

SEC. 5. Any person who willfully fails to file any statement required to be filed under this Act, or in complying with the provisions of this Act, makes a false statement of a material fact, or willfully omits to state any material fact required to be stated therein shall, on conviction thereof, be punished by a fine of not more than \$1,000 or imprisonment for not more than two years, or both.

SEC. 6. The Secretary is authorized and directed to prescribe such rules, regulations, and forms as may be necessary to carry out this Act.

SEC. 7. This Act shall take effect on the ninetieth day after the date of its enactment.

Approved, June 8, 1938.

Penalty provisions.

Rules and regulations.

Effective date.

[CHAPTER 328]

AN ACT

To amend the Federal Aid Act, approved July 11, 1916, as amended and supplemented, and for other purposes.

June 8, 1938  
[H. R. 10140]  
[Public, No. 584]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That for the purpose of carrying out the provisions of the Act entitled "An Act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to be expended according to the provisions of such Act as amended and supplemented: The sum of \$100,000,000 for the fiscal year ending June 30, 1940, and the sum of \$115,000,000 for the fiscal year ending June 30, 1941.

Federal Aid Highway Act of 1938.  
39 Stat. 355.  
23 U. S. C. §§ 1-25; Supp. III, ch. 1.

Appropriations authorized for fiscal years 1940 and 1941.

(a) All sums herein or hereafter authorized and apportioned to the States shall be available for expenditure for one year after the close of the fiscal year for which said sums, respectively, are authorized, and any sum remaining unexpended at the end of the period during which it is available for expenditure shall be reapportioned among the States as provided in section 21 of the Federal Highway Act (42 Stat. 217).

Availability of sums for expenditure.

Reapportionment of unexpended sums.

42 Stat. 217.  
23 U. S. C. § 21.

(b) Beginning with the fiscal year ending June 30, 1940, the District of Columbia shall be entitled to share in all sums herein or hereafter authorized and apportioned to the States, upon the same terms and conditions as any of the several States, and the District of Columbia shall be included in the calculations to determine the basis of apportionment of such funds: *Provided*, That the system of roads on which Federal-aid apportionments to the District of Columbia shall be expended may be determined and agreed upon by the highway department of the said District and the Secretary of Agriculture without regard to the limitations in section 6 of the Federal Highway Act (42 Stat. 213) respecting the selection and designation of such system of roads; and, when the system first determined and agreed upon shall have been completed, additions thereto may be made in like manner as funds become available for the construction of such additions.

Inclusion of District of Columbia in apportionment beginning with fiscal year 1940.

*Proviso.* Determination of system of roads.

42 Stat. 213.  
23 U. S. C. § 6.  
Additions.

(c) Hereafter the construction of highways by the States with the aid of Federal funds may include such roadside and landscape development, including such sanitary and other facilities as may be deemed reasonably necessary to provide for the suitable accommodation of the public, all within the highway right-of-way and adjacent publicly owned or controlled recreational areas of limited size and with provision for convenient and safe access thereto by pedestrian and vehicular traffic, as may be approved by the Secretary of Agriculture.

Roadside and landscape development.

Use of Federal funds without matching State funds in certain cases.

48 Stat. 995.  
23 U. S. C. § 55.

(d) If within the fiscal years 1938 and 1939 the Secretary of Agriculture shall find with respect to any State (1) that the proceeds of all special taxes on motor-vehicle transportation, as referred to in section 12 of the Act of June 18, 1934 (48 Stat. 995), as amended by this Act, are applied to highway purposes as defined in said section; (2) that at least 90 per centum of such proceeds are applied to the administrative and operating expenses of the State highway department, the maintenance of the State and Federal-aid highway systems, and the payment of interest on, and the amortization of, bond obligations of the State for the payment of which such revenues have heretofore been pledged; and (3) that the portion of the proceeds of all such special taxes then available for construction, together with funds available to the State from any other sources for highway purposes, will be insufficient to match all, or any part, of the regular and secondary Federal-aid road funds apportioned to such State for such fiscal years in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, then such portion of such apportionment as the Secretary of Agriculture shall find the State is unable to match shall be made available for expenditure in such State in accordance with said Federal Highway Act without being matched by the State.

42 Stat. 212.  
23 U. S. C. §§ 1-25;  
Supp. III, ch. 1.

Term "highway" to include certain bridges.

(e) The term "highway" as defined in the Federal Highway Act (42 Stat. 212), as amended and supplemented, shall be deemed to include that portion of any interstate or international bridge and the approaches thereto, the cost of which is assumed by the State highway department, including such facilities as may be required by the United States Customs and Immigration Services in connection with the operation of such bridge.

