

By Mr. WHITTINGTON:

H. R. 9942. A bill authorizing the Secretary of the Interior to issue to Henry W. Shurlds and Kate Shurlds White a patent to certain lands in the State of Mississippi; to the Committee on the Public Lands.

H. R. 9943. A bill authorizing the Secretary of the Interior to issue to Ruth Gainey Branscome a patent to certain lands in the State of Mississippi; to the Committee on the Public Lands.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8479. By Mr. THOMAS F. FORD: Resolution of the Assembly and Senate of the State of California, protesting against the proposed attack upon the title of the State of California to its tide, submerged and overflowed lands; to the Committee on the Judiciary.

8480. By Mr. KEOGH: Petition of the Union of Marine Draftsmen and Technicians, Navy Yard, N. Y., Chapter 24, Brooklyn, N. Y., urging continuation of the civil-service system in the filling of vacancies and promotions in the Navy Department; to the Committee on the Civil Service.

8481. Also, petition of the Women's International League for Peace and Freedom, New York State Branch, New York City, concerning our national defense program and foreign policy; to the Committee on Foreign Affairs.

8482. By Mr. VOORHIS of California: Petition of Mrs. C. E. Otis, of Los Angeles, Calif., and 25 others, endorsing House Bill 4931, providing for Government ownership of the stock of the 12 Federal Reserve banks and for the exercise by Congress of its constitutional money power; requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

8483. Also, petition of William W. Dunlap, of Carlsbad, Calif., and 22 others, endorsing House bill 4931, providing for Government ownership of the stock of the 12 Federal Reserve banks and for the exercise by Congress of its constitutional money power; requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

8484. Also, petition of H. M. Mosher, of Arcadia, Calif., and 20 others, endorsing House bill 4931, providing for Government ownership of the stock of the 12 Federal Reserve banks and for the exercise by Congress of the constitutional money power; requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

8485. Also, petition of C. H. Rice, of San Francisco, Calif., and eight others, urging the passage of the war referendum amendment; to the Committee on the Judiciary.

8486. Also, petition of the legislative committee of the Palo Alto Committee to Aid Agricultural Workers, signed by 47 individuals, urging that W. P. A. and F. S. A. receive emergency relief appropriations, and that no more cuts in these appropriations be made; to the Committee on Appropriations.

8487. Also, petition of John A. Kruse, of El Monte, Calif., and 50 others, endorsing House bill 4931, providing for Government ownership of the stock of the 12 Federal Reserve banks and for the exercise by Congress of the constitutional money power; requesting the Banking and Currency Committee to hold hearings on the said bill; to the Committee on Banking and Currency.

8488. Also, petition of Mrs. Louis H. Vincent, of Baldwin Park, Calif., and 52 others, urging that the President and Representatives in Congress take prompt, decisive action looking toward the early enactment of a national retirement pension law, on a pay-as-you-go basis, embodying the fundamental principles of House bill 5620, now before Congress, which would pay to all citizens of the United States, 60 years of age and over, an adequate monthly annuity, as proposed in said act; to the Committee on Ways and Means.

8489. By Mr. WELCH: Joint Resolution No. 23 of the California State Assembly, protesting against the proposed attack

upon the title of the State of California to its tide, submerged, and overflowed lands; to the Committee on the Judiciary.

8490. By the SPEAKER: Petition of U. C. W. O. C., Local No. 90, Long Beach, Calif., petitioning consideration of their resolution with reference to a bill to deport Harry Bridges; to the Committee on Immigration and Naturalization.

8491. Also, petition of the Dairy Workers Union, No. 49, of Hynes, Calif., petitioning consideration of their resolution with reference to a bill to deport Harry Bridges; to the Committee on Immigration and Naturalization.

8492. Also, petition of the United Construction Workers, Local Union No. 118, petitioning consideration of their resolution with reference to a bill to deport Harry Bridges; to the Committee on Immigration and Naturalization.

## SENATE

WEDNESDAY, MAY 29, 1940

(Legislative day of Tuesday, May 28, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty God, whose loving hand hath given unto us all that we possess, grant that, as faithful stewards of Thy bounty, we may honor Thee with our substance by responding to the call to help our anguished brethren everywhere, especially those who suffer from the ravages of war, whose cup of agony and sorrow runneth over. May the blessings hitherto vouchsafed to us as a nation evoke a spirit of devout and humble thankfulness that we are privileged to share all that we are and all that we have, as we minister in Thy name the sacrament of understanding to the human needs of others. And, as we follow in the blessed footsteps of the Master, may it be ours one day to hear His loving voice, saying, "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me." In His holy name we ask it. Amen.

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, May 28, 1940, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 7615) authorizing the Bradenton Co., its successors and assigns, to construct, maintain, and operate a toll bridge across Sarasota Pass, county of Manatee, State of Florida.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 9822. An act to expedite naval shipbuilding, and for other purposes; and

H. R. 9848. An act to authorize the construction or acquisition of naval aircraft, the construction of certain public works, and for other purposes.

#### CALL OF THE ROLL

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Bilbo	Byrnes	Connally
Ashurst	Bone	Capper	Danaher
Austin	Bridges	Caraway	Davis
Bailey	Brown	Chandler	Donahay
Bankhead	Bulow	Chavez	Ellender
Barbour	Burke	Clark, Idaho	George
Barkley	Byrd	Clark, Mo.	Gerry

Gibson	La Follette	O'Mahoney	Thomas, Idaho
Gillette	Lee	Overton	Thomas, Okla.
Gulley	Lodge	Pepper	Thomas, Utah
Gurney	Lucas	Pittman	Tobey
Hale	Lundeen	Radcliffe	Townsend
Harrison	McCarran	Reynolds	Truman
Hatch	McKellar	Russell	Tydings
Hayden	McNary	Schwartz	Vandenberg
Herring	Maloney	Schwellenbach	Van Nuys
Hill	Mead	Sheppard	Wagner
Holman	Miller	Shipstead	Walsh
Holt	Minton	Slattery	Wheeler
Hughes	Murray	Smathers	White
Johnson, Calif.	Neely	Smith	Wiley
Johnson, Colo.	Norris	Stewart	
King	Nye	Taft	

Mr. MINTON. I announce that the Senator from Rhode Island [Mr. GREEN] is unavoidably detained from the Senate.

The Senator from California [Mr. DOWNEY] is absent on official business for the Committee on Banking and Currency.

The Senator from Florida [Mr. ANDREWS] and the Senator from Virginia [Mr. GLASS] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Kansas [Mr. REED] is absent on official business for the Committee Investigating Campaign Expenditures.

The Senator from North Dakota [Mr. FRAZIER] is necessarily absent.

The VICE PRESIDENT. Ninety Senators have answered to their names. A quorum is present.

EGON KARL FREIHERR VON MAUCHENHEIM AND MARGARETE VON MAUCHENHEIM—VETO MESSAGE (S. DOC. NO. 201)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on Immigration and ordered to be printed:

*To the United States Senate:*

I return herewith, without my approval, S. 1384, a bill entitled "An act for the relief of Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim."

This is a private bill which confers on two German aliens, Egon Karl Freiherr von Mauchenheim and Margarete von Mauchenheim, the status of legal residents of the United States and directs the Secretary of Labor to cancel an outstanding warrant for their deportation.

The aliens in question entered the United States on May 19, 1936, and were permitted to proceed in transit to Canada for the purpose of applying for quota visas. Denied visas there, they reentered the United States. The Department of Labor, finding that they could not be given the status of legal residents in the United States, held them for deportation proceedings, but because of the fact that they represented themselves to be political fugitives from Germany they were accorded the privilege of voluntary departure.

An investigation conducted by the State Department has disclosed that these aliens made false statements with respect to acts committed by them in Germany prior to their departure therefrom in 1935, which acts resulted in the initiation of criminal proceedings against them for fraud and civil claims for the recovery of property. The State Department was unable, moreover, to discover that these aliens had been involved in any political difficulties. It does not appear that this information was before the committees of the House and Senate when the bill was being considered by them.

For the above reasons I am returning the bill without my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, May 29, 1940.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of New Jersey, which was referred to the Committee on Commerce:

An assembly concurrent resolution memorializing Congress of the United States and the War Department of the United States to investigate the conditions at Newark Airport, Newark, N. J., and the feasibility of this airport being placed under Government control as an integral part of the United States national defense program

Whereas the President of the United States has requested that Congress make available a large emergency appropriation for the purpose of expanding the national defenses of the United States; and

Whereas Newark Airport, Newark, N. J., a municipally owned airfield, is one of the largest airfields in the country and is in the center of the metropolitan district of the east; and

Whereas the Newark (N. J.) municipal authorities have announced the proposed closing of the control tower at Newark Airport due to failure of commercial airlines to adequately compensate the city of Newark; and

Whereas the closing of this control tower means practically the cessation of commercial aviation at this large airfield and the eventual decay of the field; and

Whereas it is the belief of the citizens of New Jersey that this airfield should be an integral part of the air defense program for the New York and New Jersey metropolitan area: Now, therefore, be it

*Resolved, by the House of Assembly of the State of New Jersey (the senate concurring):*

1. That the Congress of the United States and the War Department of the United States be urged to investigate immediately the conditions at Newark Airport and the feasibility of this airport being placed under Government control as an integral part of the expansion program of national defense now under consideration, and that the city of Newark be adequately compensated for the transfer of the airfield and its facilities to the United States Government; and

2. That certified copies of this resolution be forwarded to the President of the Senate of the United States, to the Speaker of the House of Representatives, to each Member therein representing the State of New Jersey, and to the Secretary of War.

The VICE PRESIDENT also laid before the Senate Assembly Joint Resolution No. 23, Legislature of California, protesting against a proposed attack upon the title of the State of California to its tide, submerged, and overflowed lands, which was referred to the Committee on the Judiciary.

(See resolution printed in full when presented by Mr. JOHNSON of California on yesterday, p. 6958, CONGRESSIONAL RECORD.)

The VICE PRESIDENT also laid before the Senate a resolution of District Council No. 1, International Union United Automobile Workers of America, Congress of Industrial Organizations, Milwaukee, Wis., requesting "that all purchasers of autos and auto equipment for governmental agencies' usage, after taking cognizance of the Ford Motor Car Co.'s continuously flouting the laws of our country, bar the purchase of products therefrom," etc., which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution of the City Council of Baltimore, Md., endorsing the national-defense program of the President of the United States and favoring the prompt enactment of the necessary legislation therefor, which was ordered to lie on the table.

He also laid before the Senate a resolution of the housing conference of the Industrial Union Council of Maryland and the District of Columbia, Congress of Industrial Organizations, at Washington, D. C., favoring the prompt enactment of the bill (S. 591) to amend the United States Housing Act of 1937, and for other purposes, without hampering amendment thereof, which was ordered to lie on the table.

Mr. LODGE presented memorials of sundry citizens of the State of Massachusetts remonstrating against the enactment of the bill (H. R. 9000) to provide more adequate compensation for certain dependents of World War veterans, and for other purposes, which were referred to the Committee on Finance.

Mr. ASHURST presented a resolution of Ernest A. Love Post No. 6, American Legion, of Prescott, Ariz., favoring immediate negotiations with certain foreign nations looking to acquiring islands, territories, etc., now belonging to such nations for the purpose of establishing additional United States air and naval bases in the Western Hemisphere, which was referred to the Committee on Military Affairs.

He also presented a resolution adopted by Ernest A. Love Post, No. 6, American Legion, of Prescott, Ariz., favoring the prompt enactment of legislation providing immediate compulsory military training for the armed forces of the United States, and also that such compulsory military training be so staggered as to be renewable and continuous, which was referred to the Committee on Military Affairs.



## FOREIGN POLICY AND NATIONAL DEFENSE—PETITIONS

Mr. AUSTIN. Mr. President, I ask unanimous consent to present for proper reference and to have noted in the RECORD, without publishing the papers themselves, the fact that I have received certain petitions from the city of Burlington, Vt., signed by many citizens, relating to the subject of our foreign policy and national defense.

The VICE PRESIDENT. Without objection, the petitions will be received, noted in the RECORD, and referred to the Committee on Foreign Relations.

(The petitions presented by Mr. AUSTIN are from sundry citizens of Burlington, Vt., praying that all material aid which may be given legally be rendered to the Allies in the present European war; that all the material resources of the Nation be placed at the disposition of the Allies, and, if necessary to repel an invasion of Great Britain, that part of the United States airplanes, destroyers, and submarines be transferred to the use of the Allies.)

Mr. AUSTIN. I ask to have printed in the RECORD at this point a letter which I have received from Paul D. Evans, head of the department of history, of the University of Vermont, relative to the petitions just presented by me.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF VERMONT,  
Burlington, Vt., May 24, 1940.

Senator WARREN AUSTIN,  
Washington, D. C.

DEAR SENATOR AUSTIN: These results enclosed are of a miniature Gallup poll that I've tried to run off here in the city during the past 24 hours to test public sentiment on the amount and nature of material help America should send to the Allies.

I haven't made any attempt to canvass the whole city of Burlington but to take soundings here and there for representative opinion. If the university element is a bit overrepresented, it is because the four of us making the inquiries are closer to it than to any other group. As speed seems to me the essence of this business, I haven't wished to carry the thing beyond 6 o'clock this evening. (I got the mimeographed letters yesterday at 4.)

There may be some slight duplication of names, but offsetting that are a number of signatures that have come in by telephone, such as Patsy MacAuliffe, Clarence Cowles, and others, who subscribe to section 2. Bishop Brady, unhappily, is out of town, and Father Hogan does not wish to commit the diocese in any way.

What amazes me is the huge majority for section 2. I had rather expected it would be the other way around. I expect there will be several more signatures in after I have to close this for the air mail tonight. I have personally met not one refusal to sign either one section or the other except for President Bailey, who is writing you. I have heard of only five refusals.

A telegram has just come in from Waldo Heinrichs in Middlebury (unsolicited) giving his approval to both sections.

The general attitude of those who have signed section 2 is roughly this: We are prepared to strain, even crack, the traditional obligations of international law up to a certain variable. We would not have countenanced British and French carrying of the war to Belgium and Holland in order to get the jump on the Germans; we would consent to any straining of the law which did no violence to humanitarian principles or to innocent third parties. We refuse any longer to accept the all-white, all-black idea of absolute neutrality as traditionally conceived versus outright war. The totalitarian states have found a dozen halfway houses between the two. We see no reason why our democracy cannot find a few.

We cannot face with equanimity America's future as it is likely to be shaped by Hitler's victory in Europe. We find heartily distasteful the prospect of a new era of imperialism which defense needs would probably force on us. We are frankly frightened by the witch hunts that fear of invasion would drive us into and the almost certain curtailment of our traditional liberties. We do not want to see our hopes of a better social order in this country vanish irretrievably. We do not want to pour an ever-increasing increment of our national income into our defensive establishment and we don't like the idea of holding the gold bag to the tune of perhaps twenty billions. And yet, illogically perhaps, we don't want to send our men to fight this war. I personally would gladly go if American participation could be limited to those over 45 but I cannot bring myself to accept a policy which would send my sons instead. But neither do I want them placed in a position where they may have to fight under perhaps still more disadvantageous conditions sometime in the coming decade.

So, I feel, as I think most of the signers of section 2 do, that an American Army bomber operating within the next few weeks in Europe would be worth in terms of American security a score of better bombers in our hangars in 1945; that an American submarine or destroyer working in the Channel or the North Sea in June would be worth a fleet off Greenland or Brazil in 1950.

We have followed your work during these trying weeks at Washington with intense interest and admiration. We are sending

this in order that you may know how the sentiment of at least part of this community is taking shape. We know we can trust you to take whatever action is desirable and possible.

Please pardon the hasty construction of my letter; there has been no time to throw it into better shape.

Kindly present my respects to Mrs. Austin and believe me,  
Sincerely yours,

PAUL D. EVANS.

## REPORTS OF COMMITTEES

Mr. GILLETTE, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 3426) to amend the Agricultural Adjustment Act, as amended, and as reenacted by the Agricultural Marketing Agreement Act of 1937, as amended, reported it with an amendment and submitted a report (No. 1719) thereon.

Mr. GURNEY, from the Committee on Military Affairs, to which was referred the bill (S. 3497) to require the issuance by the General Accounting Office of a quarterly certificate of settlement of money accounts to United States property and disbursing officers of the National Guard of the several States, Territories, and the District of Columbia, reported it without amendment and submitted a report (No. 1720) thereon.

Mr. CONNALLY, from the Committee on the Judiciary, to which was recommitted the bill (H. R. 5138) to make unlawful attempts to interfere with the discipline of the Army, the Navy, and the Coast Guard; to require the deportation of certain classes of aliens; to require the fingerprinting of aliens seeking to enter the United States; and for other purposes, reported it with amendments and submitted a report (No. 1721) thereon.

Mr. ADAMS, from the Committee on Public Lands and Surveys, to which was referred the bill (H. R. 4097) to authorize the use of certain facilities of national parks and national monuments for elementary school purposes, reported it with an amendment and submitted a report (No. 1722) thereon.

## BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HUGHES:

S. 4061. A bill extending the jurisdiction of the Civil Aeronautics Authority over certain air-mail services, and for other purposes; to the Committee on Commerce.

By Mr. BRIDGES:

S. 4062. A bill to establish a national home defense force, and for other purposes; to the Committee on Military Affairs.

By Mr. ASHURST:

S. 4063 (by request). A bill declaring a forfeiture of certain land heretofore granted by the United States to the Board of Commissioners of the Orleans Levee District, in the city of New Orleans, State of Louisiana, for levee and street purposes; to the Committee on the Judiciary.

By Mr. McNARY:

S. 4064. A bill to provide for the establishment of the Oregon Coast National Park, in the State of Oregon, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. MALONEY:

S. 4065. A bill providing for the improvement of the main harbor at New Haven, Conn.; to the Committee on Commerce.

By Mr. McCARRAN:

S. 4066. A bill to provide for the establishment of a fortified military post at or near Boulder Dam; to the Committee on Military Affairs.

(Mr. LUCAS introduced Senate bill 4067, which was referred to the Committee on Patents, and appears under a separate heading.)

By Mr. O'MAHONEY:

S. 4068. A bill for the relief of Frank Ernzen and Mary Ernzen; to the Committee on Immigration.

By Mr. MINTON:

S. 4069. A bill authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Ind.; to the Committee on Commerce.

By Mr. WHEELER (for himself and Mr. SCHWARTZ):

S. 4070. A bill to provide for more uniform coverage of certain persons employed in coal mining operations with respect to insurance benefits provided for by certain Federal acts, and for other purposes; to the Committee on Interstate Commerce.

**INVENTIONS IN THE NATIONAL INTEREST: PREVENTION OF THEIR PUBLICATION**

Mr. LUCAS. Mr. President, I ask consent to introduce for proper reference a bill to amend the act relating to preventing the publication of inventions in the national interest, and I also request that a statement relative to the bill may be printed in the RECORD.

The VICE PRESIDENT. Without objection, the bill of the Senator from Illinois will be received, appropriately referred, and the statement will be printed in the RECORD.

The bill (S. 4067) to amend the act relating to preventing the publication of inventions in the national interest, was read twice by its title and referred to the Committee on Patents.

The statement presented by Mr. LUCAS in connection with the bill is as follows:

The proposed act has for its object the broadening of the provisions of an act of Congress passed October 6, 1917 (40 Stat. 394, U. S. Code, title 35, sec. 42). This earlier law provides that when the publication of an invention by the granting of a patent might be detrimental to the public safety or defense, the Commissioner may withhold the grant of the patent and order that the invention be kept secret. However, the law is specifically limited in its operation to times when the United States is at war and its provisions are operative only for the duration of any war.

The proposed act simply removes the restriction to times of war, and makes the law applicable whenever the national interest requires it, such as during an emergency or whenever required by the public safety or defense. There is evidence that the proposed change is actually necessary at the present time. Moreover, it constitutes a preparedness measure which should be on the statute books ready for immediate use whenever the necessity for it arises.

In order to show the exact changes proposed, the present law is set forth below with the words proposed to be canceled inclosed in brackets and the words to be added in italic.

"Whenever [during a time when the United States is at war] the publication of an invention by the granting of a patent might, in the opinion of the Commissioner of Patents, be detrimental to the public safety or defense [or might assist the enemy or endanger the successful prosecution of the war] he may order that the invention be kept secret and withhold the grant of a patent [until the termination of the war] *for such period or periods as in his opinion the national interest requires: Provided, That the invention disclosed in the application for said patent may be held abandoned upon it being established before or by the Commissioner that in violation of said order said invention has been published or that an application for a patent therefor has been filed in a foreign country by the inventor or his assigns or legal representatives, without the consent or approval of the Commissioner of Patents, or under a license of the Secretary of Commerce as provided by law.*

"When an applicant whose patent is withheld as herein provided and who faithfully obeys the order of the Commissioner of Patents above referred to shall tender his invention to the Government of the United States for its use, he shall, if and when he ultimately received a patent, have the right to sue for compensation in the Court of Claims, such right to compensation to begin from the date of the use of the invention by the Government."

**HOUSE BILLS REFERRED**

The following bills were each read twice by their titles and referred to the Committee on Naval Affairs:

H. R. 9822. An act to expedite naval shipbuilding, and for other purposes; and

H. R. 9848. An act to authorize the construction or acquisition of naval aircraft, the construction of certain public works, and for other purposes.

**ARTICLES, MINERALS, ETC., PRODUCED, PROCESSED, OR MINED UNDER UNITED STATES PATENTS—CHANGE OF REFERENCE**

Mr. BONE. Mr. President, a few days ago I made a motion, which I did not press at the time because of the majority leader's suggestion that I confer with individual members of the Committee on Mines and Mining before renewing the motion. I have talked with the Senator from South Dakota [Mr. BULOW] who had in charge the bill in question and he is in harmony with the idea I now suggest.

I ask unanimous consent that the Committee on Mines and Mining be discharged from the further consideration

of the bill (H. R. 8285) to limit the importation of articles, products, and minerals produced, processed, or mined under process covered by outstanding United States patents, to define unfair trade practices in certain instances, and for other purposes, and that it be referred to the Committee on Patents.

The VICE PRESIDENT. Is there objection?

Mr. BARKLEY. I will say that the Senator from Pennsylvania [Mr. GUFFEY], the chairman of the Committee on Mines and Mining, has advised me that he has no objection to that course.

Mr. BONE. I may say that the bill deals exclusively with the question of patents.

The VICE PRESIDENT. No objection is heard, and the order is entered.

**CONSTRUCTION AT MILITARY POSTS—AMENDMENT**

Mr. McCARRAN submitted an amendment intended to be proposed by him to the bill (S. 3982) to authorize appropriations for construction at military posts, and for other purposes, which was referred to the Committee on Military Affairs and ordered to be printed.

**APPROPRIATIONS FOR WORK RELIEF AND RELIEF—AMENDMENT**

Mr. MALONEY submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 544) making appropriations for work relief and relief, for the fiscal year ending June 30, 1941, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 16, line 1, before the period to insert a colon and the following:

"*Provided, That the head of the agency may waive such contribution in connection with any such project which, in his opinion, will be of value to the United States for the purposes of national defense.*"

**ADDRESS BY SENATOR BROWN ON THE GOVERNMENT'S RESPONSIBILITY**

[Mr. BROWN asked and obtained leave to have printed in the RECORD a radio address delivered by him on the subject of the Government's responsibility, which appears in the Appendix.]

**ARTICLES FROM NEW YORK TIMES AND LIFE MAGAZINE ON SENATOR McNARY**

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an article by Richard L. Neuberger, published in the New York Times, and an article from the magazine Life, both referring to Senator McNARY, which appear in the Appendix.]

**ADDRESS BY POSTMASTER GENERAL FARLEY AT ASHEVILLE, N. C.**

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an address delivered by Postmaster General Farley at Asheville, N. C., on May 27, 1940, together with a letter from Senator BAILEY and a telegram from Senator REYNOLDS in relation to the visit of Postmaster General Farley to North Carolina, which appear in the Appendix.]

**GALLUP POLL ON WAR SENTIMENT IN UNITED STATES**

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by Dr. George Gallup relative to war sentiment in the United States, which appears in the Appendix.]

**ADDRESS BY HON. LOUIS JOHNSON IN REPLY TO FORMER PRESIDENT HOOVER**

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a radio address delivered by the Assistant Secretary of War, Hon. Louis Johnson, on May 28, 1940, in reply to former President Hoover, which appears in the Appendix.]

**EDITORIAL FROM BIRMINGHAM (ALA.) NEWS ON THE PRESIDENT'S TALK**

[Mr. HILL asked and obtained leave to have printed in the RECORD an editorial from the Birmingham (Ala.) News of May 27, 1940, entitled "The President's Talk," which appears in the Appendix.]



## STATEMENT BY JOHN COLLIER ON FIRST INTER-AMERICAN CONGRESS ON INDIAN LIFE

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD a statement by John Collier, Commissioner of Indian Affairs, relative to the first Inter-American Congress on Indian Life, held in Mexico, which appears in the Appendix.]

## ADJOURNMENT OF POLITICS—EDITORIAL FROM THE CHICAGO TRIBUNE

[Mr. GURNEY asked and obtained leave to have printed in the RECORD an editorial from the Chicago Tribune of May 24, 1940, entitled "Let's Adjourn Politics," which appears in the Appendix.]

## CHOCTAW INDIANS OF MISSISSIPPI

The VICE PRESIDENT. When the Senate took a recess yesterday there was an order by unanimous consent that today the Senate would take up the calendar at the place where it left off yesterday for the consideration of unobjected-to bills.

Mr. BILBO. Mr. President, before the calendar is taken up I ask unanimous consent to address the Senate for a few minutes on Senate bill 3524.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi that he may address the Senate at this time?

Mr. McNARY. Mr. President, what is the bill which the Senator desires to discuss?

Mr. BILBO. It is a bill which was passed over yesterday, Senate bill 3524, conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi.

Mr. McNARY. Did the bill go over under objection?

Mr. BILBO. Yes.

Mr. McNARY. Is the Senator now asking unanimous consent for the consideration of the bill?

Mr. BILBO. I wish to speak briefly on it before the calendar is taken up.

Mr. KING. I shall object to its consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Mississippi for unanimous consent to address the Senate at this time?

Mr. KING. I have no objection to the Senator's speaking; but, since the matter is before a subcommittee of the Judiciary Committee, I shall feel constrained to object to the consideration of the bill.

The VICE PRESIDENT. The pending request is that the Senator may address the Senate at this time.

Mr. KING. I have no objection.

Mr. BILBO. Mr. President, during recent years we have heard a great deal about Americanism and the forgotten man, and we have preached Americanism and have tried to help the forgotten man. I desire today to say a few words on behalf of a branch of the original Americans who for over 100 years have been the forgotten men among the Indians of America. I refer to the 2,000 Choctaw Indians who reside in the State of Mississippi, where their ancestors lived for centuries before them.

The Choctaw Indians originally constituted the most numerous branch of the great Muskogean linguistic stock, and they were closely related to the Chickasaws, who spoke a different dialect of the same language, and more distantly related to the Creeks and the Seminoles.

According to tradition the Choctaws came originally from a land far distant in the west. It is claimed that they were miraculously guided by a sacred pole, which was carried by their leader during the day and planted by night in their place of encampment. Every morning the pole was found to be leaning toward the east as a signal for them to continue their journey; but when they reach the site of Nanih Waya—a point located in what is now Winston County, Miss.—the pole remained in an upright position. This was taken as a sign that their journey had ended and that Mississippi was their promised land. So the Choctaws settled in Mississippi, built mounds and ramparts, and made Nanih

Waya the ceremonial center of the Choctaw Nation. The legend is that the Chickasaws became separated from the Choctaws during their migration and they settled in north Mississippi, adjacent to the territory occupied by the Choctaws.

When the white man first came to America and penetrated the great Mississippi Valley he found the Choctaws to be one of the most advanced, cultured, and peaceful of all the American Indians, with an organized system of tribal government administered by powerful and capable chiefs. History tells us that the Choctaws and Chickasaws were the most advanced of all the American Indians in the matter of agriculture.

The great French explorers who first settled in Mississippi came in contact with the Choctaws and found them to be a very peaceful, industrious, and intelligent people, with good morals and high principles, and whose fidelity could be relied upon.

The Choctaws raised a large quantity of corn, and built barns for its storage, which gave succor to many a weary white traveler and distressed settler.

Throughout our history as a Nation the Choctaws have been uniformly friendly to the white people; and it is an undisputed fact that the Choctaw never drew the blood of the white man, but was always his friend, and rendered great assistance to him in the many struggles of the United States against the British, and against other Indian tribes who sympathized with the British and were hostile to the United States.

Originally the Choctaws owned and controlled over one-half of the territory within the boundaries of the present State of Mississippi, including the ground upon which the capitol of Mississippi is built, and the great Mississippi Delta, which is now the greatest cotton region on earth. They also owned the great timberlands of central and south Mississippi and the great prairie section of east Mississippi. They were well organized and were led by distinguished and able chiefs at the time of the acquisition by the United States of the Mississippi territory. Due to their occupation and control of a definite territory, their advancement in learning and centralized form of government, they gained recognition as a nation in their dealings with the Government of the United States. The Choctaw country was divided into three districts, each under the control of a chief. Their three great chiefs were Apukshunnubee, Pushmataha, and Moshulatubbee, the most important of whom was Pushmataha, who presided over the central district.

Pushmataha was unquestionably the greatest chief of all time. He was distinguished for his nobility of character, commanding personality, keenness of intellect, eloquence, bravery, resourcefulness, military genius, great leadership of men, and for his lasting friendship for the white man. He successfully frustrated the efforts of Tecumseh to align the Choctaws with the British and hostile Indians against the United States in the War of 1812. When Gen. Andrew Jackson led his army from Nashville, Tenn., to New Orleans in 1815, Pushmataha joined his forces with General Jackson in Mississippi, while General Jackson was en route to New Orleans, and led more than 600 of his Choctaw warriors into battle under the command of General Jackson in the great Battle of New Orleans, which resulted in a complete rout of Pakenham's army. That was one of the greatest battles of history, in that it convinced the British and the world that the United States was a nation no longer subject to invasion by a foreign foe.

That was not the only battle that the Choctaws fought for the white man. Over 700 of their warriors fought with the whites against the Natchez Indians, a very barbarous and warlike tribe along the lower part of the Mississippi, when that tribe rose against the white settlers. In fact, the Choctaws have furnished many soldiers in every important war in our history, including the World War.

From the time of the Battle of New Orleans, when the Choctaws joined the forces of General Jackson in defense of our country, the history of the Choctaws has been one of friendship and continuous amity toward our white citizens.

In this respect their conduct has been almost unique in the history of Indian affairs in this country.

After the War of 1812 a great tide of emigration of white settlers from the Eastern States to the Mississippi Territory became irresistible. It was inevitable that a proper development of Mississippi as a State should and did from the outset require and demand from the Indians the cession of a large portion of their lands. After the acquisition of the Mississippi Territory by the United States the Federal Government recognized the Choctaws to be the lawful owners of over 14,000,000 acres of land in Mississippi. On October 18, 1820, the United States persuaded the Choctaws to enter into a treaty by which the Choctaws ceded to the United States about 4,000,000 acres of their lands in Mississippi in exchange for lands west of the Mississippi River in the Indian Territory. The lands so acquired by the Choctaws in the West comprised all of the lands afterward known as the territory of the Choctaw Nation in Oklahoma. The treaty of 1820 neither required nor contemplated that any Choctaws should remove to the Indian Territory west of the Mississippi River; for after that cession was made the Choctaws still had remaining 10,423,139 acres of land in Mississippi, upon which they resided, and which was ample for their needs for an unlimited period of time. However, immediately after the signing of the treaty of 1820 a great migration of settlers from Virginia, the Carolinas, Georgia, and other States, poured into Mississippi, and within a few years many thousands of such settlers had settled in the Choctaw country in Mississippi. They not only settled on the lands which had been ceded by the Choctaws to the United States by the treaty of 1820, but a great many of them became squatters on the lands in Mississippi retained by the Choctaws. As a result of this large migration of white people to Mississippi, great concern arose, not only among the Choctaw chiefs and warriors, but it became a matter of national importance to the Federal Government.

