

APPENDIX C  
THE ORIGINS OF EXISTING FEDERAL  
ADMINISTRATIVE AGENCIES\*

PRESENT AGENCY

ANTECEDENT AGENCIES

*Agricultural Marketing Agreements Act.*—Administered through a Surplus Marketing Administration, in the Department of Agriculture, Created by Reorganization Plan No. III, effective June 30, 1940.

*Biological Survey, Bureau of (Department of the Interior).*—Transferred from Department of Agriculture under Reorganization Plan No. II, part 1, section 4 (f) (g) (h), effective July 1, 1939.

*Bituminous Coal Division (Interior Department).*—Established by Order No. 1394 of Secretary of the Interior, May 9, 1939, under authority of Reorganization Act of 1939 (53 Stat. 561), and Reorganization Plan No. II (53 Stat. 1433).

*Board of Tax Appeals.*—Created by Revenue Act of 1924 (43 Stat. 253, 336, title IX) as an independent agency. Exempted from operation of the Reorganization Act by section 3 thereof (53 Stat. 561).

*Civil Aeronautics Administration (Department of Commerce).*—Created by act of June 23, 1938 (52 Stat. 973) as an independent agency known as the Civil Aeronautics Authority; transferred to Commerce Department by Reorganization Plan No. IV, effective June 30, 1940, and changed to the Civil Aeronautics Administration.

The Surplus Marketing Administration was formed by consolidation of—

1. Federal Surplus Commodities Corporation. This was a Delaware corporation organized under authority of the act of May 12, 1933 (48 Stat. 31) as Federal Surplus Relief Corporation. The name had been changed, as above, by action of the board of directors on November 18, 1935.

It was specifically continued as an agency under the direction of the Secretary of Agriculture by act of June 28, 1937 (50 Stat. 323).

2. Division of Marketing and Marketing Agreements. This was a unit of the Agricultural Adjustment Administration, set up under the same act of 1933.

The Bureau was not specifically established by statute in the Department of Agriculture, but had been recognized as a permanent Bureau beginning with the appropriation act of 1905 (33 Stat. 877) and previously, as a division, as far back as 1901 (see 31 Stat. 932).

The Division took over the function vested in the National Bituminous Coal Commission by the act of April 26, 1937 (50 Stat. 72).

The act of 1937 was a substitute for the Guffey Coal Act of 1935 declared unconstitutional in *Carter v. Carter Coal Co.* (298 U. S. 238).

The Board of Tax Appeals was substituted for a departmental Committee on Appeals and Review set up by the Commissioner of Internal Revenue (see H. Rept. 179, 68th Cong., 1st sess., pp. 7-8).

The Authority (see 52 Stat. 1027, sec. 1107) predecessor of the Administration, assumed in general the following existing functions:

1. Of the Secretary of Commerce under the general Air Commerce Act of 1926 (44 Stat. 568): and the supplemental act relating to lease of airports, of May 24, 1928 (45 Stat. 728). It ac-

\*The material in this Appendix was made available to the Committee by the Legislative Reference Service of the Library of Congress; it was prepared as of August 23, 1940, by Mr. Wilfred C. Gilbert, assistant director of the Service.

*Commodity Exchange Administration (Department of Agriculture).*—Created by Secretary of Agriculture, Memo. No. 700, effective July 1, 1936, to carry into effect certain provisions of the Commodity Exchange Act of June 15, 1936 (49 Stat. 1491).

*Commodity Exchange Commission (Secretaries of Agriculture and Commerce, and Attorney General of the United States).*—Created by the Commodity Exchange Act of June 15, 1936 (49 Stat. 1491) to carry into effect certain provisions thereof.

*Comptroller of the Currency.*—Office established by National Bank Act of February 25, 1863 (12 Stat. 665, c. 58), to execute the provisions of that and of later acts respecting a national currency.