Secondary or feeder roads.  
Sums authorized for Federal aid.  
49 Stat. 1521.

SEC. 2. For the purpose of continuing the provisions of section 7 of the Act of June 16, 1936 (49 Stat. 1521), there is hereby authorized to be appropriated the sum of \$15,000,000 for the fiscal year ending June 30, 1940, and the sum of \$15,000,000 for the fiscal year ending June 30, 1941; said sums to be expended on secondary or feeder roads, including farm-to-market roads, rural-free-delivery mail roads, and public-school bus routes.

Elimination of railroad grade crossing hazards.

SEC. 3. For the elimination of hazards to life at railroad grade crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad-grade-crossing structures, and the relocation of highways to eliminate grade crossings, there is hereby authorized to be appropriated, to be apportioned on or before the 1st day of January of each year preceding the fiscal year for which it is authorized among the several States in accordance with the provisions of the Federal Highway Act (42 Stat. 212), as amended and supplemented, except that such apportionment shall be one-half on population as shown by the latest decennial census, one-fourth on the mileage of the Federal-aid highway system as determined by the Secretary of Agriculture, and one-fourth on the railroad mileage as determined by the Interstate Commerce Commission, and to be expended in accordance with said Federal Highway Act, as amended and supplemented, except that no part of such funds apportioned to any State need be matched by the State: The sum of \$20,000,000 for the fiscal year ending June 30, 1940, and the sum of \$30,000,000 for the fiscal year ending June 30, 1941.

Apportionment.

42 Stat. 212.  
Basis.

Matching not required.  
Amounts authorized.

Damages by floods and other catastrophes.  
Amount authorized as an emergency relief fund.

SEC. 4. Not to exceed \$8,000,000 of any money herein or hereafter appropriated for expenditure in accordance with the provisions of the Federal Highway Act (42 Stat. 212) shall be available for expenditure by the Secretary of Agriculture, in accordance with the provisions of said Federal Highway Act, as an emergency relief fund,

after receipt of an application therefor from the highway department of any State, in the repair or reconstruction of highways and bridges on the system of Federal-aid highways, which he finds, after investigation, have been damaged or destroyed by floods, hurricanes, earthquakes, or landslides, and there is hereby authorized to be appropriated any sum or sums necessary to reimburse the funds so expended from time to time under the authority of this section.

SEC. 5. For the purpose of carrying out the provisions of section 23 of the Federal Highway Act (42 Stat. 218), there is hereby authorized to be appropriated for forest highways, roads, and trails the following sums, to be available until expended in accordance with the provisions of said section 23: The sum of \$10,000,000 for the fiscal year ending June 30, 1940, and the sum of \$13,000,000 for the fiscal year ending June 30, 1941: *Provided*, That the apportionment for forest highways in Alaska shall be \$400,000 for each of the fiscal years, and that such additional amount as otherwise would have been apportioned to Alaska for each of said fiscal years shall be apportioned by the Secretary of Agriculture among those States, including Puerto Rico, whose forest highway apportionment for such fiscal year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that fiscal year: *Provided further*, That the Secretary of Agriculture may make apportionments among those States, including Puerto Rico, whose forest highway apportionments for such fiscal year otherwise would be less than 1 per centum of the entire apportionment for forest highways for that fiscal year without regard to the provisions of said section 23 relating to apportionments, but in no case shall the Secretary of Agriculture make apportionment to any State under this provision in excess of 20 per centum of the total of funds affected hereby.

SEC. 6. For the purpose of carrying out the provisions of section 3 of the Federal Highway Act (42 Stat. 212), as amended by the Act of June 24, 1930 (46 Stat. 805), there is hereby authorized to be appropriated for the survey, construction, reconstruction, and maintenance of main roads through unappropriated or unreserved public lands, nontaxable Indian lands, or other Federal reservations other than the forest reservations the sum of \$1,000,000 for the fiscal year ending June 30, 1940, and the sum of \$2,000,000 for the fiscal year ending June 30, 1941, to remain available until expended.

SEC. 7. For the construction, reconstruction, and improvement of roads and trails, inclusive of necessary bridges, in the national parks, monuments, and other areas administered by the National Park Service, including areas authorized to be established as national parks and monuments, and national park and monument approach roads authorized by the Act of January 31, 1931 (46 Stat. 1053), as amended, there is hereby authorized to be appropriated the sum of \$4,000,000 for the fiscal year ending June 30, 1940, and the sum of \$5,000,000 for the fiscal year ending June 30, 1941.