This condition led to the visit of Pushmataha to Washington in 1824 to confer with President Monroe about the matter. There is a record of a part of Pushmataha's statement to President Monroe at that time, the last public statement of that great chief, in which he said:

Father: I have been here some time. I have not talked; have been sick. You shall hear me talk today. I belong to another district. You have no doubt heard of me; I am Pushmataha.

Father: When in my own country, I often looked toward this council house, and wanted to come here. I am in trouble. I will tell my distresses. I feel like a small child, not half as high as its father, who comes up to look in his father's face, hanging in the bend of his arm, to tell him his troubles. So, Father, I hang in the bend of your arm and look in your face, and now hear me speak.

Father: When I was in my own country, I heard there were men appointed to talk to us. I would not speak there; I chose to come here and speak in this beloved house. I can boast and say, and tell the truth, that none of my fathers or grandfathers, nor any Choctaw ever drew bows against the United States.

They have always been friendly. We have held the hands of the United States so long that our nails are long, like birds' claws, and there is no danger of their slipping out. My nation has always listened to the applications of the white people. They have given of their land until it is very small. I came here when a young man to see my father—Jefferson. He told me if we ever got in trouble we must run and tell him. I am come.

Shortly after that historic conference, and on December 24, 1824, Pushmataha died in Washington, and was buried here in the Congressional Cemetery, where a great monument has been erected to his memory, and upon which is inscribed these words:

Pushmataha, a Choctaw chief, lies here. He was a warrior of great distinction. He was wise in counsel, eloquent in an extraordinary degree, and on all occasions, and under all circumstances, the white man's friend.

The rapid development of the State of Mississippi by 1830 created a demand for a still further curtailment of the remaining Choctaw lands in Mississippi, as well as a demand for the removal of the Choctaws to their lands in the Indian Territory west of the Mississippi River. As a result, the United States appointed commissioners to negotiate a treaty with the Choctaws which would provide for the cession to the Federal Government of their remaining lands in Mississippi,

and for their removal to the Indian Territory. The commissioners appointed by the United States for the negotiation of a treaty were the then Secretary of War, John H. Eaton, and John Coffee. These Commissioners arrived at Dancing Rabbit Creek in Mississippi on September 15, 1830; and on September 18, 1830, they met and entered into conference with the chiefs, captains, head men, and warriors of the Choctaw people, at which time John H. Eaton delivered to them a talk in which he addressed the Indians in part as follows:

By direction of your Great Father, we have come amongst you. It is not your land we seek, but your happiness. If you remain, you will be subject to the jurisdiction of courts, pay taxes, etc.; and if you are satisfied that in such a condition you would be unhappy, then agree to remove beyond the Mississippi, where you will be able to live under your own laws. Record the votes of your head men and let us know who is willing to remove and who are opposed. In 1820 by a treaty a fine country was given you for the use of your people. It was the understanding at that time that the Choctaws would remove. Ten years are passed, and you are still here. If you prefer to live here, surrender the lands west, or otherwise remove to them. Hereafter we will not treat with you.

Even to the untutored mind of the Indian such strong language could not be misunderstood. There was presented the alternative of remaining in Mississippi, forfeiting the lands which they had acquired by the solemn treaty of 1820 in the West, becoming subject to the white man's laws, to the jurisdiction of his courts, and to taxation, or leaving their homes in Mississippi and removing to their territory in the West.

The Choctaws were surprised at the boldness and threatening language of the commissioners, and at first they refused to treat with them. The commissioners then threatened to withdraw and no longer negotiate with the Choctaws. A few days later the Choctaws, being fearful of the consequences of their refusal, proposed to the commissioners that the treaty provide that those who were willing to remove would go to the territory in the West, and those who desired to remain in Mississippi would be permitted to remain, and would be given allotments of land in the ceded territory in Mississippi. The commissioners consented to that proposal.

There were about 20,000 Choctaws in Mississippi at that time, and about 5,000 of them chose to remain permanently in Mississippi. So on September 27, 1830, there was concluded between the commissioners and the Choctaws the Treaty of Dancing Rabbit Creek—seventh Statute 333—in which the Choctaws ceded to the United States their remaining lands in Mississippi, with the exception of a few reservations. With respect to the Choctaws who desired to remain in Mississippi, it was specifically provided in article 14 of the treaty that each head of a family should receive an allotment of 640 acres of land in the ceded territory in Mississippi, each unmarried child over 10 years of age should obtain an allotment of 320 acres, and each child under 10 years of age should receive an allotment of 160 acres. It has been ascertained that the Choctaws who remained in Mississippi after 1830 were entitled to allotments aggregating 1,399,920 acres. Article 18 of the treaty provided that no white person should be permitted to settle within the ceded territory in Mississippi, and that none of the lands should be sold until the Choctaws should remove to their territory in the West; and it was further provided in that article:

That in the construction of this treaty wherever well-founded doubt shall arise it shall be construed most favorably toward the Choctaws.

Although the Government by this solemn treaty agreed to give the Choctaws who remained in Mississippi allotments of land, its responsible officers and agents permitted these provisions of the treaty to be violated. Malfeasance on the part of the then Indian agent in Mississippi was so gross and unjust with reference to the Choctaws who chose to remain in Mississippi after 1830 that, in spite of all efforts on their part, only 143 of them actually received allotments of land in Mississippi. The Government proceeded to and did sell the lands to white settlers without regard to and in violation of the specific terms of the treaty; and as a result of that action it soon became impossible for the United States to comply with the terms of its own treaty without ousting white settlers who had purchased the lands and actually entered



upon them and built homes, which the Government was unwilling to do.

This condition having been brought to the attention of Congress, it passed the act of August 23, 1842 (5 Stat. 513), which provided for the issuance to the Choctaws who had remained in Mississippi, of scrip which might be used in purchasing any of the public lands subject to entry at private sale in Mississippi, Alabama, Louisiana, and Arkansas. Scrip was thereupon issued for approximately one-half of the land which the Mississippi Choctaws were entitled to receive under the fourteenth article of the Treaty of Dancing Rabbit Creek; namely, 700,080 acres. That scrip, being negotiable, was traded by the Choctaws to white men for material things of no real or permanent value, leaving them still without the lands they had been promised by the treaty of 1830.

Consequently, on March 3, 1845, Congress made a second attempt to correct the situation by a statute (5 Stat. 777) which determined the lands which the Mississippi Choctaws were promised and were entitled to receive under the fourteenth article of the Treaty of Dancing Rabbit Creek to be of the value of \$1.25 per acre. That act provided that the second half of the scrip which had been authorized by the act of August 23, 1842, but which had not yet been issued, "shall not be issued or delivered in the West;" and it also provided that the second half of the scrip "shall carry interest of 5 percent, which the United States will pay annually to the reservees under the treaty of 1830, respectively, or to their heirs and legal representatives forever."

The second half of the scrip not having been delivered, and there being accumulated interest due thereon, the Congress on July 21, 1852 (10 Stat. 19), appropriated the sum of \$872,000 to pay the principal of the second half of undelivered scrip, and \$21,800 for the payment of accumulated interest thereon, making a total appropriation of \$893,800. That act clearly shows on its face that the moneys there appropriated were for the—

Choctaw claimants, under the fourteenth article of the Treaty of Dancing Rabbit Creek, of September 27, 1830, for the lands on which they resided, but which it is impossible to give them, and in lieu of the scrip that has been awarded under the act of August 23, 1842.

It cannot be disputed that it was the clear intent of Congress that the money appropriated by the act of July 21, 1852, should be paid to the Choctaws who had remained in Mississippi in payment for the land which had been guaranteed to them by the fourteenth article of the treaty of 1830, and which the Government had failed to give to them. Yet the Interior Department erroneously and illegally paid out all of this money in the Indian Territory (now Oklahoma) prior to the Civil War, and not one dollar of it was ever paid to a Choctaw Indian in Mississippi.

The fact that Congress intended this money for the Choctaws in Mississippi is further shown by an examination of the "Senate Award" of March 9, 1859. The Choctaw Nation entered into a treaty with the United States on June 22, 1855 (11 Stat. 611), in which it was agreed that the claims of the Choctaw Nation of the Indian Territory should be submitted to the United States Senate as arbitrator for a decision. The Senate awarded to the Oklahoma Choctaws "the proceeds of the sale" of their ceded lands in Mississippi, after deducting therefrom the costs of their survey and sale, and—

Excluding the reservations allowed and secured, and estimating the scrip issued in lieu of reservations at the rate of \$1.25 per acre.

(See Congressional Globe, No. 50, 35th Cong., 2d sess., p. 1691.)

The Congressional Globe of March 9, 1859, shows that the Committee on Indian Affairs of the Senate reported to the Senate a proposed award which, if approved by the Senate, would have given to the Oklahoma Choctaws the proceeds of the sale of all the ceded Choctaw lands in Mississippi. To his everlasting credit, however, Senator Sebastian, of Arkansas, made a motion on the floor of the Senate for the adoption of a substitute award which he had prepared, and which

specifically excluded from the award to the Oklahoma Choctaws "the reservations allowed and secured" to the Mississippi Choctaws by the fourteenth article of the treaty of 1830, and the scrip issued in lieu of reservations. The substitute award, as presented by Senator Sebastian, was adopted by the Senate without a dissenting vote. It is therefore plain that as late as 1859 the United States Senate thought that the moneys appropriated by the act of July 21, 1852, to liquidate the second half of the undelivered scrip, would be paid to the Mississippi Choctaws, as it excluded them from the award made to the Oklahoma Choctaws.

As no payments were made pursuant to the Senate award, on March 3, 1881, Congress enacted a statute (21 Stat. 504) conferring jurisdiction upon the Court of Claims "to try all questions of difference" between the United States and the Choctaws of the Indian Territory "and to render judgment thereon," and authorized the Court of Claims "to review the entire question of differences de novo," and provided further that from any judgment rendered in the case either party might appeal to the Supreme Court of the United States. A suit instituted by the Oklahoma Choctaws in the Court of Claims pursuant to that jurisdictional act finally resulted in a judgment of the Supreme Court of the United States on November 15, 1886, which adjudged their right to receive a total of \$3,078,495.33 (*Choctaw Nation v. United States*, 119 U. S. 1). That case is commonly known as the net-proceeds award. In a letter of the Secretary of the Interior to Hon. C. B. Miller, House of Representatives, on January 31, 1913, he states, quoting approvingly from a decision of a Federal judge in the Indian Territory in the case of Jack Amos et al. against Choctaw Nation, that—

not one farthing of it—

This money—

was ever paid to an absent Mississippi Choctaw. \* \* \* The United States Government, the guardian of these Indians, paid the money over without making any provision for the Mississippi Choctaws to get their share, or intimating that anything was due them. (See hearings before a subcommittee of the Committee on Indian Affairs, United States Senate, 70th and 71st Congs., p. 7716.)

The amount of the judgment of the Supreme Court in the case of the Choctaw Nation against United States was not all that the Oklahoma Choctaws received. They received other large cash benefits, and there was finally allotted to them in the Indian Territory in Oklahoma large tracts of land.

Mr. Reeves, of the Bureau of Indian Affairs, Interior Department, stated in a hearing before a subcommittee of the Committee on Indian Affairs of the House of Representatives on March 28, 1938, that the Choctaw lands in Oklahoma were—

Divided up per capita under which each Indian—

Oklahoma Choctaw—

received 320 acres and \$1,020 in cash.

Mr. Reeves further testified before that committee that—

Now it occurs to me that the Government has been remiss in some respects in looking after the Choctaws in Mississippi. There is no question about that. I am satisfied of that personally because in 1916 I went down there and made an investigation of those Choctaw Indians remaining in Mississippi.

Upon making an investigation of the condition of the Mississippi Choctaw Indians I was very much distressed about the situation. They were in need of assistance and were not receiving it practically from any source. It appealed to anyone's human nature. (See hearings before the subcommittee of the Committee on Indian Affairs, House of Representatives, on S. 1478, 75th Cong., 3d sess., p. 56.)

Thus we see that the responsible officials of the Interior Department now admit that the Mississippi Choctaws have not been fairly treated and that the Government has been remiss in looking after their interests. I fail to see how any honest public official could have done other than make such public admission, since the record conclusively shows that the Government violated the plain terms of articles 14 and 18 of the Treaty of Dancing Rabbit Creek and subsequent acts of Congress enacted for the benefit of the Mississippi Choctaws.

It is an admitted fact that the officers charged with the duty of recording the reservations under article 14 of the treaty of Dancing Rabbit Creek, and administering the benefits of the treaty as to the Mississippi Choctaws were entirely and inexcusably derelict in their duties. This is an acknowledged fact, and it is not now and never has been subject to any controversy. The official records of the Government show that in 1831 an Indian agent by the name of Ward was sent to Mississippi, and it was his duty to record the names of the Choctaws who desired to remain in the State, and to allow them to choose their reservations. The official investigations show that he was an habitual drunkard, and incompetent, and that he refused to enroll persons who were entitled to be enrolled, and used every means in his power to prevent the provisions of article 14 of the Treaty of Dancing Rabbit Creek from being complied with. An official Government investigator who later made an investigation of Ward's conduct reported that:

From the great mass of proof offered to the board, there can be no doubt of the entire unfitness of the agent for the station. His conduct, on many occasions, was marked by a degree of hostility to the claims calculated to deter the claimants from making application to him. His manner to the Indians coming before him for registration was often arbitrary, tyrannical, and insulting, and evidently intended to drive them west of the Mississippi against their will and in violation of the letter and spirit of the treaty.

The agent of the Government, Colonel Ward, unfortunately so managed this business that it is left almost entirely to oral testimony to prove the names of those who applied for registration within the 6 months and the signification of their intention to remain and become citizens of the States. That he kept a book, about foolscap size, containing two or three quires of paper, and which was almost filled with the names of persons registered, is proved, and it is also proved that this book was afterward partially torn up and used as shaving paper.

That report is but a sample of the way our Mississippi Choctaws were treated for many years.

The result was that for a great many years these Indians remained in Mississippi, living in their little settlements just as their ancestors had lived for generations, wrongfully deprived of their property rights and without any of the benefits which Congress provided for other Indians.

When the Government undertook to divide up the property of the Choctaw Nation in Oklahoma, it completely ignored the existence of the Mississippi Choctaws until the persistence of some individuals caused an investigation of their status, with the result that Congress in 1900 (31 Stat. 221, 236) recognized their right to participate under certain conditions, which Congress then prescribed. Again history repeated itself, and those Indians, who now remain in my State in the same settlements where their ancestors had lived for generations, were again deprived of their legal rights as recognized by Congress, by acts of neglect and malfeasance of duty on the part of accredited officers of the United States which would seem unbelievable but for the fact that they are established by the official records in the possession of the Court of Claims and of the Department of the Interior.

Knowing that the majority of these Indians would have to move to the Indian Territory in Oklahoma and file their registrations in Oklahoma within a 6-month period, and notwithstanding the fact that Congress appropriated the money to be used in aiding them to perform this requirement of the law, no effort was made to notify them or even take up the matter of aiding them to remove until 2 weeks before the 6-month period expired, and even then the great majority of them did not receive actual notice. The present claimants lost their right to receive any lands in Oklahoma through no fault of their own. They have appealed to Congress to aid them or to submit their claims against the United States for the loss of their patrimony to the Government's own court, the United States Court of Claims. They have not been guilty of laches, as the records of Congress will show. It would be a strange rule of law in any event that a trustee or guardian, as the Government has been held to be for these Indian people, could plead laches or statutes of limitation against the claims of its wards because of derelictions of duty on the

part of Government agents, and especially in a case where the guardian has withheld the privileges of suit although seasonably demanded. These facts are also shown by the records of the Interior Department, and of the Court of Claims, where the question arose in a case brought by the Choctaw Nation, and in which these Mississippi Choctaws were denied, for jurisdictional reasons, the right to intervene. However, that court, speaking of article 14 of the Treaty of Dancing Rabbit Creek, and of the acts upon which this claim is founded, said:

The article is seemingly free from ambiguity. The rights conferred are positive ones, defined with a degree of precision apparently incapable of misapprehension, and notwithstanding this fact the large number of Indians who remained in the State were subjected to a series of maladministration of the article by accredited representatives of the United States that in and of itself discloses an inexcusable, cruel, and unjust procedure never excelled, if equaled, in the history of Indian affairs.

A study of the Treaty of Dancing Rabbit Creek will reveal that the Choctaw Indians who desired to and did remain in Mississippi after 1830 were given substantive rights by that treaty, and that the Government did not carry out its obligations under the treaty. The supplemental statutes enacted by Congress for the benefit of the Mississippi Choctaws and their descendants likewise have not been carried out, and as a result a branch of the Choctaws have lived in my State for over 100 years neglected by the Federal Government, while their brother Choctaws in the West were well provided for.

The distinguished senior Senator from Oklahoma [Mr. THOMAS], the capable chairman of the Committee on Indian Affairs of the Senate, the distinguished Senator from Ohio [Mr. DONAHEY], and others, have given exhaustive study to this matter, and they think that the time has now come for the Federal Government to right the wrongs due to our Mississippi Choctaws. They have approved Senate bill 3524, introduced by me, which would confer jurisdiction upon the Court of Claims to hear and determine the claims of the Mississippi Choctaws, and enter judgment thereon, and once and for all settle these claims of a truly great people. I quote the final paragraph of the report of the Committee on Indian Affairs, as follows:

The committee is of the opinion that the Mississippi Choctaws have been denied substantive rights guaranteed to them by treaties and acts of Congress; that they have been the subjects of unjust discrimination, and after thorough consideration we have reached the conclusion that they, in equity, justice, and good conscience are entitled to an opportunity to present their claims to a judicial tribunal and that the conferring of jurisdiction upon the Court of Claims to hear and determine their claims is the only proper way by which their grievances may be redressed.

As Governor of Mississippi for 8 years, I came to know somewhat intimately the condition of these Choctaws of my State and to study and appreciate their situation. They were made citizens of Mississippi under the State constitution adopted on November 1, 1890, and they are entitled to all the rights of any other citizen of my State. They have been a peaceful and law-abiding people. Many of them served in the Army during the World War. They are respected and trusted by the people of my State, and I know that the people of Mississippi as a whole are in sympathy with them, and are very desirous of improving their condition. I not only feel a sense of official duty to them, but I have a deep personal interest in their welfare.

I am convinced that they have a just claim against the United States and that they should be given the right to present their claims to a judicial tribunal for investigation and determination. Congress from time to time has conferred jurisdiction upon the Court of Claims to hear and determine the claims of many Indian tribes. That is all this bill does. There is no reason why our Mississippi Choctaws should not be given the same rights that have been given many times to other Indians. The Court of Claims has held that under existing law it has no jurisdiction to consider their claims. This bill gives the remedy, and, as I am advised, it does not conflict with any rights of the Oklahoma Choctaws and is not opposed by any Indians.



The United States has acquired much territory by purchases made through treaties. It acquired Florida, the great Louisiana Territory, Alaska, the Philippines, the Canal Zone, and the Virgin Islands by treaties of purchase, but in each instance the United States paid for those territories the agreed purchase price in cash on the line. We would have been held up to the reproach of the civilized world if we had not lived up to our solemn treaty obligations with Spain, France, Russia, and Denmark by paying the agreed purchase price for those territories. Yet the President of the United States under the same constitutional authority concluded the Treaty of Dancing Rabbit Creek with the Choctaw Indians, and the United States Senate ratified the treaty on February 24, 1831, by which the United States acquired the territory of the Choctaw Indians in Mississippi, and agreed to pay for it, but the Government has not paid the Mississippi Choctaws for their share in those lands. What would the world have thought about us if we had only partly paid for Alaska, and then defaulted on the balance due? Even little Finland can do better than that. I believe that we are going to live up to our treaty obligations to the Mississippi Choctaws, just as we have lived up to our treaties with foreign nations.

The failure of the United States to live up to its treaty obligations to the Mississippi Choctaws is a sad and shameful story, and by reason thereof these Choctaws in my State have been permitted to drift for more than 100 years without lands, without adequate aid or assistance from the Federal Government, and without protection, which has resulted in great privation and hardship, causing the depletion of the race, notwithstanding the fact that they at one time owned a large portion of the lands of the State of Mississippi. They have been left to drift in ignorance and poverty, without proper medical attention, in a land of plenty, which they once owned, and upon which they were found by the United States "in the quiet and uncontrolled possession."

Mr. President, the condition of these Choctaws in Mississippi may be fittingly described by adopting the language used long ago by Chief Justice Marshall in the case of the *Cherokee Nation v. Georgia* (5 Peters 1, 15), as—

A people once numerous, powerful, and truly independent, found by our ancestors in the quiet and uncontrolled possession of an ample domain, gradually sinking beneath our superior policy, our arts and our arms, have yielded their lands by successive treaties, each of which contains a solemn guaranty of the residue until they retain no more of their formerly extensive territory. \* \* \*

Their relation to the United States resembles that of a ward to his guardian.

They look to our Government for protection, rely upon its kindness and its power, appeal to it for relief to their wants, and address the President as their great father.

Mr. President, I think a great nation should demonstrate its fairness and justice by giving to a great and historic people the opportunity to present their just claims to a court of justice for determination and final adjudication. Anything less would be a denial of justice in a land where every man should have the right to his day in court.

#### ADMISSION OF RESIDENTS OF VIRGIN ISLANDS TO ST. ELIZABETHS HOSPITAL

Mr. KING. Mr. President, before proceeding with the calendar, I desire to call attention to H. R. 9576, which passed the Senate yesterday. It relates to the admission to a hospital in Washington of persons resident or domiciled in the Virgin Islands. An amendment was to have been offered to the bill, and I now ask unanimous consent that the votes by which the bill was ordered to a third reading and passed be reconsidered in order that the amendment may be offered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the votes are reconsidered, and the bill will go to the calendar.

Mr. KING. Before concluding the session today, I shall offer the amendment.

The PRESIDENT pro tempore. Does the Senator wish to offer the amendment now?

Mr. KING. I would be glad to offer it at this time.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill at this time?

There being no objection, the Senate proceeded to consider the bill (H. R. 9576), relating to the admission to St. Elizabeths Hospital of persons resident or domiciled in the Virgin Islands of the United States, which was read, as follows:

*Be it enacted, etc.,* That, upon the application of the Governor of the Virgin Islands, the Secretary of the Interior is authorized to transfer to St. Elizabeths Hospital in the District of Columbia for treatment (1) persons who are permanent residents of the Virgin Islands of the United States, who are citizens or nationals of the United States, and who have been legally adjudged to be insane in the Virgin Islands or while temporarily in another insular possession or a Territory of the United States or in the continental United States; and (2) persons who have been legally adjudged to be insane in the Virgin Islands, who are not permanent residents of the Virgin Islands, and who are American citizens whose legal residence in one of the States or Territories or the District of Columbia it has been impossible to establish. The expense of treatment and care may be paid from the appropriation for the support of the hospital.

Upon the ascertainment of the legal residence of American citizens who have been transferred to the hospital and who are not permanent residents of the Virgin Islands, the superintendent of the hospital shall transfer such persons to their respective places of residence, and the expenses of transfer shall be paid from the appropriation for the support of the hospital.

The PRESIDENT pro tempore. The clerk will state the amendment offered by the Senator from Utah.

The CHIEF CLERK. It is proposed to add at the end of the bill the following:

SEC. 2. (a) Section 5 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following:

"(e) No industry committee appointed under subsection (a) of this section shall have any power to recommend the minimum rate or rates of wages to be paid under section 6 to any employees in Puerto Rico or in the Virgin Islands. Notwithstanding any other provision of this act, the Administrator may appoint a special industry committee to recommend the minimum rate or rates of wages to be paid under section 6 to all employees in Puerto Rico or the Virgin Islands, or in Puerto Rico and the Virgin Islands, engaged in commerce or in the production of goods for commerce, or the Administrator may appoint separate industry committees to recommend the minimum rate or rates of wages to be paid under section 6 to employees therein engaged in commerce or in the production of goods for commerce in particular industries. An industry committee appointed under this subsection shall be composed of residents of such island or islands where the employees with respect to whom such committee was appointed are employed and residents of the United States outside of Puerto Rico and the Virgin Islands. In determining the minimum rate or rates of wages to be paid, and in determining classifications, such industry committees and the Administrator shall be subject to the provisions of section 8 and no such committee shall recommend, nor shall the Administrator approve, a minimum-wage rate which will give any industry in Puerto Rico or in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico and the Virgin Islands."

(b) No wage orders issued by the Administrator prior to the enactment of this act pursuant to section 8 of the Fair Labor Standards Act of 1938 shall, after such enactment, be applicable with respect to any employees engaged in commerce or in the production of goods for commerce in Puerto Rico or the Virgin Islands.

SEC. 3. Section 6 of the Fair Labor Standards Act of 1938 is amended by adding at the end thereof the following:

"(c) The provisions of paragraphs (1), (2), and (3) of subsection (a) of this section shall be superseded in the case of any employee in Puerto Rico or the Virgin Islands engaged in commerce or in the production of goods for commerce only for so long as and insofar as such employee is covered by a wage order issued by the Administrator pursuant to the recommendations of a special industry committee appointed pursuant to section 5 (e)."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act relating to the admission to St. Elizabeths Hospital of certain persons in the Virgin Islands and to amend the Fair Labor Standards Act of 1938 with respect to the fixing of minimum-wage rates for Puerto Rico and the Virgin Islands."

Mr. KING. Mr. President, perhaps a brief explanation should be made to the Senate concerning the amendment just agreed to.

On the 1st of August 1939 the Senate passed S. 2682. The bill had been reported by the Senate Committee on Education and Labor. The Department of Labor, to which the bill had been referred, submitted a favorable report.

A similar bill was offered in the House and referred to the Committee on Labor; and the Senate bill, upon reaching the House, was referred to the same committee. The House committee, as I am advised, submitted a report favoring the bill which had been introduced in the House, which, as I have stated, was textually the same as the bill which passed the Senate. The House report assigns reasons for the passage of the bill.

I might add that Governor Leahy, who is now in Washington, has called attention to the importance of enacting into law the measure which passed the Senate and which also was favorably reported by the House Labor Committee. The amendment which has been adopted is textually the same as the House and the Senate bills.

Hon. BOLÍVAR PAGÁN, Resident Commissioner of Puerto Rico, is appealing to Congress to enact into law the bill which passed the Senate and which was approved by the House committee. He states that the amendment which I have offered is "desperately needed to avoid an economic disaster to American industry and American labor in Puerto Rico, which is competing in the needlework industry with foreign industry and foreign labor."

The report submitted by the House committee in favor of the measure contains the following statement:

Industries in Puerto Rico and the Virgin Islands now operate under many economic disadvantages not common in the United States. Per unit costs of production aside from labor tend to be high because of lack of raw materials essential to manufacturing industries, management difficulties, and the great expense of plant construction and mechanization due to distance from centers of equipment production. Conclusive evidence that such economic disadvantages do exist in these islands is found in the fact that their wage rates, which are substantially lower than those in the United States, do not attract industries from the United States to any appreciable extent. It is believed that the application to the islands of the inflexible minimum-wage rates prescribed by the act will cause serious dislocation in some insular industries and curtail employment opportunities. The object of this amendment is to fix wage rates for these islands which are high enough to discourage migration of business from the United States but which are low enough to encourage industrial development and to provide employment opportunities in the islands.

#### THE CALENDAR

The PRESIDENT pro tempore. Under the agreement heretofore entered into the clerk will proceed with the call of the calendar, beginning at the first measure following the last measure considered yesterday.

#### COOPERATIVE ASSOCIATIONS IN THE DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (S. 2013) to amend the code of the District of Columbia to provide for the organization and regulation of cooperative associations, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments.

The amendments of the Committee on the District of Columbia were, in section 2, on page 3, line 5, after the word "incorporate", to insert "in the District of Columbia"; in section 3, line 9, after the word "exchanging", to strike out "and/or" and insert "or"; in line 10, after the word "goods", to strike out "and/or" and insert "or"; in line 12, after the word "association" and the parenthesis, to strike out "and/or" and insert "or"; in section 4, on page 4, line 11, after the word "affairs", to strike out "and/or" and insert "within or"; in section 6, on page 6, line 23, after "fee of \$1", to insert "Said fees shall be in lieu of any other fees or payments provided in section 552 of the act entitled 'An act to establish a Code of Law for the District of Columbia,' approved March 3, 1901, or in any other section of the Code of Laws of the District of Columbia, to be paid for or at the time of said filing; and the last paragraph of section 552 of such act of March 3, 1901, shall have no application to associations or-

ganized under this act"; on page 7, line 9, after the word "incorporated", to strike out "This shall not, however, abridge any rights existing in the State to terminate the existence of a corporation which should not have been formed under this act, or which has been formed without substantial compliance with the conditions prescribed by this act as precedent to incorporation", and insert "This shall not preclude the institution of quo warranto proceedings under sections 1538 through 1548, both inclusive, of the act entitled 'An act to establish a Code of Law for the District of Columbia,' approved March 3, 1901"; on the same page, line 22, after the word "no", to strike out "person," and insert "person or"; in line 24, after the word "the", to strike out "corporation" and insert "association"; in section 7, line 12, after the word "filed", to insert "and recorded"; in section 28, on page 16, line 19, after the word "membership", to insert "but not to exceed \$50."; in section 31, on page 20, line 23, after the word "services", to strike out "(including, but without limitation, housing and/or medical, and/or burial, and/or electric service)"; in section 35, on page 23, line 9, after the word "Reports" and the semicolon, to strike out "Forfeitures; Reinstatement", and insert "Mandamus"; in line 16, after the word "notice", to strike out "the recorder of deeds shall notify it by registered letter that its corporate rights stand forfeited, shall remove its name from his list of live corporations, and notify the district attorney of the United States for the District of Columbia, who shall bring suit in the manner provided by section 409 of the District of Columbia Code, title 5 thereof. If, within 60 days from such forfeiture, the association shall file the report and pay a penalty of \$10 and all actual expenses of any suit begun to wind it up, then such forfeiture shall be set aside, such suit shall be dismissed, and the association shall be reinstated to its former rights and legal status"; and insert "any member of the association or the United States attorney for the District of Columbia may by petition for mandamus against the association and its proper officers compel such filing to be made, and in such case the court shall require the association or the officers at fault to pay all the expenses of the proceeding including counsel fees."; in section 36, on page 24, line 10, after "Section 36.", to strike out "Voluntary Dissolution" and insert "Dissolution"; in line 17, after the word "and", to strike out "collect all sums due or owing to the association; and from the amounts so realized they shall pay its debts and expenses, return to the members the par value of their shares or of their membership certificates, return to subscribers the amount paid on their subscriptions, return to patrons the amount of savings returns credited to their accounts toward purchase of shares or membership certificates; and distribute any surplus in either or both of the following ways, as the articles may provide"; and insert "shall distribute them in the manner set forth in this section. A suit for involuntary dissolution of an association organized under this act may be instituted for the causes and prosecuted in the manner set forth in sections 786 through 791, both inclusive, and sections 794 through 797, both inclusive, of the act entitled 'An Act to Establish a Code of Law for the District of Columbia,' approved March 3, 1901: *Provided*, That any distribution of assets shall be in the manner set forth in this section. In case of any dissolution of an association, its assets shall be distributed in the following manner and order: (1) By paying its debts and expenses; (2) by returning to the members the par value of their shares or of their membership certificates, returning to the subscribers the amounts paid on their subscriptions, and returning to the patrons the amount of savings returns credited to their accounts toward the purchase of shares or membership certificates; and (3) by distributing any surplus in either or both of the following ways as the articles may provide—"; on page 25, line 19, before the word "Among", to strike out "(1)" and insert "(a)"; in line 22, before the word "As", to strike out "(2)" and insert "(b)"; in section 38, on page 27, line 16, after the word "gives", to strike out "and giving"; in section 40, on page 28, line 15, after the word "field", to insert "and recorded"; in section 43, on page 29, line 9, after the words "provisions



of", to strike out "title 5 of the Code of the District of Columbia" and insert "sections 574 through 797, both inclusive, of the act entitled 'An act to establish a Code of Law for the District of Columbia', approved March 3, 1901"; in line 14, after the word "act", to strike out "in the case of an association formed hereunder which arranges the rendering to its members, of licensed professional services on a nonprofit basis, said association shall not be subject to the insurance laws, shall not be construed as being in violation of any rule against corporate practice of professions, or in violation of statutes regulating licensure of professions."

