

## AMENDMENTS

1960—Pub. L. 86-750 inserted “, or any rule, regulation or order promulgated by the Commission under authority thereof.”

## § 80b-18a. State control of investment advisers.

Nothing in this subchapter shall affect the jurisdiction of the securities commissioner, or any agency or officer performing like functions) of any State over any security or any person insofar as it does not conflict with the provisions of this subchapter or the rules and regulations thereunder. (Aug. 22, 1950, ch. 686, title II, § 222, as added Sept. 13, 1960, Pub. L. 86-750, § 16, 74 Stat. 888.)

## Chapter 7.—THE BUREAU OF STANDARDS

## § 278e. Functions and activities.

## MAXIMUM BASE RATES OF COMPENSATION FOR FISCAL YEAR 1960

Pub. L. 86-451, title I, § 101, May 13, 1960, 74 Stat. 99, provided in part: “That during the current fiscal year [1961] the maximum base rate of compensation for employees appointed pursuant to the Act of September 2, 1958 (72 Stat. 1711) [this section], shall be equivalent to the entrance rate of GS-12.”

Similar provisions were contained in Pub. L. 86-88, Title I, § 101, July 13, 1959, 73 Stat. 206.

## Chapter 9.—THE WEATHER BUREAU

## § 327. Employees for conduct of meteorological investigations in Arctic region; appointment and compensation; extra compensation to other Government employees for taking observations.

The Secretary of Commerce is authorized to (a) appoint employees for the conduct of meteorological investigations in the Arctic region without regard to the civil service laws and fix their compensation without regard to the Classification Act of 1949, as amended, and titles II and III of the Federal Employees Pay Act of 1945, as amended, at base rates not to exceed the maximum scheduled rate for GS-12, and (b) grant extra compensation to employees of other Government agencies for taking and transmitting meteorological observations. (As amended Mar. 28, 1960, Pub. L. 86-397, § 2, 74 Stat. 11.)

## REFERENCES IN TEXT

The Classification Act of 1949, as amended, referred to in the text, is classified to chapter 21 of Title 5, Executive Departments and Government Officers and Employees.

Titles II and III of the Federal Employees Pay Act of 1945, as amended, referred to in the text, are classified to sections 911-913 and 921, 922 of Title 5.

## AMENDMENTS

1960—Pub. L. 86-397 substituted “Secretary of Commerce” for “Weather Bureau”, authorized the Secretary to fix the compensation of the employees, and limited the base rates to not more than the maximum scheduled rate for GS-12.

## AMOUNT OF EXTRA COMPENSATION

Section 101 of Pub. L. 85-469, title I, June 25, 1958, 72 Stat. 234, set out as a note under this section, which limited the maximum amount of extra compensation to employees of other Government agencies for taking and transmitting meteorological observations to \$5 per day, is omitted in view of the amendment of this section by Pub. L. 86-397. The limitation on the maximum amount of extra compensation was repeated in Pub. L. 86-88, title I, § 101, July 13, 1959, 73 Stat. 206; Pub. L. 86-451, title I, § 101, May 13, 1960, 74 Stat. 99.

## § 329. Compensation of employees conducting meteorological investigations in Arctic region.

## CODIFICATION

Section, Pub. L. 85-469, title I, § 101, June 25, 1958, 72 Stat. 234; Pub. L. 86-88, title I, § 101, July 13, 1959, 73 Stat. 207, which prescribed the maximum base rate of pay for employees conducting meteorological investigations in the Arctic region, was from an appropriation act and is omitted in view of section 327 of this title which authorizes the Secretary of Commerce to establish the rates of compensation for such personnel. Provisions of this section were repeated in Pub. L. 86-451, title I, § 101, May 13, 1960, 74 Stat. 99.

## Chapter 10A.—COLLECTION OF STATE CIGARETTE TAXES

## § 375. Definitions.

## ADMISSION OF ALASKA AND HAWAII TO STATEHOOD

Alaska was admitted into the Union on Jan. 3, 1959, upon the issuance of Proc. No. 3269, Jan. 5, 1959, 24 F.R. 81, 73 Stat. c16, and Hawaii was admitted into the Union on Aug. 21, 1959, upon the issuance of Proc. No. 3309, Aug. 25, 1959, 24 F.R. 6868, 73 Stat. c74. For Alaska Statehood Law, see Pub. L. 85-508, July 7, 1958, 72 Stat. 339, set out as a note preceding section 21 of Title 48, Territories and Insular Possessions. For Hawaii Statehood Law, see Pub. L. 86-3, Mar. 18, 1959, 73 Stat. 4, set out as a note preceding section 491 of Title 48.

## Chapter 10B.—STATE TAXATION OF INCOME FROM INTERSTATE COMMERCE [New]

## Sec.

381. Imposition of net income tax.  
 (a) Minimum standards.  
 (b) Domestic corporations; persons domiciled in or residents of a State.  
 (c) Sales or solicitation of orders for sales by independent contractors.  
 (d) Definitions.
382. Assessment of net income taxes; limitation; collection.
383. Definition.
384. Separability provision.

## § 381. Imposition of net income tax.

## (a) Minimum standards.

No State, or political subdivision thereof, shall have power to impose, for any taxable year ending after September 14, 1959, a net income tax on the income derived within such State by any person from interstate commerce if the only business activities within such State by or on behalf of such person during such taxable year are either, or both, of the following:

(1) the solicitation of orders by such person, or his representative, in such State for sales of tangible personal property, which orders are sent outside the State for approval or rejection, and, if approved, are filled by shipment or delivery from a point outside the State; and

(2) the solicitation of orders by such person, or his representative, in such State in the name of or for the benefit of a prospective customer of such person, if orders by such customer to such person to enable such customer to fill orders resulting from such solicitation are orders described in paragraph (1).