*Cotton Marketing Acts.*—The Agricultural Marketing Service established as a bureau of the Department of Agriculture by the Secretary's Memo. No. 830 of July 7, 1939, administers *inter alia*, all marketing research, service, and regulatory activities in connection with cotton, under the Cotton Grade and Staple Statistics Act (37 Stat. 118) and the Cotton Futures Act (38 Stat. 693) and the Cotton Standards Act (42 Stat. 1517; 47 Stat. 1621).

*Customs Bureau (Treasury Department).*—Created by act of March 3, 1927 (44 Stat. 1381).

Accordingly superseded the Bureau of Air Commerce set up under the act of 1926.

2. Certain functions of the Postmaster General relating to air mail contracts (see 52 Stat. 994, sec. 405).

The Commodity Exchange Act was essentially an amendment of the Grain Futures Act of 1922 (42 Stat. 998) enlarging the list of products subject to jurisdiction and originally limited to grains. The Futures Act itself was a substitute for the act of August 24, 1921 (42 Stat. 187, c. 86) held unconstitutional in *Hill v. Wallace*, 259 U. S. 44, and *Trusler v. Crooks*, 269 U. S. 475.

The Commodity Exchange Administration accordingly superseded the Grain Futures Administration of the Department of Agriculture.

This was the original act authorizing the formation of "national banking associations," more generally termed "national banks." The office of Comptroller of the Currency was therefore contemporaneous with the duties involved.

The functions of the new bureau relating to cotton were transferred from the Bureau of Agricultural Economics. The Bureau had by law been vested with functions of the Bureau of Markets, Bureau of Markets and Crop Estimates, and Office of Farm Management and Farm Economics by act of May 11, 1922 (42 Stat. 532). Of these, the Bureau of Markets had been charged with administration of Cotton Futures Act (see 41 Stat. 267).

The Bureau was created to assume all duties vested by any law in the Secretary of the Treasury respecting the importation, entry, or exportation of merchandise into or from the United States; and it specifically superseded the Division of Customs and Special Agency Service (44 Stat. 1382, sec. 3).

The act of 1927 refers especially to the duties enumerated under the Tariff Act of 1922, title IV of which constituted a general revision of the law of customs administration. The provisions involved reach back to the early years of the United States. Neither the Division of Customs nor the Special Agency Service appears to have been specifically created by law, although recognized as such (cf. act of May 12, 1870, 16 Stat. 122, as to special agents, and July 31, 1894, 28 Stat. 206, as to Division of Customs).

*Fair Labor Standards Act.*—Act of June 25, 1938 (52 Stat. 1060), is administered by a Wage and Hour Division in the Department of Labor, created by section 4 of the act.

*Federal Alcohol Administration.*—Abolished and functions transferred to Bureau of Internal Revenue by Reorganization Plan No. III. Now known as the Basic Permit and Trade Practice Division of the Alcohol Tax Unit. The Administration had been created as a division in Treasury Department by act of August 29, 1935 (49 Stat. 977, sec. 2).

The act of 1935 was "designed to supplement the present Federal laws relating to [distilling \* \* \* or other production of distilled spirits, wine, or malt beverages, etc.] so as to provide for the further protection of the revenue \* \* \*" (see H. Rept. 1542, 74th Cong., 1st sess., p. 1).

*Federal Communications Commission.*—Created by act of June 19, 1934 (48 Stat. 1064), and exempted from operation of Reorganization Act by section 3 thereof (53 Stat. 561).

*Federal Deposit Insurance Corporation.*—Created by Banking Act of 1933 (43 Stat. 162, 168 (12 B)) and exempted from operation of the Reorganization Act by section 3 thereof (53 Stat. 561).

*Federal Home Loan Bank Board.*—Created by section 17 of act of July 22, 1932 (47 Stat. 725), and transferred to the Federal Loan Agency by Reorganization Plan No. I, sec. 402 (see 53 Stat. 1430 (c)).