On page 29, after line 20, to strike out:

SEC. 44. Subsequent laws: No law of the District of Columbia enacted subsequent to this act which increases existing burdens on associations formed hereunder shall be construed as amending or repealing this act or any part thereof unless such amendment or repeal is expressly stated therein.

On page 30, line 3, to change the section number from 45 to 44; in line 7, after the figures "\$10", to strike out "This tax shall be in lieu of all other corporation franchise and income taxes, and taxes and charges upon any reserve"; in line 10, to change the section number from 46 to 45; and after line 15, to insert:

SEC. 46. The Congress reserves the right to alter, amend, or repeal this act or any charter or certificate of incorporation made thereunder.

So as to make the bill read:

*Be it enacted, etc.,*

#### ARTICLE I—DEFINITIONS

SECTION 1. Definitions: In this act unless the subject matter requires otherwise—

(1) "Association" means a group enterprise legally incorporated under this act, and shall be deemed to be a nonprofit corporation.

(2) "Member" means not only a member in a nonshare association but also a member in a share association.

(3) "Net savings" means the total income of an association minus the costs of operation.

(4) "Savings returns" means the amount returned to the patrons in proportion to their patronage or otherwise in accordance with the provisions of section 31 herein.

(5) "Cooperative basis" as applied to any incorporated or unincorporated group referred to in sections 4 (7), 13, 23, 37, 40, and 41 herein means—

(a) that each member has one vote and only one vote, except as may be altered in the articles or bylaws by provision for voting by member organizations;

(b) that the maximum rate at which any return is paid on share or membership capital is limited to not more than 8 percent per annum;

(c) that the net savings after payment, if any, of said limited return on capital and after making provision for such separate funds as may be required or specifically permitted by statute, articles, or bylaws, are allocated or distributed to member patrons, or to all patrons, in proportion to their patronage; or retained by the enterprise, for the actual or potential expansion of its services or the reduction of its charges to the patrons, or for other purposes not inconsistent with its nonprofit character.

#### ARTICLE II—WHO MAY INCORPORATE: PURPOSES AND POWERS OF ASSOCIATIONS

SEC. 2. Who may incorporate: Any five or more natural persons or two or more associations may incorporate in the District of Columbia under this act.

SEC. 3. Purposes: An association may be incorporated under this act to engage in any one or more lawful mode or modes of acquiring, producing, building, operating, manufacturing, furnishing, exchanging, or distributing any type or types of property, commodities, goods, or services for the primary and mutual benefit of the patrons of the association (or their patrons, if any) as ultimate consumers.

SEC. 4. Powers: An association shall have the capacity to act possessed by natural persons and the authority to do anything required or permitted by this act and also—

(1) To continue as a corporation for the time specified in its articles;

(2) To have a corporate seal and to alter the same at pleasure;

(3) To sue and be sued in its corporate name;

(4) To make bylaws for the government and regulation of its affairs;

(5) To acquire, own, hold, sell, lease, pledge, mortgage, or otherwise dispose of any property incident to its purposes and activities;

(6) To own and hold membership in and share capital of other associations and any other corporations, and any types of bonds or other obligations; and while the owner thereof to exercise all the rights of ownership;

(7) To borrow money, contract debts, and make contracts, including agreements of mutual aid or federation with other asso-

ciations, other groups organized on a cooperative basis, and other nonprofit groups;

(8) To conduct its affairs within or without the District of Columbia;

(9) To exercise in addition any power granted to ordinary business corporations, save those powers inconsistent with this act; and

(10) To exercise all powers not inconsistent with this act which may be necessary, convenient, or expedient for the accomplishment of its purposes, and, to that end, the foregoing enumeration of powers shall not be deemed exclusive.

#### ARTICLE III—ARTICLES OF INCORPORATION

SEC. 5. Articles of incorporation; contents: Articles of incorporation shall be signed by each of the incorporators and acknowledged by at least three of them if natural persons, and by the presidents and secretaries, if associations, before an officer authorized to take acknowledgments.

Within the limitations of this act the articles shall contain—

(1) A statement as to the purpose or purposes for which the association is formed;

(2) The name of the association which shall include the word "cooperative";

(3) The term of existence of the association which may be perpetual;

(4) The location and address of the principal office of the association;

(5) The names and addresses of the incorporators of the association;

(6) The names and addresses of the directors who shall manage the affairs of the association for the first year, unless sooner changed by the members;

(7) A statement of whether the association is organized with or without shares, and the number of shares or memberships subscribed for;

(8) If organized with shares, a statement of the amount of authorized capital, the number and types of shares and the par value thereof which may be placed at any figure, and the rights, preferences, and restrictions of each type of share;

(9) The minimum number or value of shares which must be owned in order to qualify for membership; if organized without shares, a statement of whether the property rights of members shall be equal or unequal, and if unequal, the rule by which their rights shall be determined;

(10) The maximum amount or percentage of capital which may be owned or controlled by any member; including a statement of whether or not each member shall be limited to a single share, and whether such single shares shall be of various par values;

(11) The method by which any surplus, upon dissolution of the association, shall be distributed, in conformity with the requirements of section 36 herein for division of such surplus.

The articles may also contain any other provisions not inconsistent with law or with this act, for the conduct of the association's affairs.

SEC. 6. Same; filing; recordation; fees; effect of certificate: The articles shall be delivered to the recorder of deeds. If he finds that the articles conform to law, he shall file the same upon the payment of a fee of \$5, and he shall record the same, upon payment of a fee of \$1. Said fees shall be in lieu of any other fees or payments provided in section 552 of the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, or in any other section of the Code of Laws of the District of Columbia, to be paid for or at the time of said filing; and the last paragraph of section 552 of such act of March 3, 1901, shall have no application to associations organized under this act. After such filing and recording, he shall issue a certificate of incorporation, whereupon the corporate existence shall begin. Such certificate shall be conclusive evidence of the fact that the corporation has been duly incorporated. This shall not preclude the institution of quo warranto proceedings under sections 1538 through 1548, both inclusive, of the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901. The filing or recording of the articles or of amendments thereto, or of any other papers pursuant to this act is required for the purpose of affording all persons the opportunity of acquiring knowledge of the contents thereof, but no person or incorporated or unincorporated group dealing with the association shall be charged with constructive notice of the contents of any such articles or papers by reason of such filing or recording.

SEC. 7. Same; amendments; fee: Amendments to the articles may be proposed by a two-thirds vote of the board of directors, or by petition of 10 percent of the association's members. Notice of the meeting to consider such amendment shall be sent by the secretary at least 30 days in advance thereof to each member at his last-known address, accompanied by the full text of the proposal and by that part of the articles to be amended. Two-thirds of the members voting may adopt said amendment and when verified by the president and secretary, it shall be filed and recorded with the recorder of deeds within 30 days of its adoption, and a fee of \$1 shall be paid.

If the amendment is to alter the preferences of outstanding shares of any type, or to authorize the issuance of shares having preferences superior to outstanding shares of any type, the vote of two-thirds of the members owning such outstanding shares affected by the change shall also be required for the adoption of the amendment; if the amendment is to alter the rule by which members' property rights in a nonshare association are determined, a vote of two-thirds of the entire membership shall be required.

The amount of capital and the number and par value of shares may be diminished or increased by amendment of the articles, but the capital shall not be diminished below the amount of paid-up capital existing at the time of amendment.

#### ARTICLE IV—BYLAWS

Sec. 8. Adoption, amendment, or repeal of bylaws: Bylaws shall be adopted, amended, or repealed by at least a majority vote of the members voting.

Sec. 9. Contents of bylaws: The bylaws may, within the limitations of this act provide for—

(1) The method and terms of admission to membership and the disposal of members' interests on cessation of membership for any reason;

(2) The time, place, and manner of calling and conducting meetings;

(3) The number or percentage of the members constituting a quorum;

(4) The number, qualifications, powers, duties, term of office, and manner, time, and vote for election, of directors and officers; and the division or classification, if any, of directors to provide for rotating or overlapping terms;

(5) The compensation, if any, of the directors, and the number of directors necessary to constitute a quorum;

(6) The method of distributing the net savings; and

(7) The various discretionary provisions of this act as well as other provisions incident to the purposes and activities of the association.

#### ARTICLE V—MEETINGS

Sec. 10. Regular and special meetings: Regular meetings of members shall be held as prescribed in the bylaws, but shall be held at least once a year. Special meetings may be demanded by a majority vote of the directors or by written petition of at least one-tenth of the membership, in which case it shall be the duty of the secretary to call such meeting to take place within 30 days after such demand. Regular or special meetings, including meetings by units as hereinafter provided, may be held within or without the District of Columbia as the articles may prescribe.

Sec. 11. Notice of meetings: The secretary shall give notice of the time and place of meetings by sending a notice thereof to each member at his last-known address not less than the number of days in advance of the meeting specified in the bylaws. In case of a special meeting, the notice shall specify the purpose for which such meeting is called.

Sec. 12. Meetings by units of the membership: The articles or bylaws may provide for the holding of meetings by units of the membership and may provide for a method of transmitting the votes there cast to the central meeting, or for a method of representation by the election of delegates to the central meeting; or for a combination of both such methods.

#### ARTICLE VI—VOTING

Sec. 13. One member—one vote: Each member of an association shall have one and only one vote, except that where an association includes among its members any number of other associations or groups organized on a cooperative basis the voting rights of such member associations or groups may be as prescribed in the articles or bylaws.

No voting agreement or other device to evade the one-member-one-vote rule shall be enforceable at law or in equity.

Sec. 14. No proxy: No member shall be permitted to vote by proxy.

Sec. 15. Voting by mail: The articles or bylaws may provide for either or both of the following types of voting by mail:

(1) That the secretary shall send to the members a copy of any proposal scheduled to be offered at a meeting, together with the notice of said meeting, and that the mail votes cast by the members shall be counted together with those cast at the meeting if such mail votes are returned to the association within a specified number of days; and

(2) That the secretary shall send to any member absent from a meeting an exact copy of the proposal acted upon at the meeting, and that the mail vote of the member upon such proposal, if returned within a specified number of days, shall be counted together with the votes cast at said meeting.

The articles or bylaws may also determine whether and to what extent mail votes shall be counted in computing a quorum.

Sec. 16. Application of voting provisions in this act to voting by mail: If an association has provided for voting by mail, any provision of this act referring to votes cast by the members shall be construed to include the votes cast by mail.

Sec. 17. Application of voting provisions in this act to voting by delegates: If an association has provided for voting by delegates any provision of this act referring to votes cast by the members shall apply to votes cast by delegates; but this shall not permit delegates to vote by mail.

#### ARTICLE VII—DIRECTORS AND OFFICERS

Sec. 18. Directors: An association shall be managed by a board of not less than five directors, who shall be elected for a term fixed in the bylaws not to exceed 3 years, by and from the members of the association and shall hold office until their successors are elected, or until removed. Vacancies in the board of directors, otherwise than by removal or expiration of term, shall be filled in such manner as the bylaws may provide.

The bylaws may provide for a method of apportioning the number of directors among the units into which the association

may be divided, and for the election of directors by the respective units to which they are apportioned.

An executive committee of the board of directors may be elected in such manner and with such powers and duties as the articles or bylaws may prescribe.

Meetings of directors and of the executive committee may be held within or without the District of Columbia.

Sec. 19. Officers: The officers of an association shall include a president, one or more vice presidents, a secretary and a treasurer, or a secretary-treasurer. The officers shall be elected annually by the directors unless the bylaws otherwise provide. The president and at least one vice president must be directors, but no other officer need be a director.

Sec. 20. Removal of directors and officers: A director or officer may be removed with or without cause, by a vote of two-thirds of the members voting at a regular or special meeting. The director or officer involved shall have an opportunity to be heard at said meeting. A vacancy caused by any such removal shall be filled by the vote provided in the bylaws for election of directors.

Sec. 21. Referendum: The articles or bylaws may provide that within a specified period of time any action taken by the directors must be referred to the members for approval or disapproval if demanded by petition of at least 10 percent of all the members or by vote of at least a majority of the directors: *Provided, however*, that the rights of third parties which have vested between the time of such action and such referendum shall not be impaired thereby.

#### ARTICLE VIII—SHARES AND MEMBERSHIP

Sec. 22. Limitations upon the return on capital: The return upon capital shall not exceed 6 percent per annum upon the paid-up capital and shall be noncumulative.

Total return upon capital distributed for any single period shall not exceed 50 percent of the net savings for that period.

Sec. 23. Eligibility and admission to membership: Any natural person, association, incorporated, or unincorporated group organized on a cooperative basis, or any nonprofit group, shall be eligible for membership in an association if it has met the qualifications for eligibility, if any, stated in the articles or bylaws and shall be deemed a member upon payment in full for the par value of the minimum amount of share or membership capital stated in the articles as necessary to qualify for membership.

Sec. 24. Subscribers: Any natural person or group eligible for membership and legally obligated to purchase a share or shares of, or membership in, an association shall be deemed a subscriber. The articles or bylaws may determine whether, and the conditions under which, any voting rights or other rights of membership shall be granted to subscribers.

Sec. 25. Share and membership certificates; issuance and contents: No certificate for share or membership capital shall be issued until the par value thereof has been paid for in full. There shall be printed upon each certificate issued by an association a full or condensed statement of the requirements of sections 13, 14, and 26 herein.

Sec. 26. Transfer of shares and membership; withdrawal: If a member desires to withdraw from the association or dispose of any or all of his holdings therein, the directors shall have the power to purchase such holdings by paying him the par value of any or all of the holdings offered. The directors shall then reissue or cancel the same. A vote of the majority of the members voting at a regular or special meeting may order the directors to exercise this power to purchase.

If the association fails, within 60 days of the original offer, to purchase all or any part of the holdings offered, the member may dispose of the unpurchased interest elsewhere, subject to the approval of the transferee by a majority vote of the directors. Any would-be transferee not approved by the directors may appeal to the members at their first regular or special meeting thereafter, and the action of the meeting shall be final. If such transferee is not approved, the directors shall exercise their power to purchase, if and when such purchase can be made without jeopardizing the solvency of the association.

Sec. 27. Share and membership certificates; recall: The bylaws may give the directors the power to use the reserve funds to recall, at par value, the holdings of any member in excess of the amount requisite for membership; and may also provide that if any member has failed to patronize the association during a period of time specified in the bylaws, the directors may use the reserve funds to recall all his holdings and thereupon he shall cease to be a member of the association. When so recalled, such certificates of share or membership capital shall be either reissued or canceled.

Sec. 28. Share and membership certificates; attachment: The holdings of any member of an association, to the extent of the minimum amount necessary for membership, but not to exceed \$50, shall be exempt from attachment, execution, or garnishment for the debts of the owner. If any holdings in excess of this amount are subjected to such liability, the directors of the association may either admit the purchaser thereof to membership, or may purchase from him such holdings at par value.

Sec. 29. Liability of members: Members shall not be jointly or severally liable for any debts of the association, nor shall a subscriber be so liable except to the extent of the unpaid amount on the shares or membership certificate subscribed by him. No subscriber shall be released from such liability by reason of any assignment of his interest in the shares or membership certificate,



but shall remain jointly and severally liable with the assignee until the shares or certificates are fully paid up.

Sec. 30. Expulsion: A member may be expelled by the vote of a majority of the members voting at a regular or special meeting. The member against whom the charges are to be preferred shall be informed thereof in writing at least 10 days in advance of the meeting, and shall have an opportunity to be heard in person or by counsel at said meeting. On decision of the association to expel a member, the board of directors shall purchase the member's holdings at par value, if and when there are sufficient reserve funds.

#### ARTICLE IX—APPORTIONMENT OF NET SAVINGS

Sec. 31. Allocation and distribution of net savings: At least once a year the members and/or the directors, as the articles or bylaws may provide, shall apportion the net savings of the association in the following order:

(1) Not less than 10 percent shall be placed in a reserve fund until such time as the fund shall equal at least 50 percent of the paid-up capital; and such fund may be used in the general conduct of the business. The amounts apportioned to the reserve fund shall be allocated on the books of the association on a patronage basis, or in lieu thereof, the books and records of the association shall afford a means for doing so, in order that upon dissolution or earlier, if deemed advisable, such reserves may be returned to the patrons who have contributed the same, subject to the limitations of section 36 herein;

(2) A return upon capital, within the limitations of section 22, may be paid upon share capital, or, if the bylaws so provide, upon the membership capital certificates of a nonshare association; but such return upon capital may be paid only out of the surplus of the aggregate of the assets over the aggregate of the liabilities (including in the latter the amount of the capital stock) after deducting from such aggregate of the assets the amount by which such aggregate was increased by unrealized appreciation in value or revaluation of fixed assets;

(3) A portion of the remainder, as determined by the articles or bylaws, shall be allocated to an educational fund to be used in teaching cooperation, and a portion may also be allocated to funds for the general welfare of the members of the association;

(4) The remainder shall be allocated at the same uniform rate to all patrons of the association in proportion to their individual patronage: *Provided, That—*

(a) in the case of a member patron, his proportionate amount of savings returns shall be distributed to him unless he agrees that the association should credit the amount to his account toward the purchase of an additional share or shares, or additional membership capital;

(b) in the case of a subscriber patron, his proportionate amount of savings returns may, as the articles or bylaws provide, be distributed to him, or credited to his account until the amount of capital subscribed for has been fully paid; and

(c) in the case of a nonmember patron, his proportionate amount of savings returns shall be set aside in a general fund for such patrons and shall be allocated to individual nonmember patrons only upon request and presentation of evidence of the amount of their patronage. Any savings return so allocated shall be credited to such patron toward payment of the minimum amount of share or membership capital necessary for membership. When a sum equal to this amount has accumulated at any time within a period of time specified in the bylaws, such patron shall be deemed and become a member of the association if he so agrees or requests, and complies with any provisions in the bylaws for admission to membership. The certificates of shares or membership to which he is entitled shall then be issued to him.

(d) if within any periods of time specified in the articles or bylaws, (1) any subscriber has not accumulated and paid in the amount of capital subscribed for; or (2) any nonmember patron has not accumulated in his individual account the sum necessary for membership; or (3) any nonmember patron has accumulated the sum necessary for membership but neither requests nor agrees to become a member, or fails to comply with the provisions of the bylaws, if any, for admission to membership, then the amounts so accumulated or paid in and any part of the general fund for nonmember patrons which has not been allocated to individual nonmember patrons shall go to the educational fund and thereafter no member or other patron shall have any rights in said paid-in capital or accumulated savings returns as such: *Provided further, That nothing in this section shall prevent an association under this act which is engaged in rendering services from disposing of the net savings from the rendering of such services in such manner as to lower the fees charged for services or otherwise to further the common benefit of the members: And provided further, That nothing in this section shall prevent an association from adopting a system whereby the payment of savings returns which would otherwise be distributed, shall be deferred for a fixed period of months or years; nor from adopting a system, whereby the savings returns distributed shall be partly in cash, partly in shares, such shares to be retired at a fixed future date, in the order of their serial number or date of issue.*

#### ARTICLE X—BONDING; BOOKKEEPING; REPORTS

Sec. 32. Bonding: Every individual acting as officer or employee of an association and handling funds or securities amounting to \$1,000 or more, in any one year, shall be covered by an adequate bond as determined by the board of directors, and at the expense of the association; and the bylaws may also provide for the bonding of other employees or officers.

Sec. 33. Books; auditing: To record its business operation, every association shall keep a set of books, which shall be audited at the end of each fiscal year by an experienced bookkeeper or accountant, who shall not be an officer or director. Where the annual business amounts to less than \$10,000, the audit may be performed by an auditing committee of three, who shall not be directors, officers, or employees. A written report of the audit, including a statement of the amount of business transacted with members, and the amount transacted with nonmembers, the balance sheet, and the income and expenses, shall be submitted to the annual meeting of the association.

Sec. 34. Annual report: Every association shall annually, within 60 days of the close of its operations for that year, make a report of its condition, sworn to by the president and secretary, which report shall be filed with the recorder of deeds. The report shall state—

(a) The name and principal address of the association.

(b) The names, addresses, occupations, and date of expiration of the terms, of the officers and directors, and their compensation, if any.

(c) The amount and nature of its authorized, subscribed, and paid-in capital, the number of its shareholders, and the number admitted and withdrawn during the year, the par value of its shares and the rate at which any return upon capital has been paid. For nonshare associations the annual report shall state the total number of members, the number admitted or withdrawn during the year, and the amount of membership fees received.

(d) The receipts, expenditures, assets, and liabilities of the association.

A copy of this report shall be kept on file at the principal office of the association.

Any person who shall subscribe or make oath to such report containing a materially false statement, known to such person to be false, shall upon conviction of such offense be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment of not less than 30 days nor more than 1 year, or both such fine and imprisonment.

Sec. 35. Notice of delinquent reports; mandamus: If an association fails to make such report within the required period of 60 days, the recorder of deeds shall within 60 days from the expiration of said period send such association a registered letter directed to its principal office, stating the delinquency and its consequences. If the association fails to file the report within 60 days from the mailing of such notice, any member of the association or the United States attorney for the District of Columbia may by petition for mandamus against the association and its proper officers compel such filing to be made, and in such case the court shall require the association or the officers at fault to pay all the expenses of the proceeding, including counsel fees.

#### ARTICLE XI—DISSOLUTION

Sec. 36. Dissolution: An association may, at any regular or special meeting legally called, be directed to dissolve by a vote of two-thirds of the entire membership. By a vote of a majority of the members voting three of their number shall be designated as trustees, who shall, on behalf of the association and within a time fixed in their designation or within any extension thereof, liquidate its assets, and shall distribute them in the manner set forth in this section. A suit for involuntary dissolution of an association organized under this act may be instituted for the causes and prosecuted in the manner set forth in sections 786 through 791, both inclusive, and sections 794 through 797, both inclusive, of the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901: *Provided, That any distribution of assets shall be in the manner set forth in this section. In case of any dissolution of an association, its assets shall be distributed in the following manner and order: (1) By paying its debts and expenses; (2) by returning to the members the par value of their shares or of their membership certificates, returning to the subscribers the amounts paid on their subscriptions, and returning to the patrons the amount of savings returns credited to their accounts toward the purchase of shares or membership certificates; and (3) by distributing any surplus in either or both of the following ways as the articles may provide—*

(a) Among those patrons who have been members or subscribers at any time during the past 6 years, on the basis of their patronage during that period; and

(b) As a gift to any consumers' cooperative association or other nonprofit enterprise which may be designated in the articles.

#### ARTICLE XII—PENALTIES

Sec. 37. Use of name "cooperative"; penalty: Only (1) associations organized under this act, (2) groups organized on a cooperative basis under any other law of the District of Columbia, and (3) foreign corporations operating on a cooperative basis and authorized to do business in the District of Columbia under this or any other law of the District of Columbia shall be entitled to use the term "cooperative," or any abbreviation or derivation thereof, as part of their business name, or to represent themselves, in their advertising or otherwise, as conducting business on a cooperative basis.

Any person, firm, or corporation violating the above provision shall upon conviction of such offense be punished by a fine of not less than \$25 nor more than \$200, with an additional fine of not more than \$200 for each month during which a violation occurs after the first month, or by imprisonment for not less than 30 days nor more than 1 year, or by both such fine and imprisonment. The district attorney of the United States for the District of Columbia,

or any individual, or association, or group organized on a cooperative basis, may sue to enjoin an alleged violation of this section.

Should a court of competent jurisdiction decide that any person, firm, or corporation using the name "cooperative" prior to this act, and not organized on a cooperative basis, is entitled to continue in such use, any such business shall always place immediately after its name the words "does not comply with the cooperative association law of the District of Columbia" in the same kind of type, and in letters not less than two-thirds as large, as those used in the term "cooperative."

Sec. 38. Promotion expenses; limitations; penalty: An association shall not, directly or indirectly, use any of its funds, nor issue shares nor incur any indebtedness, for the payment of any compensation for the organization of the association except necessary legal fees; nor for the payment of any promotion expenses in excess of 5 percent of the amount paid in for the shares or membership certificates involved in the promotion transaction. Any association's officer, director, or agent who gives, or any person, firm, corporation, or association which receives, such promotion commission in violation of this section shall, upon conviction of such offense, be punished by a fine of not less than \$25 nor more than \$200, or by imprisonment for not less than 30 days nor more than 1 year, or by both such fine and imprisonment.

Sec. 30. Spreading false reports; penalty: Any person, firm, corporation, or association which maliciously and knowingly spreads false reports about the management or finances of any association shall, upon conviction of such offense, be punished by a fine of not less than \$25 and not more than \$200, or by imprisonment for not less than 30 days nor more than 1 year, or by both such fine and imprisonment.

#### ARTICLE XIII—RELATION TO OTHER LAWS

Sec. 40. Existing cooperative groups: Any group incorporated under another law of the District of Columbia and operating on a cooperative basis or any unincorporated group operating on such a basis in the District of Columbia may elect by a vote of two-thirds of the members voting to secure the benefits of and be bound by this act, and shall thereupon amend such of its articles and bylaws as are not in conformity with this act. A certified copy of the amended articles shall be filed and recorded with the recorder of deeds, and a fee of \$5 shall be paid.

Sec. 41. Foreign corporations and associations: A foreign corporation or association operating on a cooperative basis and complying with the applicable laws of the State wherein it is organized shall be entitled to do business in the District of Columbia as a foreign cooperative corporation or association.

Sec. 42. Legality declared; not in restraint of trade: No association, or method or act thereof which complies with this act, shall be deemed a conspiracy or combination in restraint of trade or an illegal monopoly, or an attempt to lessen competition or fix prices arbitrarily.

Sec. 43. Laws not applicable: No law of the District of Columbia conflicting or inconsistent with any part of this act shall, to the extent of the conflict or inconsistency, be construed as applicable to associations formed hereunder; nor shall any law of the District of Columbia inappropriate to the purposes of such associations be so construed; nor shall any of the provisions of sections 574 through 797, both inclusive, of the act entitled "An act to establish a code of law for the District of Columbia," approved March 3, 1901, be construed as applicable to associations formed hereunder, except as expressly stated in this act.

Sec. 44. Taxation: Associations formed hereunder, and foreign corporations and associations admitted under section 41 to do business in the District of Columbia and entitled to the benefits of section 37, shall pay an annual license fee of \$10.

Sec. 45. Separability; constitutionality: If any provision of this act or the application thereof to any person or circumstance shall be held unconstitutional or otherwise invalid for any reason, the validity of the remainder of this act and the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 46. The Congress reserves the right to alter, amend, or repeal this act, or any charter or certificate of incorporation made thereunder.

Sec. 47. Short title: This act may be cited as the "District of Columbia Cooperative Association Act."

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 3268) to amend section 4438 of the Revised Statutes of the United States for the better protection of life and property, was announced as next in order.

Mr. McNARY. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### ADMINISTRATION OF WASHINGTON NATIONAL AIRPORT

The bill (S. 3927) to provide for the administration of the Washington National Airport, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I should like to ask the Senator from Missouri [Mr. CLARK], who reported the bill, whether it is considered necessary that the administration of this airport should be transferred to the control of the Government of the United States, or whether the District of Columbia should have any voice in it.

The PRESIDENT pro tempore. The senior Senator from North Carolina [Mr. BAILEY] introduced the bill.

Mr. BAILEY. Mr. President, this proposed legislation is designed to provide for the conduct and management of the new airport in the District of Columbia. The measure was prepared by Mr. Hester, the administrator, and by the Civil Aeronautics Authority. It appears to be a very complete administrative measure with a view to the management of the new airport.

If the Committee on the District of Columbia would care to consider the bill and pass upon it I should be glad to have it referred to that committee. However, our committee has passed upon the bill, and I think it is a good regulatory measure.

Mr. KING. I have no objection.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 3927) to provide for the administration of the Washington National Airport, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc., That for the purposes of this act—*

(a) "Administrator" means the Administrator of the Civil Aeronautics Authority.