SEC. 8. For the construction and maintenance of parkways, to give access to national parks and national monuments, or to become connecting sections of a national parkway plan, over lands to which title has been transferred to the United States by the States or by private individuals, there is hereby authorized to be appropriated the sum of \$6,000,000 for the fiscal year ending June 30, 1940, and the sum of \$8,000,000 for the fiscal year ending June 30, 1941: *Provided*, That hereafter the location of such parkways upon public lands, national forests, or other Federal reservations shall be determined by agreement between the department having jurisdiction over such lands and the National Park Service.

Forest highways,  
roads and trails in  
national forests.  
42 Stat. 218.  
23 U. S. C. § 23.

*Proriso.*  
Reduction in apportionment for Alaska; apportionment of difference.

Apportionment without regard to existing limitation.

42 Stat. 218.

Maximum.

Roads through public lands, etc.  
42 Stat. 212; 46 Stat. 805.  
23 U. S. C. § 3.  
Sums authorized for survey, construction, and maintenance, other than forest reservations.

Roads, bridges, etc., in national parks, etc. Amounts authorized.

46 Stat. 1053.  
16 U. S. C. §§ 8a-8c.

Construction of parkways to give access to national parks and national monuments, etc.

Amounts authorized.

*Proriso.*  
Determination of location.

Indian reservation roads.  
45 Stat. 750.  
25 U. S. C. § 318a.  
Amounts authorized.

SEC. 9. For construction and improvement of Indian reservation roads under the provisions of the Act approved May 26, 1928 (45 Stat. 750), there is hereby authorized to be appropriated the sum of \$2,500,000 for the fiscal year ending June 30, 1940, and the sum of \$3,000,000 for the fiscal year ending June 30, 1941.

Surveys, etc.

SEC. 10. With the approval of the Secretary of Agriculture, not to exceed 1½ per centum of the amount apportioned for any year to any State under sections 1, 2, and 3 of this Act may be used for surveys, plans, engineering, and economic investigations of projects for future construction in such State, either on the Federal-aid highway system and extensions thereof or on secondary or feeder roads, or grade-crossing eliminations.

Diversion of road-user taxes.

48 Stat. 995.  
23 U. S. C. § 55.  
Reapportionment of sums withheld as penalties.

SEC. 11. Any sums heretofore or hereafter withheld from the Federal-aid road funds apportioned to any State as a penalty for diversion of road-user taxes under the provisions of section 12 of the Act approved June 18, 1934 (48 Stat. 995), are hereby authorized to be made available for reapportionment in the same manner as any other unexpended balance at the end of the period during which it otherwise would be available for expenditure, in accordance with the provisions of section 21 of the Federal Highway Act (42 Stat. 217).

42 Stat. 217.  
23 U. S. C. § 21.

Approval of methods of bidding, plans, etc.

SEC. 12. Hereafter the Secretary of Agriculture shall approve only such methods of bidding and such plans and specifications of highway construction for the type or types proposed as will be effective in securing competition and conducive to safety, durability, and economy of maintenance.

Superhighway development, investigation of feasibility, etc.

SEC. 13. The Chief of the Bureau of Public Roads is hereby directed to investigate and make a report of his findings and recommend to the Congress not later than February 1, 1939, with respect to the feasibility of building, and cost of, superhighways not exceeding three in number, running in a general direction from the eastern to the western portion of the United States, and not exceeding three in number, running in a general direction from the northern to the southern portion of the United States, including the feasibility of a toll system on such roads.

Short title.

SEC. 14. This Act may be cited as the "Federal Aid Highway Act of 1938".

Approved, June 8, 1938.

[CHAPTER 330]

JOINT RESOLUTION

June 10, 1938  
[H. J. Res. 667]  
[Pub. Res., No. 105]

To authorize an appropriation to aid in defraying the expenses of the observance of the seventy-fifth anniversary of the Battles of Chickamauga, Georgia, Lookout Mountain, Tennessee, and Missionary Ridge, Tennessee; and commemorate the one-hundredth anniversary of the removal from Tennessee of the Cherokee Indians, at Chattanooga, Tennessee, and at Chickamauga, Georgia, from September 18 to 24, 1938, inclusive; and for other purposes.

Battles of Chickamauga, Lookout Mountain, and Missionary Ridge, etc.  
Preamble.

Whereas September 18 to 24, 1938, inclusive, marks the seventy-fifth anniversary of the crucial Battles of Chickamauga, Lookout Mountain, and Missionary Ridge, in the War between the States, and the one-hundredth anniversary of peace between the Cherokee Indians and the pioneers of Tennessee, Georgia, and Alabama; and Whereas sixteen thousand sons of twenty-eight of the sovereign States of the Nation gave their lives upon the battlefields; and Whereas the consequence of their supreme sacrifice was the preservation of a Union of States that has grown greater and stronger with the passing of the years; and