*Federal Power Commission.*—Created by act of June 10, 1920 (41 Stat. 1063), to consist of the Secretaries of Agriculture, Interior, and War, *ex officio*; reorganized as a 5-man, full-time commission by act of June 23, 1930 (46 Stat. 797).

Exempted from operation of Reorganization Act by section 3 thereof (53 Stat. 561).

*Federal Reserve System.*—The board of governors was created by section 10

Federal regulation of wages or hours, usually in narrow fields relating to employees working on Government contracts, had its inception in President Van Buren's Executive order in 1840, instituting a 10-hour day in Government navy yards. See also 16 Stat. 77 (1868), 34 Stat. 1415 (1907), and the Davis-Bacon Act of 1931, 46 Stat. 1494.

The Alcohol Administration specifically superseded the Federal Alcohol Control Administration created by Executive Order No. 6474 of December 4, 1933, under the N. I. R. A. Duties of that Administration were such as arose under N. I. R. A. codes and A. A. A. marketing agreements and licenses. The Administration took over in general "the greater part of the system of Federal control which was enforced by the Government under the codes" (H. Rept. 1542, 74th Cong., 1st sess., p. 4).

The Communications Act repealed the Radio Act of 1927 (44 Stat. 1162) and in general the Commission succeeded to the authority of Federal Radio Commission thereunder.

There were transferred to it all functions of the Interstate Commerce Commission relating to operation of telegraph lines (act of August 7, 1888, 25 Stat. 382), together with the jurisdiction of interstate communications under the Mann-Elkins Act of June 18, 1910 (36 Stat. 539); also, duties of Postmaster General with respect to telegraph lines (see 14 Stat. 222, sec. 3, July 24, 1866, and 25 Stat. 385, sec. 7, August 7, 1888).

Federal insurance of bank deposits was first provided for by the act establishing the Federal Deposit Insurance Corporation.

The act of 1932 was the first Federal law providing for loans on home mortgages.

The act of 1920 specifically repealed section 18 of act of August 8, 1917 (40 Stat. 250, 269), which created a Waterways Commission to formulate plans for developing water resources for commerce.

of the original Federal Reserve Act of 1913 (38 Stat. 251, 260).

Exempted from operation of Reorganization Act by section 3 thereof (53 Stat. 561).

*Federal Trade Commission.*—Created by act of September 26, 1914 (38 Stat. 717), as an independent agency. Exempted from operation of the Reorganization Act by section 3 thereof (53 Stat. 561).

*Fisheries, Bureau of Interior Department.*—Transferred from Department of Commerce by Reorganization Plan No. II, Parts 1 and 4 (e), effective July 1, 1939.

*Food, Drug, and Cosmetic Act.*—Administration of this act of June 25, 1938 (52 Stat. 1040), is under the Federal Security Agency, by virtue of Reorganization Plan No. IV, effective June 30, 1940.

*General Land Office.*—Established by act of April 25, 1812 (2 Stat. 716), in the Treasury Department and transferred to Interior upon creation of that Department in 1849 (9 Stat. 395).

*Grain Standards Act.*—Administration of this act of August 11, 1916 (39 Stat. 482), is in the Agricultural Marketing Service, Department of Agriculture, established by Memorandum No. 830 of July 7, 1939, pursuant to appropriation act of 1940.

*Grazing Service (Interior Department).*—Created under act of June 26, 1936 (49 Stat. 1978, sec. 6), which, in amending the Grazing Act of 1934, provided for a Director of Grazing and necessary employees.

*Immigration and Naturalization Service (Department of Justice).*—Created by Executive Order 6166 (sec. 14) of

The Trade Commission Act was specifically supplementary to the Anti-trust and Interstate Commerce Acts.

The Trade Commission took over the functions of the Bureau of Corporations created by act of February 14, 1903 (32 Stat. 827), and vested with considerable powers of investigation.