(b) "Airport" means the Washington National Airport, which shall consist of, and include, the tract of land, together with all structures, improvements, and other facilities located thereon, lying partly in the District of Columbia and partly in the State of Virginia, particularly described as follows:

Commencing at a point of beginning, said point being the intersection of the property line of property owned by the Richmond, Fredericksburg & Potomac Railroad Co., and dredging base line at station 0+18.99 referenced south 6.808.21, west 9.087.02, running in a southeasterly direction on a bearing of south 22°51'18" east a distance of 6,270.91 feet, more or less, to station 62+89.90 of said dredging base line. Thence 13°30' right on a bearing of south 9°21'18" east a distance of 1,332.29 feet, more or less, to station 76+22.19 of said base line. Thence 11°04'19" right on a bearing of south 1°43'01" west a distance of 1,231.20 feet, more or less, to station 88+53.39 of said base line. Thence 12°40'41" right on a bearing of south 14°23'42" west a distance of 2,409.32 feet, more or less, to station 112+62.71 on said base line. Thence 1°15'44.3" right on a bearing of south 15°39'26.3" west a distance of 4,938.38 feet, more or less, to United States Coast and Geodetic Survey Station WATER, referenced south 22.220.86, west 8.395.54. Thence 17°09'25.6" left on a bearing of south 1°20'59.3" east a distance of 85.58 feet, more or less, to a corner of the property line between the United States of America and Smoot Sand & Gravel Corporation. Thence 85°59'59.3" right on a bearing of south 84°30'00" west a distance of 1,516.41 feet, more or less, to a monument located at a corner on the property line of the Richmond, Fredericksburg & Potomac Railroad Co., said monument being referenced south 22.451.75, west 9.902.73. Thence 85°50'06.7" right on a bearing of north 8°09'54" west a distance of 442.68 feet, more or less. Thence 5°00'12" left on a bearing of north 13°10'06" west a distance of 578.64 feet, more or less. Thence 4°57'25" left on a bearing of north 18°07'31" west a distance of 462.94 feet, more or less. Thence 1°34'50" left on a bearing of north 19°42'21" west a distance of 943.56 feet, more or less, to the point of a curve having an angle of 27°52'45" right radius 1,241.15 feet, long chord 597.98 feet, on a bearing of north 5°45'53" west. Thence along the arc of said curve a distance of 603.92 feet, more or less, to the point of tangency of said curve. Thence along a tangent to said curve on a bearing of north 8°10'24" east a distance of 232.33 feet, more or less, to the point of a curve having an angle of 36°59'09" left, radius 1,046 feet, long chord 663.56 feet on a bearing of north 10°19'10.5" west. Thence along the arc of said curve a distance of 675.22 feet, more or less, to the point of tangency of said curve. Thence along a tangent to said curve on a bearing of north 28°48'45" west a distance of 256.75 feet, more or less. Thence 30°33'10" left on a bearing of north 59°21'55" west a distance of 287.84 feet, more or less. Thence 40°45'20" right on a bearing of north 18°36'35" west a distance of 1,142.08 feet, more or less. Thence 5°43'29" right on a bearing of north 12°53'06" west a distance of 118.02 feet, more or less, to the point of a curve having an angle of 26°20'50" right, radius 3,665.71 feet, long chord 1,670.85 feet on a bearing of north 0°17'19" east. Thence along the arc of said curve a distance of 1,685.66 feet, more or less, to the point of tangency of said curve. Thence along a tangent to said curve on a bearing of north 13°27'44" east a distance of



2,002.11 feet, more or less, to the point of a curve having an angle of  $10^{\circ}36'25''$  left, radius 2,864.79 feet, long chord of 529.59 feet on a bearing of north  $8^{\circ}09'31.5''$  east. Thence along the arc of said curve a distance of 530.25 feet, more or less, to the point of tangency of said curve. Thence along a tangent to said curve on a bearing of north  $2^{\circ}51'19''$  east a distance of 124.53 feet, more or less. Thence  $6^{\circ}57'52''$  left on a bearing of north  $4^{\circ}06'33''$  west a distance of 571.33 feet, more or less. Thence  $7^{\circ}22'39''$  left on a bearing of north  $11^{\circ}29'12''$  west a distance of 811.63 feet, more or less. Thence  $8^{\circ}16'52''$  right on a bearing of north  $3^{\circ}12'20''$  east a distance of 70.41 feet, more or less, to the point of a curve having an angle of  $7^{\circ}43'12''$  right, radius 5,479.58 feet, long chord 737.75 feet on a bearing of north  $7^{\circ}03'56''$  east. Thence along the arc of said curve a distance of 738.31 feet, more or less, to the point of tangency of said curve, said point being on the old property line between Mary E. Cullinane and Milton Hopfenmaier property. Thence along said property line on a bearing of north  $75^{\circ}11'50''$  east a distance of 204.72 feet, more or less, to a monument marked U. S. D. 1-N. P. S., reference south 18,419.16, west 10,829.26. Thence along the same bearing of north  $75^{\circ}11'50''$  east a distance of 215 feet, more or less. Thence  $34^{\circ}36'06''$  left on a bearing of north  $40^{\circ}35'44''$  east a distance of 1,509 feet, more or less, to the point of a curve having an angle of  $5^{\circ}45'$  left, radius 7,239.41 feet, long chord of 723.20 feet, on a bearing of north  $37^{\circ}53'14''$  east. Thence along the arc of said curve a distance of 726.51 feet, more or less, to the point of a compound curve having an angle of  $6^{\circ}00'$  left, radius 2,217.01 feet, long chord of 232.06 feet on a bearing of north  $32^{\circ}10'44''$  east. Thence along the arc of said curve a distance of 232.15 feet, more or less, to the point of a compound curve having an angle of  $57^{\circ}01'20''$  left, radius 1,303.74, long chord 1,244.62, on a bearing of north  $0^{\circ}40'04''$  east. Thence along the arc of said curve a distance of 1,297.22 feet, more or less, to the point of a compound curve having an angle of  $7^{\circ}59'54.3''$  left, radius 2,217.01 feet, long chord 309.23 feet on a bearing of north  $31^{\circ}49'33''$  west. Thence along the arc of said curve a distance of 310 feet, more or less, to the intersection of said curve with the property line of the Richmond, Fredericksburg & Potomac Railroad Co. and the United States of America. Thence in a northeasterly direction along a bearing of north  $34^{\circ}30'00''$  east a distance of 340 feet, more or less, to the point of beginning; excepting, however, such portion thereof as the President may, by Executive order or orders, prescribe, which portion shall be added to, and administered as part of, the Mount Vernon Memorial Highway, authorized by the act approved May 23, 1928 (45 Stat. 721), as amended.

SEC. 2. The Administrator shall have control over, and responsibility for, the care, operation, maintenance, and protection of the airport, together with the power to make and amend such rules and regulations as he may deem necessary to the proper exercise thereof.

SEC. 3. The Administrator is empowered to lease, upon such terms as he may deem proper, space or property within or upon the airport for purposes essential or appropriate to the operation of the airport.

#### EASEMENT OVER CERTAIN LAND IN WAYNE COUNTY, MICH.

The bill (H. R. 8958) to authorize the Secretary of the Interior to grant to the county of Wayne, State of Michigan, an easement over certain land of the United States in Wayne County, Mich., for a sewage-disposal line was considered, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 3864) to apply laws covering steam vessels to certain passenger-carrying vessels was announced as next in order.

Mr. VANDENBERG. Mr. President, there is still some misunderstanding regarding the jurisdiction of this particular bill, and I ask that it go over until the next call of the calendar.

The PRESIDENT pro tempore. The bill will be passed over.

#### EXAMINATION OF CIVILIAN NAUTICAL SCHOOLS

The Senate proceeded to consider the bill (H. R. 9262) to provide for the examination of civilian nautical schools and for the inspection of vessels used in connection therewith, and for other purposes, which had been reported from the Committee on Commerce with an amendment, at the end of the bill, to add a new section, so as to make the bill read:

*Be it enacted, etc.,* That as used in this act the term "civilian nautical school" means any school or branch thereof operated and conducted in the United States (except State nautical schools and schools operated by the United States or any agency thereof), which offers to persons quartered on board any vessel instruction for the primary purpose of training for service in the merchant marine.

SEC. 2. Every civilian nautical school shall be subject to examination and inspection by the United States Maritime Commission, and the Commission may, under such rules and regulations as it may prescribe, provide for the rating and certification of such

schools as to the adequacy of the course of instruction, the competency of the instructors, and the suitability of equipment used by or in connection with such schools.

SEC. 3. (a) All laws covering the inspection of passenger vessels in effect on the date of enactment of this act are hereby made applicable to all vessels or other floating equipment used by or in connection with any civilian nautical school, whether such vessels or other floating equipment are being navigated or not, to such extent and upon such conditions as may be required by regulations prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce.

(b) The Bureau of Marine Inspection and Navigation is authorized and directed, through such rules and regulations as the Secretary of Commerce may approve, to prescribe minimum standards for the size, ventilation, plumbing, and sanitation of quarters assigned to members of the crew, passengers, cadets, students, instructors, or any other persons at any time quartered on board any vessel used by or in connection with any civilian nautical school.

(c) No certificate of inspection shall be issued to any such vessel until and unless a board of local inspectors has found such vessel to be in compliance with all the requirements of this section and the regulations issued thereunder. Such certificates shall be subject to revocation in the manner prescribed by section 4453 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., title 46, sec. 435).

(d) On and after 90 days from the date of enactment of this act, it shall be unlawful for any vessel to which the act applies to be used by or in connection with any civilian nautical school unless it is in possession of a valid, unexpired certificate of inspection, or a valid, unexpired temporary certificate of inspection.

(e) In case of the violation of this section or of any of the regulations issued thereunder by any vessel, or any owner or officer thereof, such vessel, owner, or officer shall be fined not more than \$1,000, and such owner or officer may be imprisoned for not more than 1 year, or subjected to both fine and imprisonment. Should the owner of such vessel be a corporation, organization, or association, each officer or director participating in the violation shall be liable to the penalty hereinabove prescribed.

SEC. 4. The provisions of section 3 of this act shall not apply to vessels of the Navy or the Coast Guard used by or in connection with civilian nautical schools.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

#### TOWING BETWEEN AMERICAN PORTS BY FOREIGN VESSELS

The bill (H. R. 8283) to amend section 4370 of the Revised Statutes of the United States (U. S. C., 1934 ed., title 46, sec. 316), was considered, ordered to a third reading, read the third time, and passed.

#### STOWAWAYS ON VESSELS

The bill (H. R. 9492) making it a misdemeanor to stow away on vessels and providing punishment therefor, was considered, ordered to a third reading, read the third time, and passed.

#### DETERMINATION OF FOREIGN CONSTRUCTION COSTS

The joint resolution (S. J. Res. 255) to make temporary emergency provision for the determination of foreign construction costs under section 502 (b) of the Merchant Marine Act, 1936, was announced as next in order.

Mr. BAILEY. Mr. President, there should be an explanation of the joint resolution.

Mr. KING. Mr. President, I should like an explanation.

Mr. BAILEY. This is a Senate measure, and an identical House measure on the calendar, Calendar No. 1709, House Joint Resolution 537, was objected to. I think, however, an explanation would clear away the objection.

Mr. BARKLEY. I think the objection was withdrawn.

Mr. BAILEY. Very well; if there is no objection, I will ask that the Senate consider Calendar No. 1709, House Joint Resolution 537, in place of the Senate joint resolution.

Mr. KING. That is agreeable.

Mr. BAILEY. I take it that an explanation can be very simply made.

The PRESIDENT pro tempore. Is there objection to the substitution of House Joint Resolution 537, Calendar No. 1709, for Senate Joint Resolution 255, Calendar No. 1722, and the present consideration of the House joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 537) to make temporary

emergency provision for the determination of foreign construction costs under section 502 (b) of the Merchant Marine Act, 1936, as amended.

Mr. BAILEY. Under the Merchant Marine Act of 1936 we provided for a construction differential subsidy. The basis of the differential subsidy is the difference between the foreign cost of the vessel and the domestic cost. The Maritime Commission has undertaken to follow that provision, but, in view of the disturbed conditions abroad, it cannot now ascertain the foreign cost of vessels. Not only has the cost varied from nation to nation and from time to time, but the value of money has varied. So the Maritime Commission asked me to introduce this joint resolution in order to give it some reality on which to base its costs. All the measure proposes to do is to fix the basis of the differential as of the period immediately prior to the outbreak of the war in Europe. That is the whole substance of the joint resolution.

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to a third reading, read the third time, and passed.

#### EASEMENT FOR ROAD RIGHT-OF-WAY, FLAGLER BEACH, FLA.

The bill (S. 3958) to authorize the Secretary of the Treasury to grant to the Road Department of the State of Florida an easement for a road right-of-way over the Coast Guard Reservation at Flagler Beach, Fla., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized to grant to the Road Department of the State of Florida an easement to construct and maintain a highway across such of the lands constituting a part of the Coast Guard Reservation at Flagler Beach, Fla., as the Secretary may designate. Such easement shall be granted subject to such reasonable conditions as the Secretary may deem desirable to be included therein for the purpose of enabling the United States to use the reservation in such manner as the Government's interests may require.

#### EASEMENT OVER COAST GUARD RESERVATION, FORT LAUDERDALE, FLA.

The Senate proceeded to consider the bill (S. 3959) authorizing the Secretary of the Treasury to grant to the city of Fort Lauderdale, Fla., an easement or easements authorizing such city to construct and maintain a highway and utility facilities over the United States Coast Guard Reservation known as base six at Fort Lauderdale, Fla.

Mr. DANAHER. Mr. President, I offer an amendment to the bill.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 4, it is proposed to strike out the words "a permanent" and to insert in lieu thereof "an"; and on page 2, lines 6 and 7, it is proposed to strike out "to any other location or locations on said property" and to insert in lieu thereof "at the expense of the city of Fort Lauderdale", so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to grant to the city of Fort Lauderdale, Fla., an easement or easements authorizing such city to construct and maintain across such of the lands constituting a part of the United States Coast Guard Reservation known as base 6 at Fort Lauderdale, Fla., as the Secretary may designate, a highway, sewer lines, water mains, electric-distribution lines, and other utility facilities.

SEC. 2. Such easement or easements shall be granted subject to the condition that the Secretary may at any time require the removal of the highway and the utility facilities, or either of them, at the expense of the city of Fort Lauderdale, and shall be subject to such other reasonable conditions as the Secretary may deem desirable to include in the grant to protect the interests of the United States and to enable the Government to use such lands in such manner as the public interests may require. In addition, the city of Fort Lauderdale shall furnish bond with good and adequate securities, or such other security in lieu of such bond, in such reasonable amount and in such form as the Secretary may require, to assure the fulfillment of any or all the conditions and stipulations of such easement or easements.

SEC. 3. In the event the United States disposes of its interests in the Coast Guard Reservation known as base 6, such easement or easements shall cease to be subject to such conditions, unless the Secretary shall find that the discontinuance of any or all of such

conditions would adversely affect the sale value of such lands, in which case the conditions with respect to which the Secretary shall have made such a finding shall run with the land.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

Mr. HILL. The next two bills on the calendar, Calendar 1726, Senate bill 4025, and Calendar 1727, Senate bill 4005, deal with the national defense. At the request of the chairman of the Senate Committee on Military Affairs, the Senator from Texas [Mr. SHEPPARD], I ask that the bills go over, because the chairman of the Committee on Military Affairs has been advised that the War Department desires certain amendments to be made to the bill.

The PRESIDENT pro tempore. Without objection, Senate bill 4025 and Senate bill 4005 will be passed over.

#### UNITED STATES CORONADO EXPOSITION COMMISSION

The bill (H. R. 9595) to postpone for 1 year the date of the transmission to Congress by the United States Coronado Exposition Commission of a statement of its expenditures was considered, ordered to a third reading, read the third time, and passed.

#### EXTENSION OF REDUCED RATES OF INTEREST ON CERTAIN LOANS

The bill (H. R. 8450) to extend for 5 additional years the reduced rates of interest on Federal land-bank and land bank commissioner loans was announced as next in order.

Mr. WHEELER. Mr. President, I have had printed an amendment to be proposed by the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Alabama [Mr. BANKHEAD], and myself, which I ask to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the end of section 2 of the bill it is proposed to insert the following new section:

SEC. 3. The Secretary of Agriculture shall be authorized, on behalf of the Federal Farm Mortgage Corporation, to make loans to enable the borrower to refinance an existing mortgage or mortgages on a farm personally operated and occupied by him, and for necessary repairs and improvements thereon, in cases where the Secretary determines that such refinancing is necessary to enable the borrower successfully to operate the farm, and that the borrower cannot obtain credit for such refinancing from any other Federal agency or federally incorporated lending institution. Such loans shall be made at a rate or rates which may reasonably be expected to reimburse the Federal Farm Mortgage Corporation for not more than the cost to it of the capital required for such loans, plus an amount not to exceed 1½ percent per annum, but in no event shall such combined rate be in excess of 3½ percent per annum; and such loans, to the extent not inconsistent herewith, shall comply with, and be subject to, all of the provisions of titles I and IV of the Bankhead-Jones Farm Tenant Act, but may be made without regard to the provisions of section 4 of said act. The Secretary of Agriculture shall administer the provisions of this section, and all repayments on account of such loans shall be credited to the account of the Federal Farm Mortgage Corporation.

The PRESIDING OFFICER. There are several committee amendments which should be acted upon first. The committee amendments will be stated.

The first committee amendment was, on page 1, line 8, after the words "period of", to strike out "10" and insert "7", so as to read:

That (a) the first sentence of paragraph "Twelfth" of section 12 of the Federal Farm Loan Act, as amended (relating to the 3½-percent interest rate on Federal land-bank loans), is amended by striking out "occurring within a period of 5 years, commencing July 1, 1935" and inserting in lieu thereof "occurring within a period of 7 years commencing July 1, 1935." The provisions of such paragraph "Twelfth" of section 12 of such act shall be applicable to interest on so-called purchase money mortgages in the case of interest payable on installment dates occurring after the date of the enactment of this act.

The amendment was agreed to.

The next committee amendment was, on page 2, line 8, after "June 30", to strike out "1945" and to insert "1942", so as to read:

(b) The fourth sentence of such paragraph "Twelfth" (relating to the 1940 time limit on payments made by the United States to



land banks on account of such interest reduction) is amended to read as follows: "No payments shall be made to a bank with respect to any period after June 30, 1942."

The amendment was agreed to.

The next committee amendment was, on page 2, line 14, after the word "section", to insert "shall not exceed 4 percent per annum for all interest payable on installment dates occurring on or after July 22, 1937, and prior to July 1, 1940"; in line 19, after "July", to strike out "22, 1937" and insert "1, 1940"; and in line 20, after "July 1", to strike out "1945" and insert "1942", so as to read:

SEC. 2. The last paragraph of section 32 of the Emergency Farm Mortgage Act, as amended (relating to reduction in the interest rate on loans by the Land Bank Commissioner), is amended to read as follows:

"Notwithstanding the foregoing provisions of this section, the rate of interest on loans made under this section shall not exceed 4 percent per annum for all interest payable on installment dates occurring on or after July 22, 1937, and prior to July 1, 1940, and shall not exceed 3½ percent per annum for all interest payable on installment dates occurring on or after July 1, 1940, and prior to July 1, 1942."

The amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Montana.

Mr. GEORGE. Mr. President, I ask that the bill go over in view of the amendment presented by the Senator from Montana, because I wish to examine it and see what it provides. The matter is too important to act upon under the call of the calendar.

Mr. WHEELER. Does the Senator refer to the amendment I offered?

Mr. GEORGE. Yes.

Mr. WHEELER. I was going to say that an amendment similar to the one I have offered has on a previous occasion been agreed to by the Senate. The Senator from Vermont [Mr. AUSTIN] offered a similar amendment, which was adopted by the Senate a couple of years ago by a two-thirds vote of the Senate. The Senator from Wisconsin [Mr. LA FOLLETTE] and I offered an identical amendment previously, which was attached to the lending-spending bill, and the amendment was agreed to by an almost unanimous vote. A similar amendment also was adopted by the Senate on another occasion. When the identical amendment offered by the Senator from Vermont was agreed to it went to conference, and was taken out of the bill in conference. Likewise when an identical amendment was agreed to and placed in another bill, it was taken out in conference. All I ask is that the amendment be taken to conference again. I am not sure, but it is possible that the conferees may agree to it.

Mr. BARKLEY. Mr. President, I did not understand very clearly what the amendment proposes to do.

Mr. WHEELER. The Federal Farm Mortgage Corporation has something over \$612,000,000 in unused credit at the present time. The amendment seeks to permit the Secretary of Agriculture to do for farm owners exactly what is now being done under the Jones-Bankhead Act for farm tenants. Under the Jones-Bankhead Act the Authority helped the farm tenant to become an owner. This bill simply authorizes the Department to do for the farmer who is on the farm exactly what we are seeking to do with the farm tenant under the Jones-Bankhead Act. As I said, an identical amendment has been adopted by the Senate at least twice, and I believe three times, by an overwhelming vote.

Mr. BARKLEY. Mr. President, frankly, I recall those circumstances, but in the absence of the Senator from South Carolina [Mr. BYRNES], who reported the bill, and without some information as to the reaction of the Farm Credit Administration to it, I think it would probably be unwise to act on it now.

Mr. WHEELER. I think I can say that the Farm Credit Administration is favorable to it, because it was drafted in the Department 2 years ago, when the Senator from Wisconsin [Mr. LA FOLLETTE] and I offered it to the lending-spending bill.

Mr. BARKLEY. Why is this \$600,000,000 of credit not being utilized by the Farm Credit Administration?

Mr. WHEELER. They have not utilized it simply because there has not been a demand for it, as I understand, under the present set-up. There has been a good deal of criticism because of the fact that they had not done so.

Mr. GILLETTE. Mr. President, I do not know that I have objection to this particular amendment, but in view of the fact that there are a couple of bills pending—and this is a controversial matter—I do not believe it ought to be passed in this way, and I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### BILL PASSED OVER

The bill (H. R. 4088) to amend the Commodity Exchange Act, as amended to extend its provisions to fats and oils, cottonseed, cottonseed meal, and peanuts, was announced as next in order.

Mr. BILBO. Mr. President, at the request of the department, I ask that the bill go over. It is my bill.

The PRESIDENT pro tempore. The bill will be passed over.

#### LEAVE OF ABSENCE FOR DISTRICT OF COLUMBIA TEACHERS

The bill (H. R. 9326) to provide educational employees of the public schools of the District of Columbia with leave of absence, with part pay, for purposes of educational improvement, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### REIMBURSEMENT FOR PROPERTY LOSS IN THE HURRICANE AND FLOOD, NEW LONDON, CONN.

The bill (S. 3808) to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the United States Navy for personal property lost in the hurricane and flood at New London, Conn., on September 21, 1938, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed \$8,364.96 as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain officers and enlisted men or former officers and enlisted men of the United States Navy for the value of personal property lost in the hurricane and flood at the submarine base, New London, Conn., on September 21, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### ACCEPTANCE OF YACHT "FREEDOM" FROM STERLING MORTON

The bill (H. R. 8983) authorizing the Secretary of the Navy to accept on behalf of the United States a gift of the yacht *Freedom* from Sterling Morton, was announced as next in order.

Mr. WALSH. Mr. President, this bill permits the Secretary of the Navy to accept a valuable gift to the United States Naval Academy by Sterling Morton, of the yacht named *Freedom*. I rise simply to express the Naval Committee's appreciation, and I am sure the appreciation of the Senate, for such a valuable gift, which will help the midshipmen at the Academy in training for seamanship.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

#### CLAIM FOR DAMAGES FROM FIRE AT MARINE BARRACKS, QUANTICO, VA.

The bill (S. 3594) to provide an additional sum for the payment of a claim under the act entitled "An act to provide for the reimbursement of certain personnel or former personnel of the United States Navy and United States Marine Corps for the value of personal effects destroyed as a result of a fire

at the Marine Barracks, Quantico, Va., on October 27, 1938," approved June 19, 1939, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum not to exceed \$31, as may be required by the Secretary of the Navy to reimburse Maj. Curtis W. LeGette, United States Marine Corps, under such regulations as he may prescribe, pursuant to the provisions of Private Law No. 56, Seventy-sixth Congress, approved June 19, 1939, for the loss of reasonable and necessary personal property resulting from the fire which occurred at the Marine Barracks, Quantico, Va., on June 19, 1939: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

#### EXCHANGE OF LANDS BETWEEN PUERTO RICO AND UNITED STATES

The bill (S. 3608) to authorize an exchange of lands between the people of Puerto Rico and the United States was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Secretary of the Navy be, and he is hereby, authorized to transfer, under such conditions as the Secretary may approve, to the people of Puerto Rico, by appropriate deed of conveyance, a parcel of land embracing approximately 2.75 acres, situated in the ward known as Miramar, located in the south section of Santurce, P. R., bounded on the north at a point located at the intersection of the north side of the actual road that leads to the naval air station with the west side of the Fernandez Juncos Avenue; on the east with lands belonging to the people of Puerto Rico and lands of the estate known as Miramar, now property of Mr. Solé & Co.; on the south with lands of Mr. Solé & Co., and on the west with lands of the naval air station, in consideration of the transfer to the United States by appropriate deed of conveyance, free from all encumbrances, without cost to the United States, and for use as a part of the naval air station at San Juan, of all right, title, and interest of the people of Puerto Rico in and to a parcel of 5.70 acres, more or less, in the ward known as Tras-Miramar, located at the south section of Santurce, P. R., being adjacent to and on the east of lands of the United States of America used as a quarantine station on the island of Miraflores.

#### CONVEYANCE OF LAND TO VIRGINIA

The bill (H. R. 4229) authorizing the conveyance to the Commonwealth of Virginia a portion of the naval reservation known as Quantico in Prince William County, Va., was considered, ordered to a third reading, read the third time, and passed.

#### ACQUISITION OF LAND FOR NAVAL AIR STATION, LAKEHURST, N. J.

The bill (H. R. 7078) to authorize the acquisition by the United States of lands in Manchester and Jackson Townships of the county of Ocean and State of New Jersey for use in connection with the Naval Air Station, Lakehurst, N. J., was considered, ordered to a third reading, read the third time, and passed.

#### JERRY M'KINLEY THOMPSON

The bill (S. 3769) for the relief of Jerry McKinley Thompson was announced as next in order.

Mr. KING. Mr. President, may we have an explanation of the bill? I discover that one of the officials of the Government, the Acting Comptroller General, reports adversely upon it.

Mr. ELLENDER. Mr. President, the Post Office Department was also consulted about this bill, and has made a favorable report. The Navy Department did not object to the bill, but could find no precedents for its enactment. A number of precedents were presented to the committee. The claimant performed duty as a letter carrier during the summer months at Hampton, N. H., a summer resort located on the New Hampshire coast; and while so acting he was also employed by the Navy Department as a watchman at the Portsmouth Navy Yard. As the Senator knows, there is a prohibition against dual office holding. The claimant acted in good faith during a period of 9 years, and did the work in both capacities. He was paid during those 9 years the sum

of \$3,820.19. The purpose of the bill is to relieve him of the necessity of repaying the money to the Government. The claimant thought he was within his rights, since no objection was urged as to his extra work as a letter carrier. The Committee on Claims thought the bill was meritorious, and found many instances of similar legislation being enacted by the Congress in the past.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That Jerry McKinley Thompson, Portsmouth, N. H., is hereby released from any liability to the United States incurred by reason of the receipt by him, through a misunderstanding on his part, of dual compensation from the Post Office Department and the Department of the Navy during the period from June 16 to September 15, of each year from 1929 to 1937, inclusive, in contravention of section 6 of the act of May 10, 1916, as amended.

#### NATIONAL FOREST ADMINISTRATION

Mr. HATCH. Mr. President, yesterday the Senator from Colorado [Mr. ADAMS] objected to the consideration of Calendar No. 1381, House bill 7643. At that time I was prepared to offer an amendment, but was not present in the Chamber when the bill was called. I have submitted the proposed amendment to the Senator from Colorado. He agrees to the amendment, and on the adoption of the amendment is willing to withdraw his objection.

I therefore ask unanimous consent to return to Calendar No. 1381, House bill 7643, in order that I may offer the amendment.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 7643) to facilitate and simplify national forest administration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I ask that the bill be amended by striking out all of lines 3, 4, 5, 6, 7, and 8, down to and including the word "Provided," in line 9.

Mr. GEORGE. Mr. President, will the Senator please explain the purport of the bill?

Mr. HATCH. The purpose of the bill is to aid in accounting. Many small claims are required to be brought to Washington. As the bill is proposed to be amended, it would permit auditing in the field claims under \$300. The bill previously provided that any decision the Secretary might make on such claims should be final and conclusive. The Department agrees that that provision should be stricken out, and that is the amendment which I have offered.

Mr. SMITH. Mr. President, is this the bill which I called up yesterday?

Mr. HATCH. Yes.

Mr. SMITH. I made an explanation, which was given to me by the Department. Now that the Department has agreed to the amendment, I will accept it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. HATCH].

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed, as follows:

*Be it enacted, etc.,* That permits, contracts, agreements, or other instruments requiring payments into the Treasury of the United States on account of sale of national-forest products, use of national-forest land, or other sources of national-forest revenue, including contributions by cooperators in connection with authorized activities of the Forest Service, shall be exempt from the provisions of section 20, title 41, United States Code, when the permit or other instrument does not require payment to the Government in excess of \$300 in any 1 fiscal year.



The PRESIDENT pro tempore. Without objection, Senate bill 3226 is indefinitely postponed.

MAJ. L. P. WORRALL

The Senate proceeded to consider the bill (S. 3903) for the relief of Maj. L. P. Worrall, and for other purposes, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. L. P. Worrall, Finance Department, the sum of \$3,066.03, public funds for which he is accountable, which sum was paid by him to King & Booser, Anniston, Ala., pursuant to change order "B," dated August 23, 1938, modifying contract No. W-58-QM-CIV-59, dated June 29, 1939, and which sum has been disallowed by the Comptroller General of the United States: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said King & Booser a sum equal to any amount withheld or deducted from any amounts otherwise due to the said King & Booser on account of the payment which is herein validated, upon presentation of a claim therefor to the Comptroller General of the United States, who is authorized and directed to certify same to the Secretary of the Treasury for payment: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill? I should like to ask a question to indicate what seems to be an objection to it in my mind. Was a bond made and paid by a bondsman, and is the purpose now to reimburse the bondsman?

Mr. ELLENDER. The record does not disclose the existence of a bond. The money was paid to the contractors, and the bill seeks to relieve the officer in charge from liability. I may—

Mr. McKELLAR. When a bondsman has made a bond for a Government officer, and the money is lost and the bondsman has to pay it, I do not think the bondsman ought to be reimbursed.

Mr. ELLENDER. I agree with the Senator; but the money was not lost in this case. The report shows that the War Department received full value for the \$3,066.03 involved and approved the bill. It seems that there was a misunderstanding about an agreement which was entered into between King & Booser, who were contractors in Anniston, Ala., and the Government. The contractors agreed to build 19 units of portable and demountable buildings, and a question arose as to whether or not the contractors were to include vestibules and skirting in these buildings. The officer in charge told the contractors that they were supposed to build the vestibules and skirting, but on appeal the Quartermaster General decided that the contractors were not under obligation to do so, and so there was a controversy over the matter. In any event, the contractors acted in good faith, under instructions from the Quartermaster General, and put in the extra work, and the War Department has recommended the bill.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. ELLENDER. Certainly.

Mr. KING. I notice that the Acting Secretary of War suggests an amendment. Has that been adopted?

Mr. ELLENDER. Yes. The bill was amended in the House in accordance with the suggestion of the War Department.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### RELIEF OF CERTAIN DISBURSING AGENTS AND OTHERS

The bill (S. 3707) for the relief of certain disbursing agents and certifying officers of the Indian Service, the United States Veterans' Administration, and the Treasury Depart-

ment was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit to certifying officers of the Indian Service and in the accounts of L. E. Baumgarten (deceased), J. V. King, E. W. Jermark, and J. C. Cavill, disbursing agents of the Indian Service; Richard H. Zohm, disbursing agent for the United States Veterans' Administration; and G. F. Allen, chief disbursing officer of the Treasury Department, for certain payments disallowed in the accounts of the above-named officials which were made to and on account of P. D. Southworth, while serving as agricultural extension agent in the Indian Service during the period from March 1933 to February 1936, inclusive.

GUY F. ALLEN

The bill (S. 3748) for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the February 1937 account of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department, without charge against the certifying officer of the Department of the Interior, for voucher 16-28071, \$149.94.

A. A. RAMSAY

The Senate proceeded to consider the bill (S. 3021) for the relief of A. A. Ramsay, which had been reported from the Committee on Claims with an amendment, at the end of the bill to add a proviso, so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$50 to A. A. Ramsay, of Oracle, Ariz., in full settlement of his claim against the United States arising out of a collision with a Civilian Conservation Corps truck at Oracle, Ariz., on December 17, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PAUL SANFORD

The Senate proceeded to consider the bill (S. 3647) for the relief of Paul Sanford, a minor, which has been reported from the Committee on Claims with an amendment, on page 2, line 1, after the word "*Provided*," to strike out: "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000" and insert "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,500 to the legal guardian of Paul Sanford, a minor, of Goodsprings, Walker County, Ala., in full settlement of all claims against the Government of the United States for injuries received by said minor on the 17th day of October 1939 as the result of blasting operations by Work Projects Administration employees of the United States Government at or near Goodsprings, Walker County, Ala.: *Provided*, That no part of

the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal guardian of Paul Sanford, a minor."

#### TRANSFER OF FUNDS UNDER CROP INSURANCE ACT

The bill (H. R. 9594) to amend section 12 (b) of the Soil Conservation and Domestic Allotment Act, as amended, by authorizing the transfer of funds to cover advances for crop insurance, was announced as next in order.

Mr. MILLER. Mr. President, I should like to ask the chairman of the committee [Mr. SMITH], who reported the bill, a question. I notice on the calendar the statement that the bill is the same as Calendar No. 1610. I objected to Calendar No. 1610 yesterday, on the ground that Calendar No. 1610, Senate bill 3886, carries a provision which, in my opinion, unjustly penalizes a purchaser of cotton.

