and directed to prescribe the maximum flying hours of pilots on air-mail lines, and safe operation methods on such lines, and is further authorized to approve agreements between air-mail operating companies and their pilots and mechanics for retirement benefits to such pilots and mechanics. The Secretary of Commerce is authorized to prescribe all necessary regulations to carry out the provisions of this section and section 11 of this Act.

Secretary of Commerce to prescribe flying hours of pilots, retirement benefits, etc.

SEC. 13. It shall be a condition upon the awarding or extending and the holding of any air-mail contract that the rate of compensation and the working conditions and relations for all pilots, mechanics, and laborers employed by the holder of such contract

Compensation rates, working conditions, etc., of pilots, mechanics, etc

Collective bargaining not abridged.

shall conform to decisions of the National Labor Board. This section shall not be construed as restricting the right of collective bargaining on the part of any such employees.

Federal Radio Commission to furnish proper radio frequencies

SEC. 14. The Federal Radio Commission shall give equal facilities in the allocation of radio frequencies in the aeronautical band to those airplanes carrying mail and/or passengers during the time the contract is in effect.

Holding more than three contracts forbidden.

SEC. 15. After October 1, 1934, no air-mail contractor shall hold more than three contracts for carrying air mail, and in case of the contractor of any primary route, no contract for any other primary route shall be awarded to or extended for such contractor. It shall be unlawful for air-mail contractors, competing in parallel routes, to merge or to enter into any agreement, express or implied, which may result in common control or ownership.

Merger restriction

Air Mail Service to Canada.

SEC. 16. The Postmaster General may provide service to Canada within one hundred and fifty miles of the international boundary line, over domestic routes which are now or may hereafter be established and may authorize the carrying of either foreign or domestic mail, or both, to and from any points on such routes and make payment for services over such routes out of the appropriation for the domestic Air Mail Service: *Provided*, That this section shall not be construed as repealing the authority given by the Act of March 2, 1929 (U.S.C., Supp. VII, title 39, sec. 465a).

Proviso. Existing provisions not affected. Vol. 45, p. 1450; U.S.C., Supp. VII, p. 881.

Breach of contract.

SEC. 17. The Postmaster General may cause any contract to be canceled for willful disregard of or willful failure by the contractor to comply with the terms of its contract or the provisions of law herein contained and for any conspiracy or acts designed to defraud the United States with respect to such contracts. This provision is cumulative to other remedies now provided by law.

Penalty provisions. Combinations.

SEC. 18. Whoever shall enter into any combination, understanding, agreement, or arrangement to prevent the making of any bid for any contract under this Act, to induce any other person not to bid for any such contract, or to deprive the United States Government in any way of the benefit of full and free competition in the awarding of any such contract, shall, upon conviction thereof be fined not more than $10,000 or imprisoned for not more than five years, or both.

Punishment for

Violating any provision of Act.

SEC. 19. If any person shall willfully or knowingly violate any provision of this Act his contract, if one shall have been awarded to him, shall be forfeited, and such person shall upon conviction be punished by a fine of not more than $10,000 or be imprisoned for not more than five years.

Commission on aviation policy to be appointed.

SEC. 20. The President is hereby authorized to appoint a Commission composed of five members to be appointed by him, not more than three members to be appointed from any one political party, for the purpose of making an immediate study and survey, and to report to Congress not later than February 1, 1935, its recommendations of a broad policy covering all phases of aviation and the relation of the United States thereto. Members appointed who are not already in the service of the United States shall receive compensation of not exceeding the rate of compensation of a Senator or Representative in Congress.

Report to Congress.

Compensation.

Commission organization.

SEC. 21. Such Commission shall organize by electing one of its members as chairman, and it shall appoint a secretary whose salary shall not exceed the rate of $5,000 per annum. Said Commission shall have the power to pay actual expenses of members of the Commission in the performance of their duties, to employ counsel, experts, and clerks, to subpena witnesses, to require the production by witnesses of papers and documents pertaining to such matters as

Powers conferred.

are within the jurisdiction of the Commission, to administer oaths, and to take testimony, and for such purpose there is hereby authorized to be appropriated the sum of $75,000.

Approved, June 12, 1934.

[CHAPTER 467.]

AN ACT

To amend the Act of June 15, 1933, amending the National Defense Act of June 3, 1916, as amended.

June 12, 1934.
[S. 2041.]
[Public, No. 309.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 37 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, further amended by inserting after the words "United States", in the seventh sentence of said section, the words "or of the Philippine Islands".

National Defense Act, amended.
Officers' Reserve Corps; citizenship.
Vol. 39, p. 189; Vol. 41, p. 776.
Ante, p. 154.

Approved, June 12, 1934.

[CHAPTER 468.]

AN ACT

To extend the times for commencing and completing the construction of a bridge across the Chesapeake Bay between Baltimore and Kent Counties, Maryland.

June 12, 1934.
[S. 3211.]
[Public, No. 310.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the times for commencing and completing the construction of a bridge across the Chesapeake Bay, between Baltimore and Kent Counties, Maryland, authorized to be built by the Chesapeake Bay Bridge Company by section 11 of the Act of Congress approved March 4, 1933, are hereby extended one and three years, respectively, from the date of approval hereof.

Chesapeake Bay.
Time extended for bridging, between Baltimore and Kent Counties, Md.

Vol. 47, p. 1560.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 12, 1934.

[CHAPTER 469.]

AN ACT

Granting the consent of Congress to the Tensas Basin Levee Board of the State of Louisiana to construct, maintain, and operate a free highway bridge across Bayou Bartholomew at or near its mouth in Morehouse Parish, Louisiana

June 12, 1934.
[S. 3640.]
[Public, No. 311.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Tensas Basin Levee Board of the State of Louisiana to construct, maintain, and operate a free highway bridge and approaches thereto across Bayou Bartholomew, at a point suitable to the interests of navigation, at or near its mouth in Morehouse Parish, Louisiana, in accordance with the provisions of an Act entitled "An Act to regulate the construction of bridges over navigable waters", approved March 23, 1906.

Bayou Bartholomew.
Louisiana may bridge, in Morehouse Parish.

Construction.
Vol. 34, p. 84.

SEC. 2. The right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, June 12, 1934.