The Bureau dates for practical purposes, from January 20, 1888, when a Commissioner of Fish and Fisheries was provided for as a separate full-time office (25 Stat. 1). Previously, an *ex officio* Commissioner had been authorized, without additional salary, by act of February 9, 1781 (16 Stat. 594).

The Reorganization Plan transferred this function from the Food and Drug Administration of the Department of Agriculture, which was first recognized by statute in the appropriation act of May 27, 1930 (46 Stat. 392, 422). It had been established as "Food, Drug, and Insecticide Administration" by Memorandum No. 569 of the Secretary of Agriculture in accordance with act of January 18, 1937 (44 Stat. 976, 1002).

The Food, Drug, and Cosmetic Act of 1938 superseded the Pure Food and Drug Act of 1906 (34 Stat. 768). Enforcement of the original act by the Bureau of Chemistry was provided for by the act itself, section 4, and recognized by later statute, e. g., 44 Stat. 515; the function was transferred to Food, Drug, and Insecticide Administration by the act of 1927.

The commissioner took over all duties relating to the public lands theretofore vested in the Secretary of State (see sec. 9, act of August 10, 1790, 1 Stat. 183), Secretary and Register of the Treasury (see, e. g., act of September 2, 1789, 1 Stat. 50).

Functions in enforcement of Grain Standards Act were transferred from Bureau of Agricultural Economics. That Bureau had by act of May 11, 1922 (42 Stat. 532), been vested with functions of the Bureau of Markets, one of which was enforcement of Grain Standards Act (see 41 Stat. 267).

The original act of June 28, 1934 (48 Stat. 1269), committed enforcement merely to the Secretary of the Interior.

The two bureaus consolidated in 1933 were established in the Department of Labor by act of March 4, 1913 (37 Stat.

June 10, 1933, by consolidation of existing bureaus of Immigration and of Naturalization; and transferred to the Department of Justice by Reorganization Plan No. V, effective June 14, 1940.

737, sec. 3), in place of an existing Bureau of Immigration and Naturalization, which had been created in the Department of Commerce and Labor June 29, 1906 (34 Stat. 596) by change of name from Bureau of Immigration, and addition of duties relating to naturalization.

1. The Immigration Service had been transferred to Commerce and Labor from Treasury Department by act of February 14, 1903 (32 Stat. 826). The Secretary of the Treasury had been charged with supervision of immigration by act of August 3, 1882 (22 Stat. 214, sec. 2). By a previous act of July 4, 1864 (13 Stat. 385), a commissioner of immigration was authorized subject to supervision of the State Department. This was repealed by 15 Stat. 58, March 30, 1868.

2. Naturalization was provided for by act of March 26, 1790, functions thereunder being vested in courts of record. Subsequent acts had amended the description of courts given jurisdiction.

The Interior Department Act of 1849 specifically transferred supervision of acts of the Commissioner of Indian Affairs from the War Department, where it had been since establishment of the Office of Commissioner by act of July 9, 1832 (4 Stat. 564). Prior to that, duties "relative to Indian affairs" had been devolved on the Secretary of War by act of August 7, 1789 (1 Stat. 49-50), which created that office.

The Department was vested with supervisory functions as follows:

1. Of Secretary of State in regard to patent office (see 5 Stat. 117, July 4, 1836); census (5 Stat. 333-337; 369 c. 3; 452 c. 15).

2. Of Secretary of Treasury in relation to commissioner of general land office (see 2 Stat. 716-718), in connection with accounts of court officers (see 10 Stat. 165, 166) and relating to lead mines, etc., of the United States (see 2 Stat. 328, sec. 6).