Mr. SMITH. Mr. President, that provision has been deleted from the House bill.

Mr. MILLER. That is what I was about to ask. Has section 6 of the Senate bill been deleted from the House bill?

Mr. SMITH. Yes. I should like to read an explanation:

House bill 9594 is the same as Senate bill 3886, with the following exceptions:

1. The first section of the House bill authorizes the Secretary of Agriculture to transfer to the Federal Crop Insurance Corporation certain funds to cover advances for crop insurance. This amendment is heartily recommended by the Department so as to make simultaneous the transaction of collecting the premiums and purchasing wheat to cover such premiums so as to prevent a lapse of time in which the market might fluctuate. Without this amendment the capital stock of the Federal Crop Insurance Corporation might be seriously impaired.

2. Sections 6 and 7 of Senate bill 3886 dealing with collection of penalties on cotton grown in excess of marketing quota allotments have been deleted from House bill 9594, because the cotton trade and others interested expressed some objections to these sections. As the measure now stands there are no controversial provisions in it and the chairman of the House Committee on Agriculture has indicated that when the House bill is returned to the House from the Senate he will move that the House concur in the Senate amendments, thereby eliminating the necessity for a joint conference.

Mr. MILLER. Mr. President, those were the particular sections in the Senate bill to which I was objecting. I have no objection whatever to the other provisions of the House bill, so long as the penalty sections are not incorporated in it.

Mr. SMITH. They have been deleted.

Mr. GEORGE. Mr. President, is this a bill to authorize the Secretary of Agriculture to make collections from the various persons who are penalized, without covering the money into the Treasury?

Mr. SMITH. No. There is a crop-insurance fund. The Secretary now makes payments, but it is asked that the transaction of collecting the premiums be simultaneous with the purchase of wheat to cover such premiums.

Mr. GEORGE. Mr. President, I ask that the bill go over temporarily.

Mr. SMITH. The money is ultimately paid anyway. The purpose of the bill is to expedite the process and save money.

Mr. GEORGE. I know, Mr. President; but the Department of Agriculture is sometimes arbitrary in its attitude on many questions which affect the ordinary farmer. I shall inquire into all measures administered by the Department of Agriculture by which it undertakes to have money placed in its hands in any manner other than in the regular course.

Mr. SMITH. I think the committee performed their function. Of course, it is now up to the Senate to perform its function. After careful consideration, we thought that this was a process by which money could be saved, for to delay the transfer of the money sent by the Department to the insurance men might cause a drop in the market.

Mr. GEORGE. Yes; I know, Mr. President, there are all sorts of plausible reasons, but there are many arbitrary rules and regulations now in force and effect that work grave injustices to individual farmers.

Mr. SMITH. How would it affect individual farmers?

Mr. GEORGE. I do not know, but I want to see.

The PRESIDENT pro tempore. On objection, the bill will go over.

Mr. GEORGE subsequently said: Mr. President, when it was reached on the calendar I objected to House bill 9594. I have since had an opportunity to read it, and I have no objection to it.

Mr. SMITH. Mr. President, I should like to have the Senate recur to the bill referred to by the Senator from Georgia and to have the bill considered at this time.

Mr. GEORGE. I objected to it when it was reached because it is rather a lengthy bill; I do not know what ground it covered, and I was very anxious to see that it did not cover too much ground. I have had an opportunity to read the bill, and I withdraw my objection to it in order that the Senator from South Carolina may ask unanimous consent for its consideration.

Mr. McNARY. Mr. President, what is the bill?

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H. R. 9594) to amend section 12 (b) of the Soil Conservation and Domestic Allotment Act, as amended, by authorizing the transfer of funds to cover advances for crop insurance.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. McNARY. Mr. President, I had in mind the bills that appear on page 17 of the calendar. I have no objection to the bill the title of which has been stated.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (H. R. 9594) to amend section 12 (b) of the Soil Conservation and Domestic Allotment Act, as amended, by authorizing the transfer of funds to cover advances for crop insurance, which had been reported from the Committee on Agriculture and Forestry, with amendments.

The first amendment was, on page 2, after line 5, to insert:

SEC. 2. That paragraph (5) of subsection (c) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended, is amended by adding at the end thereof the following sentence: "Such normal yield per acre for any county need be redetermined only when the actual average yield for the 10 calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 percent from the actual average yield for the 10 years upon which the existing normal yield per acre for the county was based."

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert:

SEC. 3. That section 8 of the Soil Conservation and Domestic Allotment Act, as amended, is further amended by adding at the end thereof the following new subsection:

"(h) In order to make materials and services to be used in carrying out soil-conserving practices available to producers as grants of aid under this section, the Secretary of Agriculture is authorized to utilize the services of county committees or associations of producers as agents for the purchasing of such materials or services and such purchases may be made without regard to the provisions of section 3709 of the Revised Statutes and such purchases may be made from payments made pursuant to section 388 (b) of the Agricultural Adjustment Act of 1933, as amended."

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to insert:

SEC. 4. That paragraph (6) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1933, as amended, is amended to read as follows:

"(6) (A) 'Market,' in the case of corn, cotton, rice, tobacco, and wheat, means to dispose of, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos, and, in the case of corn and wheat, by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or to be so disposed of, but does not include disposing of any of such commodities as premium to the Federal Crop Insurance Corporation under title V.



"(B) 'Marketed,' 'marketing,' and 'for market' shall have corresponding meanings to the term 'market' in the connection in which they are used."

The amendment was agreed to.

The next amendment was, on page 3, after line 18, to insert:

SEC. 5. That subparagraph (A) of paragraph (13) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(13) (A) 'Normal yield' for any county, in the case of corn or wheat, shall be the average yield per acre of corn or wheat for the county during the 10 calendar years immediately preceding the year in which such normal yield is determined, adjusted for abnormal weather conditions and trends in yields. Such normal yield per acre for any county need be redetermined only when the actual average yield for the 10 calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 percent from the actual average yield for the 10 years upon which the existing normal yield per acre for the county was based."

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to insert:

SEC. 6. That subparagraph (B) of paragraph (13) of subsection (b) of section 301 of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(B) 'Normal yield' for any county, in the case of cotton, shall be the average yield per acre of cotton for the county, adjusted for abnormal weather conditions, during the 5 calendar years immediately preceding the year in which such normal yield is determined."

The amendment was agreed to.

The next amendment was, on page 4, after line 16, to insert:

SEC. 7. That subsection (c) of section 372 of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words "within one year" and inserting in lieu thereof the words "within two years"; by adding after the words "wrongfully collected" and before the comma the words "and the claimant bore the burden of the payment of such penalty"; and by adding after the first paragraph the following new paragraph:

"Notwithstanding any other provision of law the Secretary is authorized to prescribe by regulations for the identification of farms and it shall be sufficient to schedule receipts into special deposit accounts or to schedule such receipts for transfer therefrom, or directly, into the separate fund provided for in subsection (b) hereof by means of such identification without reference to the names of the producers on such farms."

The amendment was agreed to.

The next amendment was, on page 5, after line 7, to insert:

SEC. 8. That section 385 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding at the end thereof the following new sentence: "In case any person who is entitled to any such payment dies, becomes incompetent, or disappears before receiving such payment, or is succeeded by another who renders or completes the required performance, the payment shall, without regard to any other provisions of law, be made as the Secretary of Agriculture may determine to be fair and reasonable in all the circumstances and provided by regulations."

The amendment was agreed to.

The next amendment was, on page 5, after line 17, to insert:

SEC. 9. That section 391 of the Agricultural Adjustment Act of 1938, as amended, is amended by adding thereto the following new subsection:

"(c) During each fiscal year, beginning with the fiscal year ending June 30, 1941, the Commodity Credit Corporation is authorized and directed to loan to the Secretary such sums, not to exceed \$50,000,000, as he estimates will be required during such fiscal year, to make crop-insurance-premium advances and to make grants-of-aid pursuant to the applicable provisions of sections 8 and 12 of the Soil Conservation and Domestic Allotment Act, as amended, in connection with programs applicable to crops harvested in the calendar year in which such fiscal year ends, and to pay the administrative expenses of county agricultural conservation associations for the calendar year in which such fiscal year ends. The sums so loaned during any fiscal year shall be transferred to the current appropriation available for carrying out sections 7 to 17 of such act and shall be repaid, with interest, at a rate to be determined by the Secretary but not less than the cost of money to the Commodity Credit Corporation for a comparable period, during the succeeding fiscal year from the appropriation available for that year or from any unobligated balance of the appropriation for any other year."

The amendment was agreed to.

The next amendment was, on page 6, after line 16, to insert:

SEC. 10. That where an agricultural adjustment or conservation payment has been made to a person, and all or a part of such pay-

ment was earned by a second person by virtue of his having, in good faith, contributed to the rendering of performance for which the payment was made, but who did not enter into or apply for an adjustment contract prior to January 6, 1936, or with respect to any agricultural conservation payment did not apply for payment under any program formulated for any year from 1936 to 1939, inclusive.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend the Soil Conservation and Domestic Allotment Act, as amended, the Agricultural Adjustment Act of 1938, as amended, and for other purposes."

Mr. LUCAS subsequently said: Mr. President, while I was out of the Chamber it is my understanding that unanimous-consent request was made to return to Calendar No. 1746, House bill 9594, and the bill was passed.

While I was present this morning it was my understanding that the Senator from Georgia [Mr. GEORGE] made objection to the bill and it was passed over. I now ask unanimous consent to recur to Calendar No. 1746, House bill 9594, for the purpose of making an objection to a certain amendment contained therein.

The PRESIDING OFFICER. Is there objection?

Mr. McNARY. Mr. President, the bill was passed after objection was withdrawn. The Senator should ask unanimous consent to reconsider.

Mr. GEORGE. Mr. President, I may say to the Senator from Illinois that subsequently when I withdrew my objection the bill was passed. Did the Senator desire to offer an amendment to it?

Mr. LUCAS. I ask unanimous consent to reconsider the vote whereby the amendments to House bill 9594 were ordered to be engrossed, and the bill was ordered to a third reading, read a third time, and passed.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Is there objection to the consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill (H. R. 9594) to amend section 12 (b) of the Soil Conservation and Domestic Allotment Act, as amended, by authorizing the transfer of funds to cover advances for crop insurance.

Mr. LUCAS. Mr. President, I desire to invite the attention of the Senate for a moment to section 3 of the bill. Section 3, which is an amendment to the bill as it passed the House, deals with certain authority granted to the various committees throughout the country that are now administering the Soil Conservation and Domestic Allotment Act. There has been a dispute between certain leaders of American thought in the various sections of the country as to the exact meaning of paragraph (h) under section 3. After discussing the matter this morning with the officials of the Agricultural Department, I may say that they have no objection to the elimination of section 3 in its entirety.

Mr. SMITH. Mr. President, I will say to the Senator that I received that information from the Department, and, as this bill is for the purpose of relieving the farmers of certain burdens and improving the general administrative features of the present act, I have no objection to the elimination of section 3. The Department says it does not add to nor detract from the purpose of the bill.

Mr. LUCAS. I thank the distinguished chairman of the Agricultural Committee, and I so move—that section 3 of the bill, as amended, be eliminated.

The PRESIDING OFFICER. The amendment offered by the Senator from Illinois will be stated.

The CHIEF CLERK. On page 2 it is proposed to strike out lines 16 to 25, and on page 3 it is proposed to strike out lines 1 to 3.

The amendment was agreed to.

Mr. LUCAS. I further move that the remaining sections be properly renumbered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

**BILL PASSED OVER**

The bill (S. 963) providing for the refund of taxes collected under Public Law No. 169, Seventy-third Congress, known as the Bankhead Act, was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. HATCH. Mr. President, will the Senator from Utah withhold his objection? I shall ask the Senator from Alabama [Mr. BANKHEAD] to make an explanation of the bill. The amendment to the bill merely refers the matter to the Court of Claims. It provides for no refund.

Mr. KING. May I ask, Is there an obligation on the part of the Federal Government to pay \$52,000,000 at this time?

Mr. HATCH. I understand that it is agreeable to the Senator from Alabama that the bill go over for the present.

Mr. BARKLEY. Mr. President, the bill goes over, I understand, at the suggestion of the Senator from Alabama?

The PRESIDENT pro tempore. The bill will be passed over.

**TWO-HUNDRETH ANNIVERSARY OF FOUNDING OF UNIVERSITY OF PENNSYLVANIA**

The joint resolution (S. J. Res. 214) authorizing the recognition of the two hundredth anniversary of the founding of the University of Pennsylvania by Benjamin Franklin and the beginning of university education in the United States, and providing for the representation of the Government and people of the United States in the observance of the anniversary, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Whereas there are to be held at Philadelphia, Pa., and at other places during the year 1940 celebrations commemorating the two hundredth anniversary of the founding of the University of Pennsylvania by Benjamin Franklin, said institution being the first university to be established in what are now the United States; and

Whereas, in accordance with resolutions of the president and fellows of the University of Pennsylvania, there will take place in Philadelphia, Pa., on the 16th, 17th, 18th, 19th, 20th, and 21st of September 1940 formal ceremonies of celebration of the bicentennial, in the presence of the governing boards, faculties, students, and alumni of the university, the delegates of other institutions, distinguished guests, and a large number of friends and benefactors; and

Whereas the Commonwealth of Pennsylvania and the city of Philadelphia will be officially represented at the ceremonies; and

Whereas the University of Pennsylvania endeavors to foster and maintain the ideals of truth and freedom so dear to Americans: Therefore be it

*Resolved, etc.,* That the Government and people of the United States unite with the University of Pennsylvania in a fitting and appropriate observance of the two hundredth anniversary of its founding, which marked the formal beginning of university education in the United States (Harvard, William and Mary, and Yale were founded before the University of Pennsylvania, but they were not universities until after the University of Pennsylvania became a university).

Sec. 2. There is hereby established a commission to be known as the United States University of Pennsylvania Bicentennial Commission (hereinafter referred to as the Commission) to be composed of 15 commissioners, as follows: The President of the United States and 4 persons to be appointed by him, the President of the Senate and 4 Members of the Senate to be appointed by said President of the Senate, and the Speaker of the House of Representatives and 4 Members of the House to be appointed by said Speaker.

Sec. 3. The Commission, on behalf of the United States, shall cooperate with the representatives of the University of Pennsylvania, the Commonwealth of Pennsylvania, and the city of Philadelphia in the appropriate observance of such anniversary, and shall extend appropriate courtesies to the delegates of foreign universities and other foreign learned bodies or individuals attending the celebration as guests of the University of Pennsylvania.

Sec. 4. The members of the Commission shall serve without compensation and shall select a chairman from among their number, but the President of the United States shall be designated as the "honorary chairman" of the Commission.

Sec. 5. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to be expended by the Commission for expenses, including actual and necessary traveling and subsistence expenses, incurred while discharging its functions under this joint resolution. The

Commission shall have power to select, hire, and fix the compensation of such officers and employees as shall be necessary for the performance of its duties without regard to the provisions of other laws applicable to employment or compensation of officers or employees of the United States.

Sec. 6. Any vacancies occurring in the membership of the Commission shall be filled by the President of the United States.

The preamble was agreed to.

**REORGANIZATION OF NAVY DEPARTMENT**

The bill (S. 4026) providing for the reorganization of the Navy Department, and for other purposes, was announced as next in order.

Mr. McNARY. Mr. President, I ask the very able Senator from Massachusetts to make an explanation of this bill.

Mr. WALSH. Mr. President, Calendar No. 1749, Senate bill 4026, and Calendar No. 1750, Senate bill 4027, are companion bills. Senate bill 4026 is entitled "a bill providing for the organization of the Navy Department, and for other purposes." The first section of the bill abolishes the Bureau of Construction and Repair and the Bureau of Engineering and establishes a bureau to be known as the bureau of ships. It is provided that the duties of the new bureau shall be assigned by the Secretary of the Navy and performed under his authority and the orders of the chief of the bureau of ships shall be considered as emanating from the Secretary of the Navy and shall have full force and effect as such.

The chief of the bureau of ships shall be appointed by the President and confirmed by the Senate.

The chief of the bureau must be experienced in naval engineering or in naval architecture.

The purpose of the consolidation of these bureaus—and there are seven or more bureaus in the Navy Department, including the Bureau of Navigation, the Bureau of Yards and Docks, the Bureau of Ordnance, the Bureau of Engineering, the Bureau of Construction, the Bureau of Supplies and Accounts—is to put engineering and construction under one head. It is suggested for purposes of coordination and the promotion of efficiency and to bring about more direct responsibility.

Now, in the construction of a ship the plans go to the Bureau of Engineering; they are laid on the desks there and studied and suggestions are made; then, they go to the Bureau of Construction, where other suggestions are made. They go back to the Bureau of Engineering, then back again to the Bureau of Construction, and finally reach the office of the Secretary of the Navy. The purpose is to have one head responsible for the engineering and architectural construction groups under him.

Mr. McNARY. I do not think that I have any criticism to offer of the excellent explanation given by the Senator from Massachusetts, but I am wondering if this authority is not now vested in the President under the Reorganization Act?

Mr. WALSH. I will say to the Senator that there is some doubt about it. The President has doubt about the matter, as has the Navy Department. The Navy Department has proceeded to make consolidations itself so far as it thinks it legally can, but it felt in this instance that authority should be provided by statutory enactment. It is because of a question whether the President has the authority that it is proposed to make it a matter of statute. Of course, this bill provides for the repeal of previous laws creating the two bureaus.

There is another important section of the bill to which I wish to call attention. I refer to the section which provides for an Under Secretary of the Navy, which is the third section of the bill.

In addition to the Secretary of the Navy there is now, as the Senator knows, an Assistant Secretary of the Navy, and it is proposed that there shall be an Under Secretary of the Navy, with a salary of \$10,000, and that he shall be nominated by the President and confirmed by the Senate. The reason given for it is the excessive amount of work that falls on the Secretary's office, and also for the purpose of assigning to The Assistant Secretary special and particular duties relating to construction work.



Mr. McNARY. May I ask the Senator at that point what duties will the Under Secretary perform which are not now being performed by the personnel in the Department?

Mr. WALSH. If the Senator will permit me, I will quote from the report on the bill, as follows:

Section 3 of the bill provides for an Under Secretary of the Navy. At present there is only one Assistant Secretary of the Navy, and there is no Under Secretary. The Assistant Secretary of the Navy, charged with the extensive and far-reaching duties just referred to, is more than fully occupied with their execution. As the Navy has grown, and as its field establishments have increased in size and in number, these duties have multiplied. The work of the Navy Department as a whole is now so great that it overtakes the ability of its two civilian heads, the Secretary and The Assistant Secretary. To relieve this situation an Under Secretary is considered very desirable. The bill permits the greatest of latitude in the duties which he should perform by prescribing that they shall be such as may be prescribed by the Secretary of the Navy. This freedom is similar to that allowed in the case of The Assistant Secretary of the Navy and the Assistant Secretaries of many other executive departments. It permits the Secretary to take advantage of the different training, experience, and inherent qualities of the individuals who may be appointed Under Secretary or Assistant Secretary. Generally speaking, however, it is proposed that The Assistant Secretary shall continue to perform the duties now being performed by him, namely, in charge of the preparation of the naval estimates or budget, and in charge of the general administration of all shore establishments, while the Under Secretary will act as the "alter ego" of the Secretary, and, so far as possible, relieve both the Secretary and The Assistant Secretary of many of the duties in connection with official and semi-official functions, conferences, and the special tasks that arise so frequently which would otherwise have to be performed personally by the Secretary or The Assistant Secretary.

Those, in general, are the reasons given to the committee for this change.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McNARY. I have not the floor.

Mr. WALSH. I yield.

Mr. CONNALLY. I may suggest to the Senator from Oregon that the reason an under secretary is desired by most of the departments is that away back 15 years ago, when I was a Member of the other House, and served on the Committee on Foreign Affairs, the State Department insisted the official who was formerly the First Assistant Secretary of State should be called Under Secretary of State because the British had an under secretary and other foreign governments have under secretaries. The under secretary is just a little above the first assistant, not under him, just a little ahead of him. So since we did that for the State Department because it wanted to pattern itself after foreign legations and foreign chancelleries and ministries, every other department now has to have an under secretary. The Treasury Department got one many years ago, and now even the Department of Agriculture has an under secretary; so I think that, in all fairness, in the allocation of titles, the Navy ought to have an under secretary, because, otherwise, it might consider itself discriminated against. That is all there is to it. Of course, a man could perform the duties of Assistant Secretary of the Navy just as well as if he were called under secretary, but he would not have the title.

Mr. McNARY. I am familiar with that history, but I appreciate the information given. I knew the title was of foreign origin. I opposed the creation of an Under Secretary of Agriculture a few years ago, as I recall. I do not imagine that the title will change in any way the work performed by the official, only he will have a little different title and receive a larger salary.

My purpose in rising, Mr. President, was this: It occurred to me, in reading the synopsis of the bill on the calendar, that authority was given to the President under the Reorganization Act to effect this very change. If we have given the authority to the President, I think we should not now obtrude our congressional authority to do something that we have given away; and I am curious to know why the President does not carry out the edict of Congress rather than to have Congress come back and make one of its own edicts.

Mr. WALSH. Mr. President, the request for the creation of this office comes directly from the President.

Mr. McNARY. I am speaking now about the reorganization.

Mr. WALSH. It is the opinion of the Judge Advocate General's office that there is not legal authority for the consolidation under an Executive order by the President, although, in fact, they have been operating with certain shifts and with the abolishing of these two bureaus, but the functions are not defined by law.

Mr. McNARY. Mr. President, with due respect to the Judge Advocate General, having a little knowledge of the Executive orders heretofore made by the President and of the Reorganization Act, I cannot imagine that there is any lack of authority in the President to effect the change suggested in this bill.

Mr. WALSH. If new duties were created, the Senator will agree that by Executive order they could not be transferred from one department to another.

Mr. McNARY. I agree to that.

The PRESIDING OFFICER (Mr. GILLETTE in the chair). The time of the Senator from Massachusetts on the bill has expired.

Mr. KING. Mr. President, in my own time I inquire of the Senator from Massachusetts whether this bill does not go further than merely creating an under secretary. Does it not create more jobs and more titles and transfer officials from positions which they now occupy to other positions with increased salaries, and so forth?

Mr. WALSH. The bill abolishes the office of Assistant Secretary of the Navy for Aeronautics, which is now created by law, but to which no appointment has been made in recent years, as the duties prescribed for this office are being performed by the Bureau of Aeronautics. The only job created by the bill is this particular one of under secretary.

Mr. KING. I ask the Senator to give us a chance to look into the bill. Let it go over.

Mr. WALSH. Very well. The Senator from Utah is within his rights in asking that the bill go over.

I ask unanimous consent that following the disposition of the bill which is the unfinished business—the hospital bill of the Senator from New York [Mr. WAGNER]—the Senate proceed to take up four naval bills; namely, first, the naval vessel expansion bill; secondly, the naval airplane expansion bill; and thirdly, these two bills, which are companion measures.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that following the order previously made, the Senate take up the four naval bills which he has enumerated.

Mr. WALSH. Let me say that the leader has agreed that one of the bills shall be taken up following the disposition of the Wagner bill, and I thought all four of them should be taken up in succession and disposed of at the same time, as they are all interlocked and interrelated.

Mr. KING. Mr. President, for the present I shall object—and I do it very reluctantly—to the suggestion of my friend from Massachusetts.

We have had pending for some time a House bill, the so-called Logan-Walter bill; and it is obvious that there are some forces or agencies which are opposed to the consideration of that bill. At the appropriate time, at the conclusion of the consideration of the so-called hospital bill, I shall move that the Senate proceed to the consideration of the so-called Logan-Walter bill.

Mr. McCARRAN. Mr. President, the request of the Senator from Massachusetts requires unanimous consent. Aside from that, I must reluctantly refuse to go along, and do object, for the reason that for weeks we have been trying to get before the Senate for its consideration what is known as the Walter-Logan bill; and, until that bill is disposed of, I very much hope no other contentious bill will be presented.

The subcommittee of the Judiciary Committee of the Senate has been trying for weeks to bring before the Senate for consideration the Walter-Logan bill. It is a matter which is all-important to the welfare of the country. The committee will strive at every opportunity to have it brought before the Senate for consideration; and, so far as I am

concerned, as one member of the subcommittee, I shall object from now on to the consideration by unanimous consent of any other contentious bill.

Mr. McNARY obtained the floor.

Mr. KING. Mr. President, will the Senator from Oregon yield to me?

Mr. McNARY. I yield.

Mr. KING. I desire to make a suggestion to the Senator from Nevada. Not only has the subcommittee of the Judiciary Committee been urging the consideration of the Logan-Walter bill, but the full committee, with the exception of one member, recently met and resolved to urge the Senate to proceed to the consideration of the bill at the earliest possible moment. So the Judiciary Committee is behind the suggestion made by the able Senator from Nevada.

Mr. McCARRAN. I am very happy to have that fact stated.

Mr. WALSH. Mr. President, I already had made arrangements with the leader on this side of the Chamber to move that the Senate proceed to the consideration of the naval-expansion bill at the end of the consideration of the hospital-construction bill. I thought it would be to the advantage of the Members of the Senate—not to my own personal advantage—to have all these naval bills, interlocked as they are, considered and disposed of on the same day, after a general discussion of the whole subject. That was my reason for putting the four measures together at one time.

Let me further say that the first bill deals with the expansion of naval vessels.

The second bill deals with the expansion of naval airplanes, naval air bases, and training of naval pilots.

The third bill deals with a reorganization in the Navy Department, to make more efficient the work of the Department, and the fourth deals with the consolidation of the Construction Corps and the line of the Navy.

I therefore give notice that in due time I shall move to take up those bills.

Mr. BANKHEAD. Mr. President, there are on the calendar a number of bills in which numerous Senators are interested. I call for the regular order, so that we may proceed with them.

The PRESIDING OFFICER. The regular order has been called for.

#### REGISTRATION OF TRADE-MARKS

Mr. BONE. Mr. President, I ask unanimous consent to recur to Calendar No. 1617, House bill 6618, which, I believe, was passed over yesterday. I was detained from the Senate for a couple of days because of physical necessities, and was not present when the calendar was called yesterday. This is the so-called copyright bill, the report on which was prepared and submitted by the Senator from Connecticut [Mr. DANAHY], a member of the Patents Committee, and myself.

Mr. WHEELER. Mr. President, I think I objected to the consideration of the bill yesterday, and I should have to object to it again at this time until I have a chance to look into it.

The PRESIDING OFFICER. Objection is heard. The clerk will state the next bill on the calendar under the unanimous-consent agreement.

#### BILL PASSED OVER

The bill (S. 4027) to transfer the active list of the Construction Corps to the line of the Navy, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, is that bill similar to the one which the Senator from Massachusetts has just been discussing?

Mr. WALSH. Yes; they are companion bills. It should not be enacted unless the other bill is enacted. I ask that it go over with the other bill.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

#### CONVEYANCE OF CERTAIN LANDS TO STATE OF WYOMING

The bill (H. R. 8403) to convey certain lands to the State of Wyoming was considered, ordered to a third reading, read the third time, and passed.

#### RENTALS IN CERTAIN OIL AND GAS LEASES

The Senate proceeded to consider the bill (S. 2915) relating to rentals in certain oil and gas leases issued under authority of the act of February 25, 1920, as amended, and for other purposes, which had been reported from the Committee on Public Lands and Surveys with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Interior, in the case of lands not within any known geologic structure of a productive oil or gas field, shall waive the rentals stipulated in oil and gas leases issued pursuant to section 17 of the act of February 25, 1920, as amended by the act of August 21, 1935 (49 Stat. 674), for the second and third lease years, unless a valuable deposit of oil or gas be sooner discovered.

Mr. McNARY. Mr. President, because of the past history of some oil transactions in this vicinity, I ask the able Senator from Wyoming to explain the bill.

Mr. O'MAHONEY. Mr. President, this bill has been amended to harmonize with the recommendation of the Department of the Interior. As I originally introduced the bill, it provided for the waiver of rentals under certain oil and gas leases on lands not within a known structure of a producing oil or gas field. In other words, it was dealing with what we commonly call "wildcat" land. In order to liberalize to a certain degree the provisions of the law so as to make it a little easier for those who seek to prospect upon the public domain, I sought in this bill to reduce the amount of rental required.

Under the Leasing Act as it now stands, the Secretary of the Interior may charge a rental of not less than 25 cents an acre per annum on these 5-year leases. Under the regulations which the Secretary has announced, the rental is 50 cents a year—twice the minimum provided in the law. Obviously, a rental of 50 cents an acre on nonproductive land operates as an obstruction to development. I sought to have this waiver made with respect to exchange leases—that is to say, the leases which are given in exchange for prospecting permits—and also with respect to leases under section 17 of the Leasing Act—that is to say, original leases made upon application. The Interior Department declined to approve the waiver of rental on exchange leases and declined to approve the waiver of the rental for the first year, but did consent to a waiver of the rental for the second and third years.

It must be borne in mind that these are 5-year leases. The purpose of the Department in asking for the rental for the first year was, as it is explained by the Department, to make certain that the leases go into the hands of bona fide operators who desire to develop. The bill was unanimously approved by the Committee on Public Lands.

Mr. McNARY. Was the bill referred to the Department of the Interior?

Mr. O'MAHONEY. Oh, yes.

Mr. McNARY. And favorable consideration was given to it?

Mr. O'MAHONEY. That is correct. The Department of the Interior suggested an amendment, which is in the nature of a substitute, as I have described.

Mr. McNARY. A portion of the money derived goes to the reclamation fund?

Mr. O'MAHONEY. Yes.

Mr. McNARY. Fifty-two and one-half percent?

Mr. O'MAHONEY. Yes; there is no change.

Mr. McNARY. Does it meet with the approval of the Commissioner of Reclamation?

Mr. O'MAHONEY. Oh, yes. There is no objection.

Let me add that for many years I have been seeking to liberalize the provisions of the Leasing Act, and I feel that much greater concessions should be made than the Interior Department is willing to approve in order to stimulate development. In all fairness, however, it should be remarked that on numerous occasions the Department has granted my requests for the extension of the terms of oil and gas



prospecting permits. The issuance of such permits was altogether suspended in 1929, and for a long period the attitude of the Interior Department was to discourage development upon the public domain. It has always been my desire to promote development, because by so doing the receipts of the reclamation fund and the receipts of the States in which the valuable deposits are found are materially increased.

Under the act of August 21, 1935, which I introduced in the Senate after prolonged negotiations with the Department of the Interior, we succeeded in obtaining a blanket extension for thousands of oil and gas permits in the public-land States. The extension of these permits brought about a substantial increase of drilling. As a matter of fact, the records of the Geological Survey now indicate that during several years past the proportion of drilling for oil on public lands in the public-land States, as compared with drilling on private lands in other States, has greatly increased. This has all been to the advantage of the public-land States and of the reclamation fund and of the schools and highway systems in such States.

It is my belief that much more substantial concessions than those contained in this bill should be granted, but the measure as reported by the Committee on Public Lands and Surveys seems to represent the most that can be obtained at this time.

The PRESIDING OFFICER. The clerk will state the amendment of the committee.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause and to insert the following:

That the Secretary of the Interior, in the case of lands not within any known geologic structure of a productive oil or gas field, shall waive the rentals stipulated in oil and gas leases issued pursuant to section 17 of the act of February 25, 1920, as amended by the act of August 21, 1935 (49 Stat. 674), for the second and third lease years, unless a valuable deposit of oil or gas be sooner discovered.