## (b) Domestic corporations; persons domiciled in or residents of a State.

The provisions of subsection (a) of this section shall not apply to the imposition of a net income

tax by any State, or political subdivision thereof, with respect to—

(1) any corporation which is incorporated under the laws of such State; or

(2) any individual who, under the laws of such State, is domiciled in, or a resident of, such State.

(c) Sales or solicitation of orders for sales by independent contractors.

For purposes of subsection (a) of this section, a person shall not be considered to have engaged in business activities within a State during any taxable year merely by reason of sales in such State, or the solicitation of orders for sales in such State, of tangible personal property on behalf of such person by one or more independent contractors, or by reason of the maintenance, of an office in such State by one or more independent contractors whose activities on behalf of such person in such State consist solely of making sales, or soliciting orders for sales, of tangible personal property.

(d) Definitions.

For purposes of this section—

(1) the term "independent contractor" means a commission agent, broker, or other independent contractor who is engaged in selling, or soliciting orders for the sale of, tangible personal property for more than one principal and who holds himself out as such in the regular course of his business activities; and

(2) the term "representative" does not include an independent contractor.

(Pub. L. 86-272, title I, § 101, Sept. 14, 1959, 73 Stat. 555.)

STUDY AND REPORT BY CONGRESSIONAL COMMITTEES OF STATE TAXATION OF INCOME FROM INTERSTATE COMMERCE  
Title II of Pub. L. 86-272 provided that:

"Sec. 201. The Committee on the Judiciary of the House of Representatives and the Committee on Finance of the United States Senate, acting separately or jointly, or both, or any duly authorized subcommittees thereof, shall make full and complete studies of all matters pertaining to the taxation by the States of income derived within the States from the conduct of business activities which are exclusively in furtherance of interstate commerce or which are a part of interstate commerce, for the purpose of recommending to the Congress proposed legislation providing uniform standards to be observed by the States in imposing income taxes on income so derived.

"Sec. 202. The Committees shall report to their respective Houses the results of such studies together with their proposals for legislation on or before July 1, 1962."

§ 382. Assessment of net income taxes; limitations; collection.

(a) No State, or political subdivision thereof, shall have power to assess, after September 14, 1959, any net income tax which was imposed by such State or political subdivision, as the case may be, for any taxable year ending on or before such date, on the income derived within such State by any person from interstate commerce, if the imposition of such tax for a taxable year ending after such date is prohibited by section 381 of this title.

(b) The provisions of subsection (a) of this section shall not be construed—

(1) to invalidate the collection, on or before September 14, 1959, of any net income tax imposed for a taxable year ending on or before such date, or

(2) to prohibit the collection, after September 14, 1959, of any net income tax which was assessed on or before such date for a taxable year ending on or before such date.

(Pub. L. 86-272, title I, § 102, Sept. 14, 1959, 73 Stat. 556.)

§ 383. Definition.

For purposes of this chapter, the term "net income tax" means any tax imposed on, or measured by, net income. (Pub. L. 86-272, title I, § 103, Sept. 14, 1959, 73 Stat. 556.)

§ 384. Separability provision.

If any provision of this chapter or the application of such provision to any person or circumstance is held invalid, the remainder of this chapter or the application of such provision to persons or circumstances other than those to which it is held invalid, shall not be affected thereby. (Pub. L. 86-272, title I, § 104, Sept. 14, 1959, 73 Stat. 556.)

#### Chapter 11.—CAUSTIC POISONS

§§ 401—411. Repealed. Pub. 86-613, § 18, July 12, 1960, 74 Stat. 381.

Sections 401—411, act Mar. 4, 1927, ch. 489, §§ 1—10, 12, 44 Stat. 1406—1410, prohibited misbranded shipments of dangerous caustic or corrosive substances in interstate or foreign commerce, and are now covered by chapter 30 of this title.

#### EFFECTIVE DATE OF REPEAL; SAVINGS PROVISIONS

Section 18 of Pub. L. 86-613 provided that: "The Federal Caustic Poison Act [sections 401—411 of this title] (44 Stat. 1406) is repealed effective at the close of the sixth calendar month after the month of enactment of this Act [July 12, 1960] except that the Federal Caustic Poison Act shall remain in full force and effect with respect to any 'dangerous caustic or corrosive substance' (as defined by that Act) which is an article subject to the Federal Food, Drug, and Cosmetic Act [chapter 9 of title 21] and which is, by virtue of paragraph 2 of section 2(f) of this Act, [section 1261(f)(2) of this title] excluded from the term 'hazardous substance' as defined in this Act: [chapter 30 of this title] *Provided*, That, if the Secretary, pursuant to section 16(b) of this Act [set out as a note under section 1261 of this title], prescribes an additional period or periods during which violations of this Act [chapter 30 of this title] shall not be enforceable and if such additional period or periods are applicable to violations of this Act [chapter 30 of this title] involving one or more substances defined as 'dangerous caustic or corrosive substances' by the Federal Caustic Poison Act, that Act shall, with respect to such substance or substances, remain in full force and effect during such additional period or periods: *Provided further*, That, with respect to violations, liabilities incurred or appeals taken prior to the close of said sixth month or, if applicable, prior to the expiration of the additional period or periods referred to in the preceding proviso, all provisions of the Federal Caustic Poison Act shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violations, liabilities, and appeals."

#### Chapter 14A.—AID TO SMALL BUSINESS

§ 633. Small Business Administration.

(c) Revolving fund; advances; interest.

The Administration is authorized to obtain money from the Treasury of the United States for use in the performance of the powers and duties granted to or imposed upon it by law, not to exceed a total of \$975,000,000 outstanding at any one time. For