3. Of War Department in regard to commissioner of Indian affairs (see 4 Stat. 564).

4. Of Secretary of War and of Navy in regard to commissioner of pensions (see 4 Stat. 622; 5 Stat. 370, c. 4, sec. 4).

5. Of the President, in regard to Commissioner of Public Buildings (see 4 Stat. 266, sec. 4).

*Indian Affairs, Office of (Interior Department).*—An Indian "Office," not specifically established as a bureau by permanent law, and variously designated "Bureau of Indian Affairs" (see 46 Stat. 1085, sec. 2), "Indian Office" (see 37 Stat. 880, sec. 9), and "Indian Service" (see 40 Stat. 564) has existed in the Interior Department since its creation in 1849.

*Interior Department.*—Created by act of March 3, 1849 (9 Stat. 395).

*Interstate Commerce Commission.*—Created as an independent establishment by act of February 4, 1887 (24 Stat. 379, 383, sec. 11).

Exempted from operation of the Reorganization Act by section 3 thereof (53 Stat. 561).

*Internal Revenue Bureau (Treasury Department).*—The office of Commissioner of Internal Revenue was created by act of July 1, 1862 (12 Stat. 432).

The act of 1862 constituted the beginning of the system of general internal revenue taxation which has continued with modifications to date. For practical purposes, therefore, the Bureau is contemporaneous with the system it administers.

NOTE: At two earlier periods there had been internal taxes ("duties") more limited in extent, viz, 1791–1802 (abolished by act of April 6, 1802, 2 Stat. 148), and 1813–1817 (discontinued by act of December 23, 1817, 3 Stat. 401). Collection was at first under supervision of an assistant to the Secretary of the Treasury, but by act of May 8, 1792 (1 Stat. 280) it was transferred to a Commissioner of the Revenue, which office was revived in 1813 (3 Stat. 39) and lasted until 1817.

A projected change of designation to "Division of Internal Revenue" (by Executive Order No. 6166 of June 10, 1933), and consolidation with Bureau of Industrial Alcohol was apparently revoked in connection with the abolishment of the latter Bureau by Executive Order No. 6639 of March 10, 1934 (see sec. 5 of the order).

*Marine Inspection and Navigation, Bureau of (Department of Commerce).*—Title established by act of May 27, 1936 (49 Stat. 1380), amending the act of June 30, 1932 (47 Stat. 415), which created the Bureau of Navigation and Steamboat Inspection.

The present Bureau is a consolidation of:

1. Steamboat Inspection Service, created by act of June 28, 1838 (5 Stat. 252).

NOTE.—Transatlantic steam transportation began in 1838.

2. Bureau of Navigation, created by act of July 5, 1884 (23 Stat. 118), in the Treasury Department.

The Bureau of Navigation took over, *inter alia*, the duties of the Register of the Treasury, respecting documents of vessels and navigation (see act of December 31, 1792, 1 Stat. 291, 297; February 10, 1820, 3 Stat. 541).

The creating act specifically contemplated possible overlapping of functions with the following acts dealing with right of labor to organize:

1. Sec. 7 of N. I. R. A. (48 Stat. 198).

2. Sec. 77B of Bankruptcy Act (48 Stat. 922 (1) and (m)).

3. Resolution of June 19, 1934 (48 Stat. 1183—national industrial labor boards).

In case of conflict the act of 1935 is to prevail (sec. 14); accordingly the new Board superseded the National Labor Relations Board functioning under the resolution of June 19, 1934.

The Board was a substitute for the United States Board of Mediation created by the Railway Labor Act of 1926.

*National Labor Relations Board.*—Created as an independent agency by act of July 5, 1935 (49 Stat. 449, 451). Exempted from operation of Reorganization Act by section 3 thereof (53 Stat. 561).

*National Mediation Board.*—Established by Railway Labor Act of June 21, 1934 (48 Stat. 1185), as an independent agency. Exempted from operation of Reorganization Act by section 3 thereof (53 Stat. 561).

*National Railroad Adjustment Board.*—Established by the Railway Labor Act of 1934 (48 Stat. 1189, sec. 3).