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that the report of the committee be printed at this point in the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[S. Rept. No. 1673, 76th Cong., 3d sess.]

The Committee on Public Lands and Surveys, having considered the bill (S. 2915) relating to rentals in certain oil and gas leases issued under the authority of the act of February 25, 1920, as amended, and for other purposes, report the same with an amendment and recommend that the bill as thus amended be passed.

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior, in the case of lands not within any known geologic structure of a productive oil or gas field, shall waive the rentals stipulated in oil and gas leases issued pursuant to section 17 of the act of February 25, 1920, as amended by the act of August 21, 1935 (49 Stat. 674), for the second and third lease years, unless a valuable deposit of oil or gas be sooner discovered."

The above amendment is suggested by the Secretary of the Interior and although it does not accomplish all of the purposes of the original bill, it has been accepted by the committee. As introduced, the bill provided for the waiver of rentals for the second and third lease years of all oil or gas leases not within any known geologic structure of a productive oil or gas field; eliminated the present requirement of a rental bond during the first 3 years of any such lease, but retained the present requirement for a drilling bond. The waiver of rentals under the bill would have extended to leases issued under section 13 of the Leasing Act in exchange for prospecting permits, as well as to original leases under section 17 of the said act.

The Department of the Interior disapproved the inclusion of exchange leases on the ground that no rentals are required under the present law for such leases during the first 2 years. The Department also disapproved the provision eliminating the requirement of a rental bond inasmuch as after the introduction of the bill on July 23, 1939, the Department, by regulation, has provided that the filing of a \$1,000 lease bond will not be required so long as the annual rental under a lease is paid 90 days in advance of its due date.

The bill, as modified by the recommendation of the Department of the Interior, waives the rental for the second and third lease years of all leases issued under section 17 of the Leasing Act on lands not within any known geologic structure of a productive oil or gas field.

The report of the Secretary follows:

DEPARTMENT OF THE INTERIOR,  
Washington, April 27, 1940.

HON. ALVA B. ADAMS,  
Chairman, Committee on Public Lands and Surveys, United States Senate.

MY DEAR SENATOR ADAMS: You have submitted for a report on the bill a copy of S. 2915, entitled "A bill relating to rentals in certain oil and gas leases issued under authority of the act of February 25, 1920, as amended, and for other purposes."

The bill provides that the rental stipulated in oil and gas leases issued subsequent to the act of August 21, 1935 (49 Stat. 674), for lands not within any known geological structure of a producing field shall be waived for the second and third lease years, and that no bond shall be required for the first 3 years of such leases, except where otherwise provided by law and except that a bond shall be required before permission to drill under the lease is granted.

Certain changes should be made in the bill as hereinafter recommended, and if so amended I will interpose no objection to its enactment.

The amendatory act of August 21, 1935, provides for the payment in advance by the lessee of a rental to be fixed in the lease of not less than 25 cents per acre per annum. The regulations under this act (Circular 1386) prescribe a rental of 50 cents per acre for the first year, payable prior to the issuance of the lease, and for the succeeding lease years 25 cents per acre until oil or gas in commercial quantities is discovered. Thereafter the rental is \$1 per acre, any rental paid for any 1 year to be credited against the royalties as they accrue for that year. The lessee must furnish prior to the beginning of drilling operations and thereafter maintain a \$5,000 lease bond, and the regulations originally provided that until such bond was filed he must submit and maintain a bond in the sum of \$1,000 conditioned upon compliance with the terms of the lease. However, under a regulation approved November 27, 1939 (Circular 1464), the lessee will not be required to furnish the \$1,000 lease bond before the lease is issued, and he may defer the filing of such bond so long as the annual rental under the lease is paid 90 days in advance of its due date. Since a lessee may, by paying the rental in advance, hold the lease without bond until he desires to commence drilling, the provision of the bill to exempt the lessee from furnishing the bond for the first 3 years of the lease appears to be unnecessary.

Under the bill the lessee would pay only 50 cents per acre rental in the first 3 years of the lease, whereas under present law and regulations a total rental of \$1 per acre is required for those years. However, the initial payment of 50 cents per acre would appear to be sufficient in amount to discourage generally the filing of applications for the purpose of speculating in the leases, and this reduction in the amount of rental under each lease will in all probability be more than compensated by the rentals received from the increased acreage that will be leased because of the lower rental requirement. While the amount of rental now required is of little significance when compared to the cost of drilling a well under the lease, the general view seems to be that it is higher than should be charged for the class of public lands for which such leases may under the law be obtained. Although I am not convinced that such a view is justified, inasmuch as the policies embodied in the amendatory act of August 21, 1935, and the objectives attained under that act, will remain unaffected, I will not oppose the proposed reduction of rentals.

Leases issued under section 13 of the Leasing Act as amended by the act of August 31, 1935, in exchange for prospecting permits, are free of rental for the first 2 lease years. Clearly, the proposed waiver of rentals should not apply to such leases, but the provisions of the bill should be made applicable only to those leases issued under section 17 of the Leasing Act as amended for lands not within any known geologic structure of a producing oil or gas field.

In order that its provisions may be in accord with the foregoing suggestions, I recommend that the bill be amended to read as follows:

"That the Secretary of the Interior, in the case of lands not within any known geologic structure of a productive oil or gas field, shall waive the rentals stipulated in oil and gas leases issued pursuant to section 17 of the act of February 25, 1920, as amended by the act of August 21, 1935 (49 Stat. 674), for the second and third lease years, unless a valuable deposit of oil or gas be sooner discovered."

The Director of the Bureau of the Budget has advised me that there is no objection to the presentation of this report.

Sincerely yours,

HAROLD L. ICKES,  
Secretary of the Interior.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3037) to record the lawful admission to the United States for permanent residence of Chaim Wakerman, known as Hyman Wakerman, was announced as next in order.

Mr. REYNOLDS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2036) for the relief of Umberto Tedeschi was announced as next in order.

Mr. REYNOLDS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5417) for the relief of Isaac Surmany was announced as next in order.

Mr. REYNOLDS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6409) to record the lawful admission to the United States for permanent residence of Motiejus Buzas and Bernice Buzas, his wife, was announced as next in order.

Mr. REYNOLDS. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### WILLIAM LAWRENCE TAN

The Senate proceeded to consider the bill (S. 3146) relating to the citizenship of William Lawrence Tan, which had been reported from the Committee on Immigration with an amendment, on page 1, line 9, after "1935", to strike out "shall be deemed to have begun to reside permanently in the United States on December 1, 1934; and, notwithstanding any other provision of law, the said William Lawrence Tan shall be deemed to be a citizen of the United States 5 years after such date", and to insert "notwithstanding that he is inadmissible for entry into the United States for permanent residence he shall not be deported", so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of section 5 of the act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, as amended, William Lawrence Tan, of Honolulu, T. H., the minor child of Wilma Alberta Geary, a citizen of the United States whose American citizenship was resumed on March 30, 1935, notwithstanding that he is inadmissible for entry into the United States for permanent residence he shall not be deported.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (H. R. 7515) for the relief of Joseph B. Rupinski and Maria Zofia Rupinski was announced as next in order.

Mr. REYNOLDS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8295) for the relief of Leo Neumann and his wife, Alice Neumann, was announced as next in order.

Mr. REYNOLDS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 2684) for the relief of Emma Knutson was announced as next in order.

Mr. REYNOLDS. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### EXCLUSION AND DEPORTATION OF ALIENS

The bill (H. R. 4860) to amend existing law so as to provide for the exclusion and deportation of aliens who advocate the making of any changes in the American form of government was announced as next in order.

Mr. DANAHER. Mr. President, does anyone wish to oppose a bill which would make it possible to deport someone who wished to change the form of the Government of the United States of America?

The PRESIDING OFFICER. If the Senator is addressing his question to the Chair, the Chair will say that he is in no position to answer.

Mr. WHEELER. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### BILLS PASSED OVER

The bill (H. R. 7179) authorizing the naturalization of Louis D. Freedman was announced as next in order.

Mr. REYNOLDS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8292) for the relief of Erich Hecht, Grete J. L. Hecht, and Erich F. Hecht, Jr., was announced as next in order.

Mr. REYNOLDS. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### FLORENCE SINCLAIR COOPER AND OTHERS

The Senate proceeded to consider the bill (S. 1789) to authorize the cancelation of deportation proceedings in the case of Florence Sinclair Cooper and daughter Margaret Lavallie, which had been reported from the Committee on Immigration with amendments, on page 2, line 1, after the name "Lavallie" and the comma, to insert "and Philip P. Roy"; on line 3, before the name "Florence", to strike out "neither"; on line 4, after the name "Sinclair", to strike out "Cooper nor" and insert "Cooper"; on line 5, before the word "shall", to insert "and Philip P. Roy", and after the word "shall" to insert the word "not", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of Labor is hereby authorized and directed to cancel the deportation proceedings issued pursuant to sections 19 and 20 of the Immigration Act of February 5, 1917 (39 Stat. 889, 890; U. S. C., title 8, secs. 155 and 156), in the case of Florence Sinclair Cooper and daughter, Margaret Lavallie, and Philip P. Roy, any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this act, Florence Sinclair Cooper, her daughter, Margaret Lavallie, and Philip P. Roy shall not again be subject to deportation by reason of the same facts upon which the outstanding proceedings rest.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the cancelation of deportation proceedings in the case of Florence Sinclair Cooper and daughter, Margaret Lavallie, and Philip P. Roy."

#### BILLS PASSED OVER

The bill (H. R. 6083) for the relief of Morris Burnstein, Jennie Burnstein, and Adolph Burnstein was announced as next in order.

Mr. REYNOLDS. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 6946) for the relief of Salvatore Taras was announced as next in order.

Mr. REYNOLDS. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### JOHN L. HARDER

Mr. REYNOLDS. Mr. President, at this time I wish to withdraw the objection I entered several days ago to the consideration of Calendar No. 1529, House bill 5827.

The PRESIDING OFFICER. Does the Senator ask that the Senate recur to that bill at this time?

Mr. REYNOLDS. Yes, Mr. President.

There being no objection, the Senate proceeded to consider the bill (H. R. 5827) to authorize the cancelation of deportation proceedings in the case of John L. Harder and children, Paul William Harder, Irvin W. Harder, Edna Justina Harder, Elsie Anna Harder, and Elizabeth Harder, which had been reported from the Committee on Immigration with an amendment, on page 2, line 2, after the word "rest", to insert "and shall be deemed to be lawful residents of the United States", so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of Labor is hereby authorized and directed to cancel the proceedings instituted against John L. Harder and children, Paul William Harder, Irvin W. Harder, Edna Justina Harder, Elsie Anna Harder, and Elizabeth Harder, any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this act, John L., Paul William, Irvin W., Edna Justina, Elsie Anna, and Elizabeth Harder shall not again be subject to deportation by reason of the same facts upon which the outstanding proceedings rest, and shall be deemed to be lawful residents of the United States.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### ASSAY OFFICE AT HELENA, MONT.

The Senate proceeded to consider the bill (S. 3115) to provide for the establishment and maintenance of an assay office at Helena, Mont., which was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to establish, equip, and maintain an assay office at Helena, Mont., for the purpose of assaying ore and purchasing gold.



SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary in order to establish, equip, and maintain such assay office, and to acquire such land and construct or rent such buildings as may be necessary for the proper functioning of such assay office.

Mr. DANAHER. Mr. President, will not the Senator from Montana explain the need for this assay office?

Mr. WHEELER. Mr. President, there used to be an assay office at Helena for many years, and the Government still owns the building. A few years ago it was felt there was not any need for an assay office in Helena, but since mining has been revived in the western section of the country, in Montana and other States, a great many small miners are prospecting for gold and for other minerals, and they have to ship their ore to Denver and pay for the shipping. It is a very expensive matter for them, and also extremely inconvenient. It would be very helpful, in my judgment, and in the judgment of others, in restoring employment among prospectors if the assay office were reestablished.

Mr. DANAHER. I thank the Senator. Would he agree to strike out the words "and directed" in line 3?

Mr. WHEELER. Yes.

Mr. DANAHER. I move to amend, on lines 3 and 4, by striking out the words "and directed" after the word "authorized."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### ERICH HECHT, AND OTHERS

Mr. BANKHEAD. Mr. President, the junior Senator from North Carolina [Mr. REYNOLDS], who objected to the consideration of Calendar No. 1764, House bill 8292, has just authorized me to say that he withdraws his objection. I ask unanimous consent to revert to that bill and have it taken up for consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 8292) for the relief of Erich Hecht, Grete J. L. Hecht, and Erich F. Hecht, Jr., which was ordered to a third reading, read the third time, and passed.

#### WILDLIFE-RESTORATION PROJECTS

The Senate proceeded to consider the bill (S. 3739) to amend the act providing for Federal aid to the States in the establishment of wildlife-restoration projects, for the purpose of clearly indicating that such projects are to be owned by the respective States and maintained by them in accordance with the provisions of their laws, which was read, as follows:

*Be it enacted, etc.,* That section 8 of the act entitled "An act to provide that the United States shall aid the States in wildlife-restoration projects, and for other purposes," approved September 2, 1937, is amended to read as follows:

"Sec. 8. Title to any real or personal property acquired, constructed, or improved by any State through the use of funds paid to it under the provisions of this act shall be vested in such State; and it shall be the duty of each State to maintain, in accordance with the provisions of its laws, any wildlife-restoration project established in such State through the use of funds paid to it under the provisions of this act."

Mr. WHEELER. Mr. President, the Senator from Utah [Mr. KING] has asked me for an explanation of the bill. It is merely an amendment clarifying the present law. There has been a controversy as to what the meaning of the law is, and as a result the stockmen and the cattlemen in Montana put one construction on the law to the effect that the law means that the lands involved would be the lands of the State and that the State would take care of them. The Department of the Interior says that that is the construction they put on the law at the present time. But the cattlemen and others in Montana were afraid, to be perfectly frank about it, that the Department of the Interior and the Government would try to run the reserves, and they were opposed to that and refused to comply with the construction until this amendment, or some other provision clarifying the law, was written into the statute.

I think they are right about it; and while the Interior Department says they put the construction on it I have here-

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tofore stated, and though I do not think it is necessary to amend the law, nevertheless, if the provision is written into the law there cannot be any question about it.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### QUOTAS FOR WHEAT

The bill (H. R. 3955) to amend section 335 (d) of the Agricultural Adjustment Act of 1938 was announced as next in order.

Mr. GEORGE. Mr. President, I should like to have an explanation of this bill.

Mr. BARKLEY. Mr. President, the Senator from South Carolina [Mr. SMITH] has been temporarily called from the Chamber. I think this is one of the bills reported a day or two ago from the Committee on Agriculture and Forestry which permits, in voting upon quotas, the farmers involved to vote for a 3-year quota instead of a 1-year quota. It is very important, I know, to the tobacco growers that such a bill be enacted, but I do not wish to attempt to explain it in the absence of the Senator from South Carolina.

Mr. McNARY. Mr. President, this bill refers to wheat. The law exempts those producing less than a hundred bushels. This would increase the exemption to 200 bushels. I think it would perhaps be well to pass the bill over, as well as the next bill, until the Senator from South Carolina can be present to explain them.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

#### BILL PASSED OVER

The bill (H. R. 9700) to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes, was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### SUPPLY OF SEED FOR HAWAII

The Senate proceeded to consider the bill (S. 2326) to provide and maintain an adequate supply of suitable seed for production of food for the population of Hawaii in times of emergency, which had been reported from the Committee on Agriculture and Forestry with amendments, on page 2, line 11, after "July 1", to strike out "1939" and to insert "1940", and on line 14, after "July 1", to strike out "1939" and to insert "1940", so as to make the bill read:

*Be it enacted, etc.,* That in order to aid in the production of a necessary food supply for the population of Hawaii in times of emergency, the Secretary of Agriculture be, and he is hereby, authorized and directed to construct suitable seed-storage facilities on the island of Oahu, Territory of Hawaii, and to establish and maintain an adequate supply of suitable seed for production of food for the population of Hawaii in times of emergency.

Sec. 2. In carrying out the purposes of section 1, the Secretary of Agriculture is authorized to cooperate with other departments and agencies of the Federal Government, the Territory of Hawaii, and Territorial agencies, institutions, business or other organizations, corporations, and individuals upon such terms and conditions as he may prescribe.

Sec. 3. To carry out the purposes of section 1 and section 2, there is hereby authorized to be appropriated for the fiscal year beginning July 1, 1940, \$232,320, and for each fiscal year thereafter the sum of \$50,000: *Provided,* That of the amount authorized for the fiscal year beginning July 1, 1940, \$100,000 shall be available for the construction of suitable seed-storage facilities and the purchase and installation of equipment, and \$91,000 for initial supply of suitable seed. Except in time of emergency, the Secretary of Agriculture is authorized to sell or otherwise dispose of, in accordance with such regulations as he may prescribe, only seeds which need to be replaced to maintain a supply of viable seed. In times of emergency he may furnish, in accordance with such regulations as he may prescribe, such amounts of seed, by sale or otherwise, as may be necessary to provide a food supply for the population of Hawaii in accordance with the purposes of this act. The amounts obtained from the sale of seeds shall be covered into the Treasury of the United States as miscellaneous receipts. Seed procured under the authority of this act may be purchased without regard to the provisions of section 3709, Revised Statutes.

Mr. McNARY. Mr. President, I think we should have some explanation of the bill.

Mr. HATCH. Mr. President, I may say to the Senator from Oregon that the purpose of the bill is to provide a supply of seed in the islands of Hawaii at all times, seeds kept fertile, to be planted and used for food to be consumed by the inhabitants of the islands in the event of emergency of any kind arising, when their connection with the mainland might be severed. There was almost such an emergency last year. The Delegate from Hawaii appeared before the subcommittee, and officials from the Department of Agriculture, the Navy Department, and the War Department urged very strongly that this seed supply be made available for the islands.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 9350) to expedite the strengthening of the national defense was announced as next in order.

Mr. McNARY. Mr. President, in the absence of an explanation of the bill—

The PRESIDING OFFICER. Does the Senator object to the present consideration of the bill?

Mr. McNARY. I object unless the bill is amply, fully, completely, and convincingly explained.

The PRESIDING OFFICER. Is any Senator present who can explain the bill? If not, the bill will be passed over.

#### TRANSPORTATION OF STOLEN ANIMALS

The bill (S. 3786) to provide for the punishment of persons transporting stolen animals in interstate commerce, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That this act shall be cited as the National Animal Theft Act.

SEC. 2. When used in this act—

(a) The term "animal" shall include any cattle, hog, sheep, horse, or mule.

(b) The term "interstate or foreign commerce" shall include transportation from one State, Territory, or the District of Columbia, to another State, Territory, or the District of Columbia, or to a foreign country, or from a foreign country to any State, Territory, or the District of Columbia.

SEC. 3. Whoever shall transport or cause to be transported in interstate or foreign commerce any animal, or the carcass or hide or any part of the carcass or hide of any animal, knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than 5 years, or both.

SEC. 4. Whoever shall receive, conceal, store, barter, buy, sell, or dispose of any such animal, or the carcass or hide or any part of the carcass or hide thereof, moving in or constituting a part of interstate or foreign commerce, knowing the same to have been stolen, shall be punished by a fine of not more than \$5,000 or by imprisonment of not more than 5 years, or both.

SEC. 5. Any person violating section 3 of this act may be prosecuted in any district, from, into, or through which such animal, or the carcass or hide or any part of the carcass or hide thereof, has been transported or removed.

SEC. 6. Nothing herein shall be construed to repeal, modify, or amend any part of the National Stolen Property Act.

#### DISPOSITION OF FINES FOR FAILURE TO PAY ALASKAN LICENSE TAXES

The bill (S. 3491) to provide that fines for failure to pay license taxes in Alaska shall be disposed of as provided for the disposition of such taxes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That section 7 of the act of June 6, 1900 (ch. 786, 31 Stat. 324, as amended; 35 Stat. 840; U. S. C., title 48, sec. 106), be, and it is hereby, amended to read as follows:

"Sec. 7. That four clerks shall be appointed for the court, one of whom shall be assigned to each division thereof, and during his term of office shall reside at such place in the division as the Attorney General may direct. Each clerk shall, in his division of the district, perform the duties required or authorized by law to be performed by clerks of United States courts in other districts, and such other duties as may be prescribed by the laws of the United States relating to the district of Alaska. He shall preserve copies of all laws applicable to the district and shall preserve all records and record all proceedings and official acts of his division of the court. He shall also collect and receive all moneys arising from the fees of his office, from licenses, fines, forfeitures, judgments, or on any other account authorized by law to be paid to or collected by him, and shall apply the same, except the money derived from

licenses and fines imposed for failure to pay license taxes, to the incidental expenses of the proper division of the district court and the allowance thereof as directed in written orders, duly made and signed by the judge, and shall account for the same in detail, and for any balances on account thereof, under oath, quarterly, or more frequently if required, to the court, the Attorney General, and the Secretary of the Treasury: *Provided,* That fines imposed and collected for failure to pay license taxes shall be disposed of as provided by law for the disposition of such license taxes; and moneys accruing from violations of the customs laws, civil customs cases, or internal-revenue cases, moneys, not including costs, accruing from civil post-office suits, fines in criminal cases for violations of the postal laws, the net proceeds of sales of public property under section 3618, Revised Statutes, as amended, and any other moneys the disposition of which is otherwise specially provided for by law, shall not be available for the expenses of the court, but shall be paid over or deposited as provided by law for other districts. And after all payments ordered by the judge shall have been made, any balances remaining in the hands of the clerk shall be by him deposited to the credit of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe. The clerk shall be ex officio recorder of instruments as hereinafter provided and also register of wills for the division, and shall establish secure offices for the safekeeping of his official record where terms of his division of the court are held. He may appoint necessary deputies and employ other necessary clerical assistance to aid him in the expeditious discharge of the duties of his office, with the approval and at compensation to be fixed by the court or judge, subject to the approval of the Attorney General. Any person so appointed or employed shall be paid by the clerk on the order of the judge, as other court expenses are paid."

#### FACILITIES FOR TERM OF COURT AT BENTON, ILL.

The bill (H. R. 8373) to amend section 79 of the Judicial Code, as amended, was considered, ordered to a third reading, read the third time, and passed.

#### EXTENSION OF TIME FOR FILING CLAIMS UNDER AGRICULTURAL ADJUSTMENT ACT

The bill (S. 1473) to extend the time for filing claims for refunds of amounts collected under the Agricultural Adjustment Act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That section 903 of the Revenue Act of 1936, as amended, is amended by striking out "July 1, 1937," and inserting in lieu thereof "January 1, 1941."

#### PUNISHMENT OF CRIMES ON FEDERAL RESERVATIONS

The bill (H. R. 7018) to amend section 289 of the Criminal Code was considered, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 3765) to extend the times for commencing and completing the construction of a bridge across the Columbia River at Astoria, Clatsop County, Oreg., was announced as next in order.

Mr. McNARY. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

#### MISSOURI RIVER BRIDGE, ARROW ROCK, MO.

The bill (S. 3807) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Arrow Rock, Mo., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Arrow Rock, Mo., authorized to be built by the St. Louis-Kansas City & Line Railroad Co. by the act of Congress approved March 2, 1929, heretofore extended by acts of Congress approved April 15, 1932, August 30, 1935, and May 24, 1937, are hereby further extended 1 and 3 years, respectively, from the date of approval thereof.

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

#### MISSOURI RIVER BRIDGE, NIOBRARA, NEBR.

The bill (H. R. 8491) authorizing the county of Knox, State of Nebraska, to construct, maintain, and operate a toll bridge across the Missouri River at or near Niobrara, Nebr., was considered, ordered to a third reading, read the third time, and passed.

#### MISSOURI RIVER BRIDGE, PETERSBURG, MO.

The bill (H. R. 8749) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Petersburg, Mo., was considered, ordered to a third reading, read the third time, and passed.



## MISSISSIPPI RIVER BRIDGE, WINONA, MINN.

The bill (H. R. 9094) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Winona, Minn., was considered, ordered to a third reading, read the third time, and passed.

## ST. LAWRENCE RIVER BRIDGE, OGDENSBURG, N. Y.

The bill (H. R. 9411) to extend the times for commencing and completing the construction of a bridge across the St. Lawrence River at or near Ogdensburg, N. Y., and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

## DONATION OF A TOTEM POLE TO CITY OF SEATTLE

The bill (S. 3677) to donate to the city of Seattle a totem pole carved by the Alaskan native Civilian Conservation Corps was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Director of the Civilian Conservation Corps, through the regional forester, United States Forest Service, Juneau, Alaska, is hereby authorized to donate to the city of Seattle, Wash., the duplicate of the pioneer place totem pole which has been carved by Alaskan native Civilian Conservation Corps enrollees.

## RESOLUTION PASSED OVER

The resolution (S. Res. 273) favoring the furnishing to the Senate by the various executive agencies of information concerning the number, compensation, and duties of aliens employed therein was announced as next in order.

Mr. BARKLEY. Mr. President, inasmuch as a report was made recently on that very matter, I ask that it go over.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The resolution will be passed over.

## SERVICE OF PROCESS ON THE UNITED STATES IN FORECLOSURES

The bill (H. R. 7020) to amend section 2 of the act of March 4, 1931 (46 Stat. 1528), in regard to service of process on the United States in foreclosure actions, was considered, ordered to a third reading, read the third time, and passed.

## JURISDICTION OF CRIMES ON CERTAIN FEDERAL RESERVATIONS

The bill (H. R. 8119) to amend the Criminal Code so as to confer concurrent jurisdiction on courts of the United States over crimes committed on certain Federal reservations was considered, ordered to a third reading, read the third time, and passed.

## POTOMAC VALLEY CONSERVANCY DISTRICT COMPACT

The Senate proceeded to consider the joint resolution (S. J. Res. 222) to provide that the compact creating a Potomac Valley Conservancy District may become effective if agreed to by a majority of the parties authorized to enter into it and by Congress, which had been reported from the Committee on Commerce with an amendment, to strike out all after the resolving clause and to insert the following:

Whereas the State of Maryland, by chapter 320 of its acts of 1939, approved May 3, 1939, and the Commonwealth of Virginia, by chapter 324 of its laws of 1940, approved March 29, 1940, and the Board of Commissioners of the District of Columbia acting pursuant to Public Resolution No. 74 of the Seventy-fifth Congress, chapter 891, of the first session, approved August 31, 1937, by resolution adopted April 16, 1940, have approved and desire to enter into a compact to create a Potomac Valley Conservancy District and to establish an Interstate Commission on the Potomac River Basin, to which compact by its terms the State of West Virginia and the Commonwealth of Pennsylvania are empowered to enter, and which compact by its terms becomes effective when ratified by a majority of the five signatory bodies thereto, and approved by the Congress of the United States, and which compact is as follows:

## "COMPACT

"Whereas it is recognized that abatement of existing pollution and the control of future pollution of interstate streams can best be promoted through a joint agency representing the several States located wholly or in part within the area drained by any such interstate stream; and

"Whereas the Congress of the United States has given its consent to the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of Columbia to enter into a compact providing for the creation of a conservancy district to consist of the drainage basin of the Potomac River and the main and tributary streams therein, for the purpose of regulating, controlling, preventing, or otherwise rendering unobjectionable and harmless the pollution of the waters of said Potomac drainage area by sewage and industrial and other wastes;

"Now, therefore, the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and the District of

Columbia, hereinafter designated signatory bodies, do hereby create the Potomac Valley Conservancy District, hereinafter designated the conservancy district, comprising all of the area drained by the Potomac River and its tributaries; and also do hereby create the Interstate Commission on the Potomac River Basin, hereinafter designated the Commission, under the articles of organization as set forth below.

## "ARTICLE I

"The Interstate Commission on the Potomac River Basin shall consist of three members from each signatory body and three members appointed by the President of the United States. Said Commissioners, other than those appointed by the President, shall be chosen in a manner and for the terms provided by law of the signatory body from which they are appointed and shall serve without compensation from the Commission but shall be paid by the Commission their actual expenses incurred and incident to the performance of their duties.

"(A) The Commission shall meet and organize within 30 days after the effective date of this compact, shall elect from its number a chairman and vice chairman, shall adopt suitable bylaws, shall make, adopt, and promulgate such rules and regulations as are necessary for its management and control, and shall adopt a seal.

"(B) The Commission shall appoint and, at its pleasure, remove or discharge such officers and legal, engineering, clerical, expert, and other assistants as may be required to carry the provisions of this compact into effect, and shall determine their qualifications and fix their duties and compensation. Such personnel as may be employed shall be employed without regard to any civil service or other similar requirements for employees of any of the signatory bodies. The Commission may maintain one or more offices for the transaction of its business and may meet at any time or place within the area of the conservancy district.

"(C) The Commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report thereof and shall in such report set forth in detail the operations and transactions conducted by it pursuant to this compact. The Commission, however, shall not incur any obligations for administrative or other expenses prior to the making of appropriations adequate to meet the same nor shall it in any way pledge the credit of any of the signatory bodies. Each of the signatory bodies reserves the right to make at any time an examination and audit of the accounts of the Commission.

"(D) A quorum of the Commission shall, for the transaction of business, the exercise of any powers, or the performance of any duties, consist of at least a majority of the members of the Commission: *Provided, however,* That no action of the Commission relating to policy shall be binding on any one of the signatory bodies unless at least two of the Commissioners from such signatory body shall vote in favor thereof.

## "ARTICLE II

"The Commission shall have the power and its duties shall be:

"(A) To coordinate, tabulate, and summarize technical and other data now available, or as shall become available in the future from any source, on the pollution of the streams of the conservancy district and on the character and conditions of such streams, and to prepare reports thereon annually and at such other times as may be deemed advisable by the Commission.

"(B) To supplement existing information and data, and to secure new data by such investigations, analyses, or other means as may be necessary to secure adequate information on the character and condition of the streams of the conservancy district as they now exist or may be affected by the future discharge of sewage and industrial and other wastes into the said stream.

"(C) To cooperate with the legislative and administrative agencies of the signatory bodies, or the equivalent thereof, and with other interested commissions and similar organizations for the purpose of promoting uniform laws, rules, or regulations for the abatement and control of pollution of streams in the said conservancy district.

"(D) To disseminate to the public information on the aims and purposes of the Commission and on the harmful and uneconomical results of stream pollution, through the issuance of bulletins, circulars, correspondence, literature, and reports.

"(E) To cooperate with other organizations engaged in fact-finding and research activities on the treatment of sewage and industrial wastes or other wastes, and if deemed advisable, to institute and conduct such research and fact-finding activities.

"(F) To make and, if needful from time to time, revise and to recommend to the signatory bodies, reasonable, minimum standards for the treatment of sewage and industrial or other wastes now discharged or to be discharged in the future to the streams of the conservancy district, and also, for cleanliness of the various streams in the conservancy district.

## "ARTICLE III

"The moneys necessary to finance the Commission in the administration of its business in the conservancy district shall be provided through appropriations from the signatory bodies and the United States, in the manner prescribed by the laws of the several signatory bodies and of the United States, and in amounts as follows:

"The pro rata contribution shall be based on such factors as population, the amount of industrial and domestic pollution; and a flat service charge, as shall be determined from time to time by the Commission, subject, however, to the approval, ratification, and appropriation of such contribution by the several signatory bodies: *And further provided,* That the total of such sums from signatory bodies shall not exceed a total of \$30,000 per annum.

## "ARTICLE IV

"Pursuant to the aims and purposes of this compact, the signatory bodies mutually agree:

"1. Faithful cooperation in the abatement of existing pollution and the prevention of future pollution in the streams of the conservancy district.

"2. The enactment of adequate and, insofar as is practicable, uniform legislation for the abatement and control of such pollution.

"3. The appropriation of biennial sums on the proportionate basis as set forth in article III.

## "ARTICLE V

"This compact shall become effective immediately after it shall have been ratified by the majority of the legislatures of the States of Maryland and West Virginia, the Commonwealths of Pennsylvania and Virginia, and by the Commissioners of the District of Columbia, and approved by the Congress of the United States: *Provided, however,* That this compact shall not be effective as to any signatory body until ratified thereby.

## "ARTICLE VI

"Any signatory body may by legislative act, after 1 year's notice to the Commission, withdraw from this compact." Now, therefore, be it

*Resolved, etc.,* That the consent of Congress is hereby given to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia to enter into the compact hereinbefore recited, and to each and every part and article thereof: *Provided,* That nothing contained in such compact shall be construed as impairing or in any manner affecting any right or jurisdiction of the United States in and over the region which forms the subject of this compact.

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

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution granting the consent of Congress to the States of Maryland and West Virginia and the Commonwealths of Virginia and Pennsylvania and the District of Columbia as signatory bodies, to enter into a compact for the creation of a Potomac Valley Conservancy District and the establishment of the Interstate Commission on the Potomac River Basin."

## BILL PASSED OVER

The bill (H. R. 7116) to authorize defraying cost of necessary work between the Yuma project and Boulder Dam, was announced as next in order.

Mr. McNARY. Over.

The PRESIDING OFFICER. The bill will be passed over.  
REIMBURSEMENT FOR TRAVEL EXPENSES OF CERTAIN EMPLOYEES OF CORPS OF ENGINEERS

The bill (H. R. 9118) to provide for the reimbursement of travel expenses to certain employees of the Corps of Engineers, United States Army, was considered, ordered to a third reading, read the third time, and passed.

INTERSTATE COMPACT RELATING TO POLLUTION CONTROL IN OHIO RIVER DRAINAGE BASIN

The bill (S. 3617) granting the consent and approval of Congress to an interstate compact relating to control and reduction of pollution in the Ohio River drainage basin, was announced as next in order.

Mr. DANAHER. Mr. President, will the Senator from Kentucky explain whether or not this particular compact is brought to us pursuant to the authority contained in the Senator's bill presented at the last session?

Mr. BARKLEY. No; the compact is brought here in pursuance to a previous act of Congress authorizing the States involved to enter into a compact. Such a compact has been entered into by most of the States, and the bill simply revises that compact and gives the approval of the Congress to the compact which was authorized by an act of 1936. It has no relationship to the bill dealing with the subject of stream pollution, which was passed by the Senate, and which is now in conference. The bill involves only the States in the Ohio River Valley, including New York, Pennsylvania, West Virginia, Indiana, Ohio, Illinois, Kentucky, and Virginia.

Mr. DANAHER. Would the Senator be willing to express an opinion as to whether or not this particular compact comes within the terms of the bill which is now in conference?

Mr. BARKLEY. It does not cover the entire territory covered in the bill now in conference, because that is a general bill with respect to stream pollution throughout the United States. This compact is one which is set out in the bill itself, which creates this drainage area, and which provides for certain cooperation among these States for the purpose of enabling them to minimize and ultimately eliminate pollution in the Ohio River and its tributaries involved in this measure. There are some provisions in the general bill which are not included in this compact.

Mr. DANAHER. Does the Senator understand that the general bill adds anything to the compact now under consideration in the pending bill?

Mr. BARKLEY. The general bill, insofar as it affects the Ohio River Valley, is not inconsistent with this compact, but of course it covers, as I said, territory throughout the Union, whereas this compact relates only to the Ohio River Valley.

Mr. DANAHER. I thank the Senator. But let me say there is only one point as to which I am in doubt. The bill now in conference, which I think is Senate bill 685, which the Senator from Kentucky introduced, contained a provision that any two or more States could enter into a compact for the purpose mentioned in the antipollution bill.

Mr. BARKLEY. That is true.

Mr. DANAHER. I therefore wish to know whether it is the Senator's judgment that the bill now in conference adds anything to the bill which is now under consideration.

Mr. BARKLEY. This compact was entered into in pursuance of a special act, which is limited to the Ohio River Valley, and the States that are named in the pending measure. This compact could not be entered into pursuant to the bill referred to by the Senator because it has not yet become law. Under the bill now in conference any two States anywhere in the United States may enter into compacts with respect to stream pollution, whereas the pending bill deals with a special situation created in the Ohio River Valley.

Mr. DANAHER. I thank the Senator from Kentucky. I have no objection to the bill or to the compact, but let me say that the whole subject of compacts will become increasingly rather than less interesting as time goes on.

Mr. BARKLEY. I agree with the Senator. And let me say that the States involved and the people of the Ohio Valley are extremely anxious that this compact be approved.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (S. 3617) granting the consent and approval of Congress to an interstate compact relating to control and reduction of pollution in the Ohio River drainage basin, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the consent and approval of Congress is hereby given to an interstate compact relating to the control and reduction of the pollution of the streams of the Ohio River drainage basin negotiated and entered into or to be entered into under authority of Public Resolution No. 104, Seventy-fourth Congress, approved June 8, 1936, and now ratified by the States of New York, Illinois, Kentucky, and Indiana, and by the State of Ohio (whose ratification is to go into effect at the time at which the States of New York, Pennsylvania, and West Virginia enter into said compact as parties and signatory States), also by the State of West Virginia (whose ratification is to go into effect at the time at which the States of New York, Ohio, Virginia, and Pennsylvania enter into said compact as parties and signatory States), which compact reads as follows:

## "SECTION 1.—

## "OHIO RIVER VALLEY WATER SANITATION COMPACT

"BETWEEN THE STATES OF ILLINOIS, INDIANA, KENTUCKY, NEW YORK, OHIO, PENNSYLVANIA, TENNESSEE, AND WEST VIRGINIA

"Pursuant to authority granted by an act of the Seventy-fourth Congress of the United States, Public Resolution 104, approved June 8, 1936, conferences of delegates appointed to draft the compact were held at Cincinnati, Ohio, on November 20, 1936; January 17, 1938; May 24, 1938; June 13, 1938; October 11, 1938

"Whereas a substantial part of the territory of each of the signatory States is situated within the drainage basin of the Ohio River; and

"Whereas the rapid increase in the population of the various metropolitan areas situated within the Ohio drainage basin, and the



growth in industrial activity within that area, have resulted in recent years in an increasingly serious pollution of the waters and streams within the said drainage basin, constituting a grave menace to the health, welfare, and recreational facilities of the people living in such basin, and occasioning great economic loss; and

"Whereas the control of future pollution and the abatement of existing pollution in the waters of said basin are of prime importance to the people thereof, and can best be accomplished through the cooperation of the States situated therein, by and through a joint or common agency;

"Now, therefore, the States of Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, Tennessee, and West Virginia do hereby covenant and agree as follows:

#### "ARTICLE I

"Each of the signatory States pledges to each of the other signatory States faithful cooperation in the control of future pollution in and abatement of existing pollution from the rivers, streams, and waters in the Ohio River Basin which flow through, into, or border upon any of such signatory States, and in order to effect such object, agrees to enact any necessary legislation to enable each such State to place and maintain the waters of said basin in a satisfactory sanitary condition, available for safe and satisfactory use as public and industrial water supplies after reasonable treatment, suitable for recreational usage, capable of maintaining fish and other aquatic life, free from unsightly or malodorous nuisances due to floating solids or sludge deposits, and adaptable to such other uses as may be legitimate.

#### "ARTICLE II

"The signatory States hereby create a district to be known as the 'Ohio River Valley Water Sanitation District,' hereinafter called the District, which shall embrace all territory within the signatory States, the water in which flows ultimately into the Ohio River, or its tributaries.

#### "ARTICLE III

"The signatory States hereby create the 'Ohio River Valley Water Sanitation Commission,' hereinafter called the Commission, which shall be a body corporate, with the powers and duties set forth herein, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the signatory States or by act or acts of the Congress of the United States.

#### "ARTICLE IV

"The Commission shall consist of three commissioners from each State, each of whom shall be a citizen of the State from which he is appointed, and three commissioners representing the United States Government. The commissioners from each State shall be chosen in the manner and for the terms provided by the laws of the States from which they shall be appointed, and any commissioner may be removed or suspended from office as provided by the law of the State from which he shall be appointed. The commissioners representing the United States shall be appointed by the President of the United States, or in such other manner as may be provided by Congress. The commissioners shall serve without compensation, but shall be paid their actual expenses incurred in and incident to the performance of their duties; but nothing herein shall prevent the appointment of an officer or employee of any State or of the United States Government.

#### "ARTICLE V

"The Commission shall elect from its number a chairman and vice chairman, and shall appoint, and at its pleasure remove or discharge, such officers and legal, clerical, expert, and other assistants as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications, and compensation. It shall adopt a seal and suitable by-laws, and shall adopt and promulgate rules and regulations for its management and control. It may establish and maintain one or more offices within the District for the transaction of its business, and may meet at any time or place. One or more commissioners from a majority of the member States shall constitute a quorum for the transaction of business.

"The Commission shall submit to the Governor of each State, at such time as he may request, a budget of its estimated expenditures for such period as may be required by the laws of such State for presentation to the legislature thereof.

"The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time to the inspection of such representatives of the respective signatory States as may be duly constituted for that purpose.

"On or before the first day of December of each year, the Commission shall submit to the respective Governors of the signatory States a full and complete report of its activities for the preceding year.

"The Commission shall not incur any obligations of any kind prior to the making of appropriations adequate to meet the same; nor shall the Commission pledge the credit of any of the signatory States, except by and with the authority of the legislature thereof.

#### "ARTICLE VI

"It is recognized by the signatory States that no single standard for the treatment of sewage or industrial wastes is applicable in all parts of the District due to such variable factors as size, flow, location, character, self-purification, and usage of waters

within the District. The guiding principle of this compact shall be that pollution by sewage or industrial wastes originating within a signatory State shall not injuriously affect the various uses of the interstate waters as hereinbefore defined.

"All sewage from municipalities or other political subdivisions, public or private institutions, or corporations, discharged or permitted to flow into these portions of the Ohio River and its tributary waters which form boundaries between, or are contiguous to, two or more signatory States, or which flow from one signatory State into another signatory State, shall be so treated, within a time reasonable for the construction of the necessary works, as to provide for substantially complete removal of settleable solids, and the removal of not less than 45 percent of the total suspended solids; provided that, in order to protect the public health or to preserve the waters for other legitimate purposes, including those specified in Article I, in specific instances such higher degree of treatment shall be used as may be determined to be necessary by the Commission after investigation, due notice, and hearing.

"All industrial wastes discharged or permitted to flow into the aforesaid waters shall be modified or treated, within a time reasonable for the construction of the necessary works, in order to protect the public health or to preserve the waters for other legitimate purposes, including those specified in Article I, to such degree as may be determined to be necessary by the Commission after investigation, due notice, and hearing.

"All sewage or industrial wastes discharged or permitted to flow into tributaries of the aforesaid waters situated wholly within one State shall be treated to that extent, if any, which may be necessary to maintain such waters in a sanitary and satisfactory condition at least equal to the condition of the waters of the interstate stream immediately above the confluence.

"The Commission is hereby authorized to adopt, prescribe, and promulgate rules, regulations, and standards for administering and enforcing the provisions of this article.

#### "ARTICLE VII

"Nothing in this compact shall be construed to limit the powers of any signatory State, or to repeal or prevent the enactment of any legislation or the enforcement of any requirement by any signatory State, imposing additional conditions and restrictions to further lessen or prevent the pollution of waters within its jurisdiction.

#### "ARTICLE VIII

"The Commission shall conduct a survey of the territory included within the District, shall study the pollution problems of the District, and shall make a comprehensive report for the prevention or reduction of stream pollution therein. In preparing such report, the Commission shall confer with any national or regional planning body which may be established, and any department of the Federal Government authorized to deal with matters relating to the pollution problems of the District. The Commission shall draft and recommend to the Governors of the various signatory States uniform legislation dealing with the pollution of rivers, streams, and waters and other pollution problems within the district. The Commission shall consult with and advise the various States, communities, municipalities, corporations, persons, or other entities with regard to particular problems connected with the pollution of waters, particularly with regard to the construction of plants for the disposal of sewage, industrial, and other waste. The Commission shall, more than 1 month prior to any regular meeting of the legislature of any State which is a party thereto, present to the Governor of the State its recommendations relating to enactments to be made by any legislature in furthering the intents and purposes of this compact.

#### "ARTICLE IX

"The Commission may from time to time, after investigation and after a hearing, issue an order or orders upon any municipality, corporation, person, or other entity discharging sewage or industrial waste into the Ohio River or any other river, stream, or water, any part of which constitutes any part of the boundary line between any two or more of the signatory States, or into any stream, any part of which flows from any portion of one signatory State through any portion of another signatory State. Any such order or orders may prescribe the date on or before which such discharge shall be wholly or partially discontinued, modified, or treated, or otherwise disposed of. The Commission shall give reasonable notice of the time and place of the hearing to the municipality, corporation, or other entity against which such order is proposed. No such order shall go into effect unless and until it receives the assent of at least a majority of the commissioners from each of not less than a majority of the signatory States; and no such order upon a municipality, corporation, person, or entity in any State shall go into effect unless and until it receives the assent of not less than a majority of the commissioners from such State.

"It shall be the duty of the municipality, corporation, person, or other entity to comply with any such order issued against it or him by the Commission, and any court of general jurisdiction or any United States district court in any of the signatory States shall have the jurisdiction, by mandamus, injunction, specific performance, or other form of remedy, to enforce any such order against any municipality, corporation, or other entity domiciled or located within such State or whose discharge of the waste takes place within or adjoining such State, or against any employee, department, or subdivision of such municipality, corporation, person, or other entity; provided, however, such court may review the order and

affirm, reverse, or modify the same upon any of the grounds customarily applicable in proceedings for court review of administrative decisions. The Commission or, at its request, the Attorney General or other law-enforcing official, shall have power to institute in such court any action for the enforcement of such order.

"ARTICLE X

"The signatory States agree to appropriate for the salaries, office and other administrative expenses, their proper proportion of the annual budget as determined by the Commission and approved by the Governors of the signatory States, one-half of such amount to be prorated among the several States in proportion to their population within the District at the last preceding Federal census, the other half to be prorated in proportion to their land area within the District.

"ARTICLE XI

"This compact shall become effective upon ratification by the legislatures of a majority of the States located within the District and upon approval by the Congress of the United States; and shall become effective as to any additional States signing thereafter at the time of such signing."

SEC. 2. Without further submission of said compact, the consent of Congress is hereby given to the State of Virginia or any other State with waters in the Ohio River drainage basin, entering into said compact as a signatory State and party in addition to the States therein named or any of them.

SEC. 3. The commissioners to represent the United States, as provided in article IV of said compact, shall be appointed by the President.

SEC. 4. The right to alter, amend, or repeal the provisions of section 1 is hereby expressly reserved.

REORGANIZATION PLAN NO. V—JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 551) providing for the taking of effect of Reorganization Plan No. V was announced as next in order.

Mr. McNARY. Mr. President, this joint resolution involves the last Executive order of the President transferring the Immigration and Naturalization Service from the Department of Labor to the Department of Justice. I do not have the data before me. I am speaking from memory only. I have no objection to the transfer, but I cannot speak for other Members of the Senate. Inasmuch as there has been some controversy over the President's order, I suggest that the joint resolution remain in abeyance until the call of the calendar has been concluded, and then I should like to suggest the absence of a quorum, so that all Senators may be notified of the fact that the Executive order is under consideration.

The PRESIDING OFFICER. Without objection, the joint resolution will be temporarily passed over.

HOSPITALIZATION FOR RETIRED SERVICE PERSONNEL

Mr. JOHNSON of Colorado. Mr. President, I ask the Senate to revert to Calendar No. 1415, Senate bill 1460.

The PRESIDING OFFICER. Is there objection?

Mr. KING. What bill is that?

Mr. JOHNSON of Colorado. The bill was reached on the calendar yesterday, but I was absent from the Senate Chamber, in a conference committee, at the time and the Senator from Tennessee [Mr. McKellar] called for an explanation.

The PRESIDING OFFICER. The clerk will state the title of the bill.

The CHIEF CLERK. A bill (S. 1460) to provide uniform reciprocal hospitalization in any Army or Navy hospital for retired personnel of the Army, Navy, Marine Corps, and Coast Guard.

Mr. McNARY. Mr. President, I made no objection to the bill, and do not have any now to the bill, but under the usual custom and courtesy there should at least be an explanation of the bill. I should not want to see only one intervening day cure all objection that was made on the preceding day. If the Senator who objected yesterday—

The PRESIDING OFFICER. The Senator from Tennessee [Mr. McKellar], who is now present, yesterday entered an objection to the consideration of the bill.

Mr. McKellar. Mr. President, I asked for an explanation, and no explanation was made.

Mr. JOHNSON of Colorado. I am here now to make one. Mr. McKellar. I have no objection to the consideration of the measure.

Mr. McNARY. The identity of the objector has been ascertained. I do not know whether or not there were other objectors.

Mr. KING. May we have an explanation of the bill?

Mr. McNARY. Will the Senator explain the bill?

Mr. JOHNSON of Colorado. Mr. President, the bill was considered in the Military Affairs Committee, and the committee asked me to present it on the floor. The purpose of the bill is to provide reciprocal hospitalization for retired personnel of the Army, Navy, Marine Corps, and Coast Guard in the respective facilities of the various organizations. At the present time, retired personnel may have the benefit of that service by Executive order, or by an application through regular channels. The purpose of the bill is to take care of emergency cases. Section 3 of the bill was objected to by the Bureau of the Budget and by the Navy Department; but, as reported from the committee, section 3 has been stricken from the bill. So far as I know, there is no serious objection by any of the departments to the bill as amended.

Mr. KING. Mr. President, I should like to inquire whether or not, if the bill should be passed, it would encourage reciprocal relations in cases in which there ought not to be reciprocal relations, and thus encourage additional expense. For example, a person situated in Baltimore might prefer to go to a hospital in Philadelphia, in some other branch of the service, and he might maneuver so as to get to Philadelphia, and thus perhaps crowd the facilities of the hospital there and increase the expense to the Government. It seems to me there should be some provision by which no transfer from one hospital to another, or from one agency to another, could be made without supervision and without the consent of some agency.

Mr. JOHNSON of Colorado. Of course, that is the situation at the present time. If a man is suffering from disease or injury, it is not desirable to wait so long. The bill is for the benefit of retired personnel. While it probably would not cost the Government anything, it would save the men a considerable amount of transportation and other expenses. A companion bill passed some time ago.

Mr. KING. Mr. President, does the Senator believe there are sufficient protective provisions in the bill so that there would be no injustice to the Government or to any hospital to which a person who was injured or sick might seek admission?

Mr. JOHNSON of Colorado. After full hearings, the committee reached the conclusion that there would be no abuse under the bill.

Mr. McKellar. The bill would save the ex-service men a great amount of traveling expense in going to other cities, and there would not be any increased cost to the Government.

Mr. JOHNSON of Colorado. On the whole, there would not be any increased cost to the Government.

Mr. McKellar. I have no objection.

Mr. DANAHER. Mr. President, will the Senator yield?

Mr. JOHNSON of Colorado. I yield.

Mr. DANAHER. I should like to invite the attention of the Senator from Colorado to page 1, line 4, of the bill and ask him if he will tell us whether or not there is any difference between a Fleet Naval Reservist and any other kind.

Mr. JOHNSON of Colorado. I do not know.

Mr. DANAHER. What is a Fleet Naval Reservist?

Mr. WALSH. Mr. President, there is an organization known as the Fleet Naval Reserve and also an organization known as the Naval Reserve. The Fleet Naval Reserves are Reserves who are especially trained for fleet service.

Mr. DANAHER. Have they been members of the United States Navy?

Mr. WALSH. The Naval Reserves bear to the Navy the same relation the Army Reserves bear to the Army.

Mr. DANAHER. Do they include officers and personnel on vessels entitled to fly the flag of the Naval Reserve?

Mr. WALSH. I do not know what the Senator means. There are men who are active in the naval service and there are Reserves. There are Fleet Reserves and Naval Reserves.

Mr. DANAHER. Let me make my question clear to the Senator from Massachusetts. The United States shipping lines are authorized to fly the flag of the United States Naval



Reserve if the majority of their officers and personnel are Naval Reserve members. I should like to know whether or not those men also would come under the provisions of the bill.

Mr. WALSH. I am not familiar with the bill, and therefore I cannot answer the question; but I rose to answer the Senator's first question and to state that there is such an organization as the Fleet Naval Reserve.

Mr. DANAHER. I thank the Senator from Massachusetts. The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 1460) to provide uniform reciprocal hospitalization in any Army or Navy hospital for retired personnel of the Army, Navy, Marine Corps, and Coast Guard, and for other purposes, which had been reported from the Committee on Military Affairs with an amendment, on page 2, after line 3, to strike out:

SEC. 3. Applicants residing within an Army or Navy hospital area, who require medical attention and who are unable, because of physical disability, to journey to such Army or Navy hospital, shall be accorded out-patient treatment on parity with active-service personnel residing within the same hospital area.

So as to make the bill read:

*Be it enacted, etc.,* That retired personnel of the Army, Navy, Marine Corps, and Coast Guard, and Fleet Naval and Fleet Marine Corps Reservists requiring hospitalization shall be entitled to enter any Army or Navy hospital upon their own personal request, under the same conditions as are now, or which hereafter may be, fixed for the active service.

SEC. 2. Applicants requiring only temporary or dispensary treatment shall be accorded such service under the same regulations as govern dispensary treatment to active service personnel.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MAINTENANCE OF ESSENTIAL VESSELS AFFECTED BY NEUTRALITY ACT

The Senate proceeded to consider the joint resolution (S. J. Res. 260) to make emergency provision for the maintenance of essential vessels affected by the Neutrality Act of 1939, and for adjustment of obligations with respect to such vessels.

Mr. BAILEY. Mr. President, I take it that it would be proper to make a brief explanation of the joint resolution.

The joint resolution is an emergency measure suggested by the Maritime Commission, having in view the possibility and likelihood of a number of our vessels now operating in European waters—for example, in the Mediterranean—being excluded from those waters by our Neutrality Act or by the orders of the President under that act. I could mention 2 or 3 vessels now operating in the Mediterranean, and through the Mediterranean to the east; and perhaps there are 25 or 30 others.

In addition, we have just about completed a steamship known as the *America*, which, as I understood from one of the witnesses from the Maritime Commission, cost about \$18,000,000. There is no place for it to go.

These ships are indispensable to our national defense. They will deteriorate unless we take care of them. The purpose of the bill is to take care of them temporarily, in view of the fact that under the operation of our laws they have been taken out of the waters in which they might take care of themselves. I am assured by the Maritime Commission that the legislation will not cost the Government anything. While the ships are not operating, they do not receive the operating subsidy differential; and the amount which the Government will expend to keep them in working condition and to keep skeleton crews on them, so that they will be ready to go, will be less than the operating differential.

I think the proposed legislation is very timely and very necessary, and I hope there will be no objection to it.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Resolved, etc.,* That (a) when used in this joint resolution the term "essential vessel" means any vessel (1) which is (A) security

for any mortgage indebtedness to the United States or (B) constructed under the Merchant Marine Act, 1936, or required by the terms of a contract under such act to be operated on a certain essential foreign trade route, and (2) which it is necessary in the interests of commerce and national defense to maintain in condition for prompt use.

(b) For the purposes of preserving in the national interest the full availability and usefulness of essential vessels, which, under the provisions of the Neutrality Act of 1939 (or any proclamation issued thereunder), or compatibly with the national interest, cannot be operated in the service, route, or line to which such vessels are assigned pursuant to the Merchant Marine Act, 1936, or in which they would otherwise be operated, the United States Maritime Commission is authorized to make adjustments of obligations in respect of such vessels and to make arrangements for the maintenance of such vessels, subject to the provisions of this joint resolution and to such rules and regulations as the Commission shall prescribe as necessary or appropriate for carrying out the purposes and provisions of this joint resolution. If the Commission, upon written application in respect of any essential vessel, determines after such examination, investigation, and proceedings as it deems desirable, that (1) the operation of such vessel in the service, route, or line to which such vessel is assigned pursuant to the Merchant Marine Act, 1936, or in which it would otherwise be operated, is either (A) not lawful under the Neutrality Act of 1939 (or any proclamation issued thereunder), or (B) not compatible with the maintenance of availability of such vessel for purposes of national defense and commerce, (2) it is not feasible under existing law to employ such vessel in any other service or operation in either the foreign or domestic trades (except temporary or emergency operation under subsection (c) (5) hereof), and (3) the applicant, by reason of the restrictions of the Neutrality Act of 1939, or the withdrawal of vessels for national-defense purposes under clause (1) hereof, is not earning or will not earn a fair and reasonable return on the capital necessarily employed in its business, the Commission may make adjustments and arrangements with the applicant as provided in subsection (c) hereof, which shall continue in effect only during the circumstances above described.

(c) Such adjustments and arrangements shall include suspension of the requirement to operate such vessel in foreign trade under the applicable operating-differential or construction-differential subsidy contract or mortgage or other agreement, and of the right to operating-differential subsidy in respect of such vessel, and may include any one or more of the following provisions, in whole or in part, as, and to the extent that, the Commission may deem to be necessary or appropriate to carry out the purposes of the Merchant Marine Act, 1936, or the purposes and provisions of this joint resolution:

(1) Lay-up of the vessel by the owner or, at the option of the Commission, in the custody of the Commission, with payment or reimbursement by the Commission of necessary and proper expenses thereof (including reasonable overhead and insurance), or in lieu of such payment or reimbursement, a fixed periodic allowance therefor;

(2) Postponement, for a period not in excess of the period or periods of lay-up, of the maturity date of each installment on account of the principal of obligations to the United States in respect of the vessel (whether or not such maturity date shall fall within such period or periods), or rearrangement of such maturities;

(3) Postponement or cancellation of interest accruing on such obligations during such period or periods of lay-up;

(4) Extension for a period not in excess of the period or periods of lay-up, of the 20-year life limitation in respect of the vessel, and of the period or periods of other limitations and provisions of the Merchant Marine Act, 1936, insofar as they are based upon a 20-year life;

(5) Provisions for such temporary or emergency employment of the vessel in lieu of lay-up as may be practicable, with such arrangements for management of the vessel, payment of expenses, and application of the proceeds of such employment, as the Commission may approve, the period or periods of such operation being included as part of the period or periods of lay-up; and

(6) The payment to the Commission, upon termination of the arrangements with the applicant hereunder, out of the applicant's net profits, earned while such arrangements were in effect, in excess of 10 percent per annum on the capital necessarily employed in the applicant's business, in reimbursement, to the extent that the Commission shall deem it necessary to carry out the purposes of this joint resolution, on account of obligations postponed or canceled and expenses incurred or paid by the Commission under this subsection. For the purposes of this paragraph capital of the applicant represented by vessels of the applicant laid up or operated under this joint resolution shall not be excluded from capital necessarily employed in the applicant's business. The Commission may require that the vessels so laid up or operated be security for reimbursement hereunder.

(d) The adjustments and arrangements made under subsection (c) in respect of any vessel shall be subject to such readjustment or modification from time to time as may be deemed necessary by the Commission to carry out the purposes and provisions of this joint resolution.

(e) Moneys in the construction fund of the Commission shall be available for expenses of the Commission incurred in adjustments or arrangements made under this joint resolution.

## OCHOCO NATIONAL FOREST, OREG.

The bill (H. R. 5404) to extend the provisions of the Forest Exchange Act, as amended, to certain lands so that they may become part of the Ochoco National Forest, Oreg., was considered, ordered to a third reading, read the third time, and passed.

## CONSTRUCTION OF NAVAL AIRCRAFT

The bill (S. 4024) to authorize the construction or acquisition of naval aircraft, the construction of certain public works, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, this is a companion bill to two or three other bills having to do with the Navy; and I suggest that we take it up later when we take up the other naval bills.

Mr. WALSH. Mr. President, I think the objection is quite proper. This measure should be considered in connection with the other naval bills.

The PRESIDING OFFICER. The bill will be passed over.

## CUMBERLAND GAP NATIONAL HISTORICAL PARK

The Senate proceeded to consider the bill (H. R. 9394) to provide for the establishment of the Cumberland Gap National Historical Park in Tennessee, Kentucky, and Virginia.

Mr. ADAMS. Mr. President, I think the Senator from Kentucky [Mr. BARKLEY] should explain the bill.

Mr. BARKLEY. Mr. President, the bill passed the House of Representatives without opposition. It authorizes the Secretary of the Interior to accept not to exceed 50,000 acres of land in Kentucky, Tennessee, and Virginia, in the vicinity of Cumberland Gap, which was the original trail through which pioneers went west of the Appalachian Mountains from North Carolina, Virginia, and the eastern coast. It is the trail through which Daniel Boone migrated from North Carolina into Kentucky.

No expense to the Government is involved. The bill provides for the donation of not to exceed 50,000 acres of land. The region is very historic, and the legislation is desired by the National Park Service, by the Interior Department, and by all the States involved. I think this addition to our national-park system will be welcomed by the whole country. The bill provides for the establishment of the Cumberland Gap National Historical Park.

Mr. McKELLAR. The park would consist of lands from three States.

Mr. BARKLEY. Yes. It includes some very beautiful and scenic, as well as historic, land. I think the country would be proud of the park. It is about 100 miles northwest of the Great Smoky Mountains National Park, which is already established.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The question is on the third reading and passage of the bill.

The bill was ordered to a third reading, was read the third time, and passed, as follows:

*Be it enacted, etc.*, That when title to all the lands, structures, and other property in the Cumberland Gap-Cumberland Ford areas, being portions of the Warriors Path of the Indians and Wilderness Road of Daniel Boone, within Bell and Harlan Counties, Ky.; Lee County, Va.; and Claiborne County, Tenn.; as may be determined by the Secretary of the Interior as necessary or desirable for national historical park purposes, shall have been vested in the United States such area or areas shall be, and they are hereby, established, dedicated, and set apart as a public park for the benefit and inspiration of the people and shall be known as the Cumberland Gap National Historical Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any lands within the aforesaid areas: *Provided further*, That such area or areas shall include, at least, the following features and intervening lands: Cumberland Gap, The Pinnacle, the remaining fortifications of the War between the States, Soldiers Cave, King Solomon's Cave, Devils Garden, Sand Cave, The Doublings, White Rocks, Rocky Face, Moore Knob, and that portion of the Warriors Path and Daniel Boone's Wilderness Road extending from the city of Cumberland Gap, Tenn., to Cumberland Ford, near Pineville, Ky.

Sec. 2. The total area of the Cumberland Gap National Historical Park, as determined pursuant to this act, shall not exceed 50,000 acres, and shall not include any land within the city limits of Middlesboro and Pineville, Ky.; Cumberland Gap, Tenn.;

or any lands adjacent thereto which the proper officials thereof shall indicate to the Secretary of the Interior prior to the establishment of said park are required for expansion of said cities.

Sec. 3. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interests in land, buildings, structures, and other property within the boundaries of the said historical park as determined and fixed hereunder, and donations of funds for the purchase and maintenance thereof: *Provided*, That he may acquire on behalf of the United States out of any donated funds, by purchase at prices deemed by him reasonable, or by condemnation under the provisions of the act of August 1, 1888, such tracts of land within said historical park as may be necessary for the completion thereof. The title to any lands or interests in lands to be acquired pursuant to this act shall be satisfactory to the Secretary of the Interior.

Sec. 4. The administration, protection, and development of the aforesaid national historical park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916 (39 Stat. 535), entitled "An act to establish a National Park Service, and for other purposes," as amended.