Exempted from operation of Reorganization Act by section 3 thereof (53 Stat. 561).

*Packers and Stockyards Act.*—This act of August 15, 1921 (42 Stat. 159), is administered in the Agricultural Marketing Service, Department of Agriculture, established by Secretary's Memorandum No. 830 of July 7, 1939.

*Patent Office.*—Established by act of July 4, 1836 (5 Stat. 117), as a part of the State Department. It was transferred to Interior Department by act of March 3, 1849 (9 Stat. 395), and to the Department of Commerce by Executive order of March 17, 1925.

*Perishable Agricultural Commodities Act.*—This act (June 10, 1930, 46 Stat. 531) is administered through the Agricultural Marketing Service of the Department of Agriculture, which was established by Secretary's Memorandum No. 830 of July 7, 1939.

*Plant Quarantine Act.*—The Plant Quarantine Act of 1912 (37 Stat. 315), as amended, is administered through the Bureau of Entomology and Plant Quarantine, first recognized (without affirmative basic authorization) in the appropriation act of March 26, 1934 (48 Stat. 467, 486).

The principle of mediation and arbitration of disputes between carriers and their employees was embodied in the Erdman Act of 1898 (30 Stat. 424), and the Newlands Act of 1913 (38 Stat. 103).

Under the Railway Labor Act of 1926 provision was made for boards of adjustment with equal representation as between carriers and employees. Under the new law this section was amended and superseded by a national board, equally divided between representatives of carriers and employees, with provision for a third neutral member to sit in each particular case.

This function was transferred from the Bureau of Animal Industry, a bureau created by act of May 29, 1884 (23 Stat. 31). The Packers Act itself vested administration in the Secretary of Agriculture, through such employees as he might designate; and beginning with the appropriation for 1929 (45 Stat. 539, 547) the Bureau of Animal Industry was the designated agency.

Provision for grant of patents was made by act of April 10, 1790 (1 Stat. 110), through a board comprising the Secretary of State, Secretary of War, and the Attorney General.

Functions under the Perishable Agricultural Commodities Act were transferred by Memorandum No. 830 from the Bureau of Agricultural Economics. The Perishable Commodities Act itself vested administration in the Secretary, and it was exercised through the Bureau of Agricultural Economics beginning with the first appropriation (deficiency act of July 3, 1930, 46 Stat. 860, 871).

The Bureau had been formed by consolidation of existing Bureau of Markets, Bureau of Markets and Crop Estimates, and Office of Farm Management (see 42 Stat. 532).

The constituent Bureau of Entomology was a departmental establishment (recognized in appropriation acts since 1904—33 Stat. 276, 289).

Prior to that a "division of entomology" was recognized in 1889, even before the Department was established as an executive department (see Cong. Directory, 50th Cong., 2d sess., p. 178). Entomological work was carried on long before this, however; an act of 1880 (21 Stat. 276) provided that the Department of Agriculture should take over work of the character of the Entomological Commission (Interior Department).

*Postal Service (fraud orders and second-class privileges).—*

1. "Fraud orders." The general authority of the Postmaster General, by order, to prevent delivery of any mail matter sent in furtherance of fraudulent schemes dates from act of March 2, 1895 (28 Stat. 965, sec. 4).

2. Admission to second-class mailing privileges is a function of the office of Third Assistant Postmaster General.

*Public Contracts, Division of (Labor Department).—*Created to administer the Walsh-Healey Act of June 30, 1936 (49 Stat. 2036). Section 4 committed administration to the Secretary of Labor, and authorized necessary employees.

*Railroad Retirement Board.*—Established as an independent agency by act of June 24, 1937 (50 Stat. 307, 314).

Exempted from operation of Reorganization Act by section 3 thereof (53 Stat. 561).

*Securities and Exchange Commission.*—Created by act of June 6, 1934 (48 Stat. 881, 885, sec. 4). Exempted from operation of Reorganization Act by section 3 thereof (53 Stat. 561).

*Social Security Board (Federal Security Agency).*—Established by title VII of the act of August 14, 1935 (49 Stat. 620, 635), which created the system of Federal old-age benefits, and the like.

It was transferred to the Federal Security Agency under Reorganization Plan No. I (53 Stat. 1424, secs. 201, 202), effective July 1, 1939.

Functions relating to plant quarantine were transferred from the Plant Quarantine and Control Administration. That Administration, by act of May 16, 1928 (45 Stat. 565), had succeeded to the functions of the Federal Horticultural Board, which was set up by the original Plant Quarantine Act as the administrative agency thereunder.

1. The act of 1895 broadened an existing authority of the Postmaster General, vested by act of June 8, 1872 (17 Stat. 32, sec. 300) to stop delivery of registered letters only.

2. Formal classification of mail matter was provided by act of March 3, 1863 (12 Stat. 704, sec. 19).

The Walsh-Healey Act specifically disclaims interference with existing statutes affecting the subject of public contracts as follows: The Buy American Act of March 3, 1933 (47 Stat. 1520).

Bacon-Davis Act of March 3, 1931 (46 Stat. 1494). N. I. R. A., title II (48 Stat. 200).

Emergency Relief Appropriation Act, section 7 (49 Stat. 118).

Federal Prison Industries Act (46 Stat. 391).

The act of 1937 amended the Railroad Retirement Act of 1935 (49 Stat. 967, ch. 812), which in turn was a substitute for the Railroad Retirement Act of June 27, 1934 (48 Stat. 1283), held unconstitutional in *Retirement Board v. Alton*, 295 U. S. 330. That act was the first of Federal attempts to regulate retirement of carriers' employees.

The Commission took over all functions of the Federal Trade Commission under the Securities Act of 1933 (48 Stat. 74).

Upon transfer to Federal Security Agency, the Board was vested with the functions of the United States Employment Service, a bureau created in the Department of Labor by act of June 6, 1933 (48 Stat. 113). That bureau itself superseded an existing employment service referred to in appropriation acts from 1923 (see 42 Stat. 1129). Previously, a similar service dating back to 1919 was referred to as a "national system of employment offices" (see 41 Stat. 225). That apparently had grown out of a war measure carried in act of July 1, 1918 (40 Stat. 696).



*State Department.*—Established by act of July 27, 1789 (1 Stat. 28) as the Department of Foreign Affairs; name changed to Department of State September 15, 1789 (1 Stat. 68, c. 14, sec 1).

*Sugar Act Administration.*—The Sugar Act of 1937 (50 Stat. 903) is administered by a Sugar Division in the Department of Agriculture, established by Secretary's Memorandum No. 783, effective October 16, 1938.

*United States Employees' Compensation Commission.*—Created by section 28 of the act of September 7, 1916 (39 Stat. 743, 748) to administer the system of injury compensation there established. Exempted from operation of Reorganization Act by section 3 thereof (53 Stat. 561).

*United States Maritime Commission.*—Created by Merchant Marine Act of 1936 (49 Stat. 1985, sec. 201 (a)).

Exempted from operation of Reorganization Act by section 3 thereof (53 Stat. 561).

*United States Tariff Commission.*—Created by act of September 8, 1916 (39 Stat. 795, title VII) and substantially reorganized in 1930 (46 Stat. 696).

Exempted from operation of Reorganization Act by section 3 thereof (53 Stat. 561).

*Veterans' Administration.*—Established as an independent agency by Executive Order No. 5398 of July 21, 1930, under authority of act of July 3, 1930 (46 Stat. 1016).

Exempted from operation of Reorganization Act by section 3 thereof (53 Stat. 561).

The Department took over all records of the office of Secretary for the Department of Foreign Affairs, which was created by the Continental Congress on January 10, 1781 (see Journal of Continental Congress, vol. XIX, p. 43).

Memorandum No. 783 gave bureau status to what was formerly a part of the A. A. A., originally set up under the act of May 12, 1933.

The act of 1937 was a substitute for the Sugar Control Act of 1934 (48 Stat. 670) and its amendment in 1936 (49 Stat. 1539). See 50 Stat. 916, sec. 510.

The act repealed existing "inconsistent" laws; and thereby superseded the act of May 30, 1908 (35 Stat. 556) which had set up a somewhat similar system of compensation for injuries limited to Federal employees at manufacturing plants, navy yards, and the like.

The Commission succeeded to the functions (1) of the United States Shipping Board, as defined by Shipping Act of 1916 (39 Stat. 728); Merchant Marine Act of 1920 (41 Stat. 988); Merchant Marine Act of 1928 (45 Stat. 689), and Intercoastal Shipping Act (47 Stat. 1425 and amendments), and vested in the Department of Commerce by Executive order of June 10, 1933; and (2) of the Postmaster General with respect to ocean mail contracts under Merchant Marine Act of 1928.

It took over the property of the United States Shipping Board Merchant Fleet Corporation.

By Reorganization Plan No. 4, effective June 30, 1940, the Commission was vested with duties of the Secretary of the Navy regarding State marine schools.

The Commission superseded the Cost of Production Division of the Bureau of Foreign and Domestic Commerce (see sec. 705)—investigation of cost of production being included as an incidental function of the new Commission by section 704. This function had been vested in the Bureau of Foreign and Domestic Commerce by transfer from the Department of Labor where it had been vested in 1888 (25 Stat. 183, sec. 7) upon establishment of that (nonexecutive) department.

The Administration is a consolidation of the Bureau of Pensions, United States Veterans' Bureau, and National Home for Disabled Volunteer Soldiers.

1. The Bureau of Pensions in 1930 was in the Interior Department, placed there by act of March 3, 1849 (9 Stat. 395, sec. 6) establishing the Department.

The Bureau dates apparently from act of March 2, 1833 (4 Stat. 622) which created the office of Commissioner of Pensions under jurisdiction of the Secretary of War (subsequently Secretaries of War and Navy jointly—see 5 Stat. 369).

Federal payment of pensions was a carry-over of the pension system established by the States at the instance of the Continental Congress (see 1 Stat. 95). The first Federal act providing details of procedure for new pensions was March 23, 1792 (1 Stat. 243) which delegated the function of examination of applicants to judges of the circuit courts, their findings to be submitted to Secretary of War.

2. The United States Veterans' Bureau had been created as an independent bureau by act of August 9, 1921 (42 Stat. 147). It took over the functions of the Bureau of War Risk Insurance in the Treasury Department by act of September 2, 1914 (38 Stat. 711); also the duties of the Federal Board for Vocational Education so far as they dealt with the rehabilitation of disabled soldiers, under act of June 27, 1918 (40 Stat. 617).

3. The National Home for Disabled Volunteer Soldiers dated from March 21, 1866 (14 Stat. 10), although the exact designation was fixed in 1873 (17 Stat. 417). The act of 1866 itself was an amendment of an act of 1865 (13 Stat. 509), which created a District of Columbia corporation of named persons to operate an asylum for relief of totally disabled Civil War veterans.

*War Department.*—Created by act of August 7, 1789 (1 Stat. 49), the seventh act passed by Congress under the Constitution.

The Department took over the property of the department of war established by the Continental Congress. On February 7, 1781 (Journal of Continental Congress, vol. XIX, p. 126), Congress created the office of Secretary of War as one of the civil executive departments of the United States. By resolution of February 28 (Journal, *supra*, p. 206) the duties of the office as defined on the 7th were ordered to be executed until further notice by the members of the Board of War. The Board of War had been in existence since June 12, 1776 (see Journal of Continental Congress, vol. V, p. 434, where the functions of the Board are detailed).