## AMENDMENT OF FEDERAL CREDIT UNION ACT

The bill (S. 2568) to amend the Federal Credit Union Act (June 26, 1934, ch. 750, par. 1, 48 Stat. 1216, sec. 1761) was announced as next in order.

Mr. BYRD. Mr. President, in the absence of the author of the bill, I ask that it be passed over.

Mr. LA FOLLETTE. Mr. President, will the Senator from Virginia withhold his objection to the bill for a moment?

Mr. BYRD. Certainly.

Mr. LA FOLLETTE. I do not happen to be a member of the Committee on Banking and Currency, but I know that those who are interested in credit unions are very anxious to have this measure passed. After prolonged conferences between the representatives of the Farm Credit Administration and the representatives of those interested in credit unions, an amendment has been incorporated in the bill, as the Senator will note, reducing the amount of unsecured loans which the credit unions may make. The amendment represents the result of a compromise.

My understanding is that the subcommittee went into the matter, and the full committee as well, and were convinced that, in its present form, with the suggested committee amendments, the bill amply safeguards the credit unions. I hope the Senator will not feel constrained to object to its consideration.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I understand the bill doubles the amount that may be loaned unsecured, does it not, from \$50 to \$100?

Mr. LA FOLLETTE. Yes; but the request was first made for a much larger limit for unsecured loans. The Farm Credit Administration representatives who were consulted felt that that would be unwarranted, but they feel that the sum now provided in the bill is not excessive.

The Senator from South Carolina [Mr. BYRNES] has come into the Chamber, and I should like to call his attention to the bill now under consideration, which is Calendar No. 1798, Senate bill 2568, with relation to the amount of money which credit unions may loan unsecured. I was just pointing out as the Senator came in that my understanding was that the credit unions first asked that a larger sum might be loaned unsecured, but, after conferences with representatives of the Farm Credit Administration and the representatives of the credit unions, the amount was fixed as now provided in the bill.

Mr. BYRD. No other change is made in the law?

Mr. LA FOLLETTE. The bill makes no further change in the law.

Mr. BYRD. I withdraw my objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 2568) to amend the Federal Credit Union Act (June 26, 1934, ch. 750, par. 1, 48 Stat. 1216, sec. 1761), which had been reported from the Committee on Banking and Currency with amendments, on line 3, after the word "that", to insert "section 11 (d) of"; on line 5, after the word "thereof", to strike out "\$300" and insert "\$100"; and in line 7, after the



words "excess of", to strike out "\$300" and insert "\$100", so as to make the bill read:

*Be it enacted, etc.*, That section 11 (d) of the Federal Credit Union Act be, and the same is hereby, amended by substituting for "\$50" where it appears in the fourth sentence thereof "\$100," so that said fourth sentence shall read as follows: "No loan in excess of \$100 shall be made without adequate security and no loan shall be made to any member in excess of \$200 or 10 percent of the Federal credit union's paid-in and unimpaired capital and surplus, whichever is greater."

The amendments were agreed to.

Mr. KING. Mr. President, may I ask the Senator from Wisconsin the losses the Government has sustained, if any, by reason of this organization?

Mr. LA FOLLETTE. My understanding is that the Government has not sustained any loss. Credit unions—and the Senator no doubt is familiar with them—are organized under a general enabling act which the Senator from Texas sponsored, and when the general enabling act was first set up this limitation was placed upon the amount of unsecured loans. The credit unions have been a great success. They are organized on the principle that small groups of persons, each one knowing every individual in the group, are in a favorable position to judge as to the advisability of making credit-union loans. The fact of the matter is that the plan has been so successful that all persons who have now studied the matter think it is perfectly safe to lift the amount.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 3998) to increase the credit resources of Commodity Credit Corporation, was announced as next in order.

Mr. BYRD. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### HOSPITAL CONSTRUCTION

The PRESIDING OFFICER. That completes the calendar. The Chair lays before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (S. 3230) to promote the national health and welfare through appropriations of funds for the construction of hospitals.

#### REORGANIZATION PLAN NO. V

Mr. BARKLEY. Mr. President, a resolution approving Reorganization Plan No. V was passed over temporarily awhile ago until the Senate concluded the consideration of the calendar, and the Senator from Oregon suggested that he would ask for a quorum call so that a greater number of Senators might be present.

Mr. McNARY. Mr. President, the Senator from Kentucky is correct. When the resolution approving Reorganization Order No. V was reached, I asked that it go over until the calendar was concluded, not evincing any objection personally to it, but in order that there might be a larger attendance of Senators present when it was considered; and I said that I would suggest the absence of a quorum.

Mr. BYRNES. Mr. President, in my absence from the Chamber I understand that the joint resolution providing approval of the Reorganization Plan No. V was passed over. The Senator from Nebraska [Mr. NORRIS] told me that he desired to be advised when that matter would be considered. I agreed with him that it would not be taken up in his absence. Under the Reorganization Act itself it is a privileged matter, and I desire now to give notice that I shall ask for its consideration tomorrow in order that it may be disposed of, as, otherwise, a very serious situation will arise because of the fact that one order takes effect on Sunday, June 2, and another order on June 11. I therefore will ask for the consideration of the joint resolution tomorrow.

#### VACATION AND SICK LEAVE FOR CERTAIN POSTMASTERS

Mr. MEAD. Mr. President, I understand from the RECORD that House bill 5784 was objected to by the Senator from

Missouri [Mr. CLARK] who asked for an explanation on the bill. I was absent from the chamber at that time. I ask unanimous consent to return to Calendar No. 1380, House bill 5784 in order that I may make an explanation.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 5784) to provide for the conservation and transfer of accumulated sick leave and vacation time due classified civil-service employees who succeed to the position of postmaster, and for other purposes.

Mr. MEAD. Mr. President, I explained the purpose of the bill to the Senator from Missouri [Mr. CLARK]. All it proposes to do is to permit a service employee who is elevated within the service to the position of postmaster to enjoy such vacation time as he has earned up to the date of his appointment as postmaster. The enactment of the bill would not cost the Government any money. The assistant postmaster usually takes care of the duties of the postmaster in his absence, but the bill would eliminate the possibility of a postmaster getting into trouble should he take his vacation.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

#### ORDER OF BUSINESS

Mr. BARKLEY. Mr. President, I had intended to ask at this time that the Senate stand in recess until 2:40 p. m., so that the Members of the Senate might assemble and proceed in a body to the rotunda of the Capitol, where the ceremonies are to be held unveiling the painting depicting the signing of the Constitution of the United States. I had assumed that no Senator would want to occupy the attention of the Senate from now until that time; but the Senator from Montana [Mr. MURRAY], who is in charge of the hospital bill, desires to proceed now, so I will not make the request.

Mr. MURRAY obtained the floor.

#### AMENDMENT OF AGRICULTURAL ADJUSTMENT ACT OF 1938

Mr. SMITH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. MURRAY. I yield.

Mr. SMITH. In my absence from the Chamber, Calendar No. 1770, House bill 3955, was passed over. It is a bill which I know could not have any objection from this body. It provides that wheat growers shall have 200 bushels for use in their quotas instead of 100 bushels. That is all that the bill provides.

I ask that the bill be considered at this time and passed.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent for the present consideration of a bill which will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (H. R. 3955) to amend section 335 (d) of the Agricultural Adjustment Act of 1938.

Mr. McNARY. Mr. President, what is the bill?

Mr. SMITH. I ask to have the bill read. It will take only a few seconds.

The PRESIDING OFFICER. The bill will be read.

The Chief Clerk read the bill, as follows:

*Be it enacted, etc.*, That section 335 (d) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out the words "one hundred" and inserting in lieu thereof the words "two hundred."

Mr. McNARY. Mr. President, this is the wheat bill?

Mr. SMITH. Yes.

Mr. McNARY. It is the bill which was favorably reported by the committee, changing the allotment from 100 bushels to 200 bushels?

Mr. SMITH. The allotment that wheat growers may use.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. SMITH. Mr. President, if the Senator from Montana will further permit me, there is on the calendar another very important bill which I should like to have taken up and disposed of at this time.

The PRESIDING OFFICER. Does the Senator from Montana further yield to the Senator from South Carolina?

Mr. MURRAY. I yield to the Senator.

Mr. SMITH. It is the next bill on the calendar, Calendar 1771, House bill 9700, to amend the Agricultural Adjustment Act of 1938, as amended, and for other purposes.

Mr. GEORGE. Mr. President, I have given to that bill the best consideration I could give to it in a short time. There is a portion of the bill to which I not only do not object but with which I am in strict accord, and which I heartily approve. I refer to all that portion of it which provides for 3-year quotas; but there are in the bill two other provisions which will greatly increase the penalty upon farmers and warehousemen.

Mr. SMITH. Those provisions change the law pertaining to the penalty, but they do not increase it.

Mr. GEORGE. I should have to object to the consideration of the bill unless the Senator is willing to take out the penalty sections which do not relate to fixing quotas for 3 years. I approve of that part of the bill.

Mr. McNARY. Mr. President, I can settle the difficulty. A Senator who was present, but who is now absent, wanted to have the bill go over.

The PRESIDING OFFICER. Objection is heard.

#### CEREMONIES IN CONNECTION WITH UNVEILING OF PAINTING OF SIGNING OF THE CONSTITUTION

Mr. MURRAY. Mr. President, in view of the fact that the Senate intends to recess in a very few moments to attend the unveiling of the painting in the rotunda, I much prefer to delay presenting my statement on the hospital bill until we return.

Mr. BARKLEY. Mr. President, it was my original understanding that the Senator would prefer to wait. Therefore, I ask unanimous consent that the Senate stand in recess until 2:40 o'clock p. m., in order that it may then reassemble here and proceed in a body to the rotunda of the Capitol for the ceremonies in connection with the unveiling of the painting.

The PRESIDING OFFICER. Is there objection?

There being no objection (at 2 o'clock and 18 minutes p. m.), the Senate took a recess until 2:40 o'clock p. m., when it reassembled.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Donahay	Lucas	Shipstead
Ashurst	Ellender	Lundeen	Slattery
Austin	George	McCarran	Smathers
Bailey	Gerry	McKellar	Smith
Bankhead	Gibson	McNary	Stewart
Barbour	Gillette	Maloney	Taft
Barkley	Guffey	Mead	Thomas, Idaho
Bilbo	Gurney	Miller	Thomas, Okla.
Bridges	Hale	Minton	Thomas, Utah
Brown	Harrison	Murray	Tobey
Bulow	Hatch	Neely	Townsend
Burke	Hayden	Norris	Truman
Byrd	Herring	Nye	Tydings
Byrnes	Hill	O'Mahoney	Vandenberg
Capper	Holman	Overton	Van Nuys
Caraway	Holt	Pepper	Wagner
Chandler	Hughes	Pittman	Walsh
Chavez	Johnson, Calif.	Radcliffe	Wheeler
Clark, Idaho	Johnson, Colo.	Reynolds	White
Clark, Mo.	King	Russell	Wiley
Connally	La Follette	Schwartz	
Danaher	Lee	Schwellenbach	
Davis	Lodge	Sheppard	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

Mr. BARKLEY. I ask unanimous consent that the Senate stand in recess until 2:50 o'clock.

The PRESIDING OFFICER. Is there objection?

There being no objection (at 2 o'clock and 45 minutes p. m.) the Senate took a recess until 2:50 o'clock p. m., when it reassembled.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the Senate stand in recess until the conclusion of the ceremonies in the rotunda, at which time it will return to its Chamber.

The PRESIDING OFFICER. Is there objection?

There being no objection (at 2 o'clock and 50 minutes p. m.) the Senate took a recess until the conclusion of the ceremonies incident to the unveiling of the painting depicting the signing of the Constitution.

The Senate returned to its Chamber at 4 o'clock and 17 minutes p. m., and Mr. CHANDLER resumed the Chair.

#### EXECUTIVE SESSION

Mr. BARKLEY. Mr. President, at this hour I think it is not wise to try to proceed any further with the pending legislation. I, therefore, move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

#### EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CHANDLER in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

#### EXECUTIVE REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of Jay Pierrepont Mofat, of New Hampshire, a Foreign Service officer of class 1, now assigned as Chief of the Division of European Affairs in the Department of State, to be Envoy Extraordinary and Minister Plenipotentiary to Canada.

He also, from the same committee, reported favorably the following nominations:

John R. Minter, of South Carolina, to be a Foreign Service officer of class 4, a consul, and a secretary in the Diplomatic Service; and

Sheldon Thomas, of New York, to be a Foreign Service officer of class 5, a consul, and a secretary in the Diplomatic Service.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the same committee, reported adversely the nomination of Margaret F. Rackliffe to be postmaster at Mina, Nev., in place of M. F. Rackliffe.

He also, from the Committee on Appropriations, reported favorably the nomination of Mark Muth, of Wisconsin, to be Work Projects Administrator of Wisconsin, to be effective April 16, 1940.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of several officers for promotion in the Marine Corps.

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, reported favorably the nomination of Charles M. Hite, of Hawaii, to be Secretary of the Territory of Hawaii (reappointment).

Mr. HARRISON, from the Committee on Finance, reported favorably the nomination of Senior Surgeon Frank M. Faget to be medical director in the United States Public Health Service, to rank as such from March 6, 1940.

He also, from the same committee, reported favorably the nominations of sundry doctors to be assistant surgeons in the United States Public Health Service, to take effect from date of oath.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the Calendar.



## SECURITIES AND EXCHANGE COMMISSION

The legislative clerk read the nomination of Sumner T. Pike to be a member of the Securities and Exchange Commission.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## COAST GUARD OF THE UNITED STATES

The legislative clerk proceeded to read sundry nominations in the Coast Guard of the United States.

The PRESIDING OFFICER. Without objection, the nominations in the Coast Guard of the United States are confirmed en bloc.

## POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

## IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that the Army nominations be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

That concludes the calendar.

## RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 18 minutes p. m.) the Senate took a recess until tomorrow, Thursday, May 30, 1940, at 12 o'clock meridian.

## NOMINATIONS

*Executive nominations received by the Senate May 29 (legislative day of May 28), 1940*

## FARM CREDIT ADMINISTRATION

Albert G. Black, of Iowa, to be Governor of the Farm Credit Administration for a term of 6 years from June 15, 1940. (Reappointment.)

## SECURITIES AND EXCHANGE COMMISSION

Edward C. Eicher, of Iowa, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 1945. (Reappointment.)

## REGISTER OF THE LAND OFFICE

Mrs. Carrie H. Malone, of Nevada, to be register of the Land Office at Carson City, Nev., vice Mrs. Gladys Huyck.

## COAST AND GEODETIC SURVEY

*To be hydrographic and geodetic engineer (with relative rank of lieutenant in the Navy) by promotion from junior hydrographic and geodetic engineer (with relative rank of lieutenant, junior grade, in the Navy)*

Alvin Cecil Thorson, of North Dakota, vice Max O. Witherbee, retired.

Joe Charles Partington, of Nebraska, vice Herman Odessey, deceased.

*To be junior hydrographic and geodetic engineer (with relative rank of lieutenant, junior grade, in the Navy) by promotion from aid (with relative rank of ensign in the Navy)*

Herman Carl Applequist, of California, vice George M. Marchand, deceased.

William Francis Deane, of Texas, vice Alvin C. Thorson, promoted.

Edgar Flanay Hicks, Jr., of Tennessee, vice Joe C. Partington, promoted.

## PROMOTIONS IN THE NAVY

Commander Robert S. Haggart to be a captain in the Navy, to rank from the 29th day of December 1939.

The following-named lieutenant commanders to be commanders in the Navy, to rank from the date stated opposite their names:

Adrian O. Rule, Jr., August 1, 1939.

John L. Reynolds, August 1, 1939.

Dorrance K. Day, August 1, 1939.

Paul L. Mather, September 1, 1939.

Clarence H. Pike, September 1, 1939.

Henry S. Nielson, September 23, 1939.

Alf O. R. Bergesen, September 23, 1939.

Lyman S. Perry, September 23, 1939.

Paul R. Heineman, September 23, 1939.

Maurice E. Curts, November 1, 1939.

Allen Hobbs, November 1, 1939.

William H. Buracker, November 1, 1939.

Harold F. Fick, December 8, 1939.

Paul W. Steinhagen, December 8, 1939.

Francis P. Old, December 8, 1939.

William H. Wallace, December 8, 1939.

Forrest M. O'Leary, December 29, 1939.

Benjamin P. Ward, December 29, 1939.

John F. Rees, December 29, 1939.

James B. Carter, January 1, 1940.

John B. Mallard, January 1, 1940.

James L. Wyatt, January 1, 1940.

Hugh W. Turney, January 1, 1940.

Russell C. Bartman, February 1, 1940.

Robert Holmes Smith, April 1, 1940.

Oscar A. Weller, May 1, 1940.

The following-named lieutenants to be lieutenant commanders in the Navy, to rank from the date stated opposite their names:

Ernest St. C. von Kleeck, Jr., August 1, 1939.

Donald C. Beard, August 1, 1939.

William G. Beecher, Jr., January 1, 1940.

Hamilton L. Stone, February 1, 1940.

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the date stated opposite their names:

George W. Kehl, December 8, 1939.

Wallace H. Weston, December 29, 1939.

Ensign Carl H. Amme, Jr., to be a lieutenant (junior grade) in the Navy, to rank from the 4th day of June 1939.

The following-named ensigns to be lieutenants (junior grade) in the Navy, to rank from the 3d day of June 1940:

Charles E. Gibson

Thomas E. Edwards, Jr.

Henry A. Rowe

Warren C. Hall, Jr.

Terrell H. W. Connor

Harold D. Shrider

Carl R. Hirschberger

Lloyd F. Jakeman

Warren W. Ford

Robert L. Savage, Jr.

Harvey P. Lanham

Frank A. Patriarca

Oliver M. Ramsey

Leonce A. Lajaunie, Jr.

Patrick H. Hart

John M. De Vane, Jr.

Joseph A. Dodson, Jr.

John C. Kelly

Morton H. Lytle

Robert M. Ware

David E. Dressendorfer

Francis W. Ingling

Vincent F. McCormack

Paul J. Riley

Raymond A. Moore

William A. H. Howland

Donald D. Patterson

Geoffrey P. Norman

Charles E. Lake

Thomas J. Nixon, 3d

Theophilus H. Moore

James N. Mayes

Robert F. Farrington

Charles R. Dodds

Stockton B. Strong

Paymaster Louis A. Puckett to be a pay inspector in the Navy, with the rank of commander, to rank from the 1st day of July 1939.

Ensign John W. Neel to be an assistant paymaster in the Navy, with the rank of ensign, to rank from the 3d day of June 1937.

The following-named lieutenant commanders to be lieutenant commanders in the Navy from the date stated opposite their names, to correct the date of rank as previously nominated and confirmed:

Thomas G. Reamy, August 1, 1939.

Knowlton Williams, August 1, 1939.

William C. Schultz, August 1, 1939.

Charles A. Bond, August 1, 1939.

Harry F. Miller, September 1, 1939.  
 John O. Lambrecht, September 1, 1939.  
 Thomas Burrowes, September 1, 1939.  
 Donald C. Varian, September 1, 1939.  
 Harry H. Henderson, September 1, 1939.  
 Charles S. Weeks, September 1, 1939.  
 Kenneth C. Hurd, September 1, 1939.  
 Hunter Wood, Jr., September 23, 1939.  
 Joseph H. Wellings, September 23, 1939.  
 William R. Headden, September 23, 1939.  
 Barton E. Bacon, Jr., September 23, 1939.  
 Paul C. Crosley, September 23, 1939.  
 James M. Hicks, September 23, 1939.

The following-named lieutenants to be lieutenants in the Navy from the date stated opposite their names, to correct the date of rank as previously nominated and confirmed:

Joel C. Ford, Jr., August 1, 1939.  
 John H. Kaufman, August 1, 1939.  
 William R. Franklin, August 1, 1939.  
 William L. Richards, September 1, 1939.  
 Francis D. Foley, September 1, 1939.  
 Paul H. Harrington, September 1, 1939.  
 William M. Ryon, September 1, 1939.  
 Richard V. Gregory, September 23, 1939.  
 Alfred L. Cope, September 23, 1939.  
 Richard C. Williams, Jr., September 23, 1939.  
 Harold L. Sargent, September 23, 1939.

Lt. Com. Robert E. Melling to be a commander in the Navy to rank from 23d day of September 1939.

Naval Constructor Frederick G. Crisp to be a naval constructor in the Navy, with rank of captain, from the 1st day of May 1940.

The following-named ensigns to be assistant paymasters in the Navy, with the rank of ensign, from the 2d day of June 1938:

Robert W. Carter  
 Ira F. Haddock

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate May 29 (legislative day of May 28), 1940*

#### SECURITIES AND EXCHANGE COMMISSION

Sumner T. Pike to be a member of the Securities and Exchange Commission.

#### COAST GUARD OF THE UNITED STATES

##### TO BE CHIEF BOATSWAINS

Lee R. Scott                      Otto Bentz  
 George V. Stepanoff            Richard S. Tewksbury

##### TO BE CHIEF GUNNERS

Linford H. Hines  
 Dellworth Ballard  
 Robert E. Barber

##### TO BE CHIEF RADIO ELECTRICIAN

Carl E. Roberts

##### TO BE CHIEF CARPENTERS

Albert I. Trucker  
 Lloyd L. Dough

##### TO BE CHIEF PAY CLERKS

Joaquin Tormos  
 Hyman G. Gottlieb

#### APPOINTMENT IN THE REGULAR ARMY

Harold Myers Deane to be first lieutenant, Veterinary Corps.

#### APPOINTMENTS, BY TRANSFER IN THE REGULAR ARMY

##### TO ADJUTANT GENERAL'S DEPARTMENT

Capt. Frederick Raymond Keeler.

##### TO AIR CORPS

First Lt. Jean Paul Craig.  
 Second Lt. Milton Bernard Adams.  
 Second Lt. Walter James Alsop.  
 Second Lt. Benjamin Franklin Avery 2d.  
 Second Lt. Burnham Lucius Batson.

Second Lt. Donald Roy Boss.  
 Second Lt. Charles Henry Bowman.  
 Second Lt. William Stein Boyd.  
 Second Lt. Harry Nathan Brandon.  
 Second Lt. Adam Kirk Breckenridge.  
 Second Lt. Roy Ray Brischetto.  
 Second Lt. Elmore George Brown.  
 Second Lt. John Wilson Carpenter 3d.  
 Second Lt. John Alexander Chechila.  
 Second Lt. Thomas Jonathon Jackson Christian, Jr.  
 Second Lt. Roscoe Campbell Crawford, Jr.  
 Second Lt. Warner Winston Croxton, Jr.  
 Second Lt. Joseph Lawrence Dickman.  
 Second Lt. Elwood Paul Donohue.  
 Second Lt. John Carlos Edwards.  
 Second Lt. Melvin Verner Engstrom.  
 Second Lt. Albert Leslie Evans, Jr.  
 Second Lt. Walter Woodrow Farmer.  
 Second Lt. Shepler Ward FitzGerald, Jr.  
 Second Lt. Frederick Henry Foerster, Jr.  
 Second Lt. Joseph Harold Frost.  
 Second Lt. James David Garcia.  
 Second Lt. William Ames Garnett.  
 Second Lt. Benoid Earl Glawe.  
 Second Lt. Robert Evans Greer.  
 Second Lt. Hugh Albert Griffith, Jr.  
 Second Lt. Strother Banks Hardwick, Jr.  
 Second Lt. Laird Woodruff Hendricks.  
 Second Lt. Allen Forrest Herzberg.  
 Second Lt. Charles Henry Hillhouse.  
 Second Lt. Perry Milo Hoisington 2d.  
 Second Lt. Carl Walter Holstein.  
 Second Lt. George Edmund Howard, Jr.  
 Second Lt. Robert David Hunter.  
 Second Lt. John Ernest Linwood Huse.  
 Second Lt. Frank Wallace Iseman, Jr.  
 Second Lt. Ellsworth Reily Jacoby.  
 Second Lt. William Charles Jones.  
 Second Lt. George Yount Jumper.  
 Second Lt. Joseph Theodore Kingsley, Jr.  
 Second Lt. Andrew John Kinney.  
 Second Lt. James Barclay Knapp.  
 Second Lt. Harmon Lampley, Jr.  
 Second Lt. Edwin John Latoszewski.  
 Second Lt. Robert Roy Little.  
 Second Lt. Charles James Long 3d.  
 Second Lt. Paul Joseph Long.  
 Second Lt. Richard Gordon Lycan.  
 Second Lt. Salvatore Edward Manzo.  
 Second Lt. William Kemp Martin.  
 Second Lt. James Elmer Mather.  
 Second Lt. Ernest Beverly Maxwell.  
 Second Lt. James Lloyd McBride, Jr.  
 Second Lt. John Louis McCoy.  
 Second Lt. William Lee McDowell, Jr.  
 Second Lt. Cecil Cerel McFarland.  
 Second Lt. Norman James McGowan.  
 Second Lt. Matthew James McKeever, Jr.  
 Second Lt. Elbert Owen Meals.  
 Second Lt. Jack Gordon Merrell.  
 Second Lt. Maurice Myron Miller.  
 Second Lt. Robert Benjamin Miller.  
 Second Lt. Richard Steele Morrison.  
 Second Lt. Richard Van Wyck Negley, Jr.  
 Second Lt. Paul Richard Okerbloom.  
 Second Lt. Leonard Neil Palmer.  
 Second Lt. Joseph George Perry.  
 Second Lt. Raymond Thompson Petersen.  
 Second Lt. Roger Edwards Phelan.  
 Second Lt. John George Pickard.  
 Second Lt. Robert Charlwood Richardson 3d.  
 Second Lt. Robert John Rogers.  
 Second Lt. Eugene Allen Romig.  
 Second Lt. John Spoor Samuel.  
 Second Lt. Edwin Peter Schmid.  
 Second Lt. Robert Carver Sears.



Second Lt. William Thomas Smith.  
 Second Lt. Lewis Wilson Stocking.  
 Second Lt. Henry Riggs Sullivan, Jr.  
 Second Lt. Daniel Farrington Tatum.  
 Second Lt. Robert Cochrane Twyman.  
 Second Lt. Leon Robert Vance, Jr.  
 Second Lt. Elliott Vandevanter, Jr.  
 Second Lt. Alfred Virgil Walton.  
 Second Lt. Charles Manly Walton, Jr.  
 Second Lt. Robert Clarence Whipple.  
 Second Lt. David Kenneth White.  
 Second Lt. Thomas Bernard Whitehouse.  
 Second Lt. Ray Joseph Will.  
 Second Lt. James Walter Wilson.  
 Second Lt. Robert Merwyn Wray.  
 Second Lt. Tilden Perkins Wright.  
 Second Lt. Prentiss Davis Wynne, Jr.  
 Second Lt. George Wallace Roger Zethren.

## PROMOTIONS IN THE REGULAR ARMY

Carl Fish McKinney to be colonel, Infantry.  
 John Matthew Devine to be lieutenant colonel, Field Artillery.

Henry Charles Wolfe to be major, Corps of Engineers.  
 Lemuel Edwin Edwards to be major, Finance Department.

## POSTMASTERS

## DELAWARE

James B. Thompson, Jr., Clayton.  
 Clara C. McVey, Marshallton.

## GEORGIA

Dean R. Adams, Boston.  
 Fred M. Chandler, Bowman.  
 Mary Lou Burch, Eastman.  
 John R. Jones, Dahlonega.  
 Victor H. Carmichael, Jackson.  
 Joseph R. Nease, Lumber City.  
 Emory Davis, Rutledge.

## ILLINOIS

Benjamin F. Price, Allendale.  
 Alphonse J. Verdick, Annawan.  
 John R. Engleman, Bellwood.  
 A. Albert Mochle, Brighton.  
 Frank F. Lietz, Buckley.  
 William C. Herrin, Cave in Rock.  
 Ellen M. Sherry, Congress Park.  
 Paul C. Zimmerman, Earlville.  
 Wilbur C. Gerke, Edwardsville.  
 Ralph Hawthorne, Galesburg.  
 Henry C. Rathgeber, Girard.  
 Frank B. Laking, Grant Park.  
 John M. Vandaveer, Greenfield.  
 Lloyd McCoy Wakefield, Heyworth.  
 Albert H. Winter, Highland.  
 Charles J. Ator, Jacksonville.  
 George P. Ravens, Kankakee.  
 Clare A. Ruffner, Mason.  
 Irwin H. Mitchell, Metropolis.  
 Paul Therien, Momence.  
 Robert R. Lutz, Morton Grove.  
 John Joseph Fedor, Mount Olive.  
 William H. Cain, Patoka.  
 Carroll D. Young, Pawnee.  
 Berryman P. Hurt, Pleasant Plains.  
 Margaret D. Drummet, Prophetstown.  
 John J. McCarthy, Rock Island.  
 Clarence J. Hanen, St. Anne.  
 Daniel F. Maher, Sheffield.  
 Stanley L. Pool, Sumner.  
 Mary J. Sheridan, Thomson.  
 Ernest Hunter Reynolds, Tiskilwa.  
 Rufus B. Grissom, Toledo.  
 Esper Ziegler, Warsaw.  
 Charles W. McDonald, Wheaton.  
 Gertrude W. Daub, Williamsfield.

Ralph M. Short, Witt.  
 Homer G. Ingram, Zion.

## MAINE

Arthur J. Remillard, Biddeford.  
 Blanche W. Brown, Dover-Foxcroft.  
 Marguerite A. Cahill, Easton.  
 Oscar A. Kelley, Jonesport.  
 George L. Murray, Newport.  
 Thomas G. Burdin, Turner.

## MASSACHUSETTS

F. Thomas Ellis, Brewster.  
 H. Francis Kiernan, Collinsville.  
 Thomas F. Donahue, Groton.  
 Arthur F. Cahoon, Harwich.  
 Clarkson P. Bearse, Harwich Port.  
 William P. O'Grady, Holliston.  
 John Woods Kelley, Newburyport.  
 William W. Dooling, North Adams.  
 Timothy J. Sullivan, Palmer.  
 James L. Sullivan, Peabody.  
 Gertrude H. Laramie, Russell.  
 George E. Brady, Westfield.

## MICHIGAN

Frank E. Browning, Battle Creek.  
 Livingstone Latham, Clinton.  
 Fred W. Zehnder, Frankenmuth.  
 Thomas Johnston, Marshall.  
 Francis J. Otterbacher, Sand Lake.

## MINNESOTA

Miles L. Sweeney, Jeffers.

## MISSISSIPPI

Romie Green, Amory.  
 Lily B. McDonald, Bay Springs.  
 W. Hugh Magee, Crystal Springs.  
 William D. Fisher, Dundee.  
 Edward Otis Johnson, Glen Allan.  
 Fannie L. Lowry, Houston.  
 Cecil W. Tinnin, Isola.  
 David C. Branham, Jr., Itta Bena.  
 Christine H. Douglas, Maben.  
 Clifford E. Ball, Tylertown.

## NEW MEXICO

Ruth L. Thomas, Corona.

## NEW YORK

Walter Longwell, Bath.  
 Dorris E. Boss, Dalton.  
 Jerry Burd, Greenwood.

## NORTH CAROLINA

Joseph A. Leigh, Belhaven.  
 Trixie M. Matthews, Englehard.  
 Angus Raymond McRacken, Kenly.  
 John Harmon Linville, Kernersville.  
 Robert Boyd Patterson, Littleton.  
 Janie C. Norfleet, Roxobel.  
 John Locke Milholland, Statesville.  
 Frank L. Nixon, Sunbury.

## PENNSYLVANIA

Leslie H. Lockerman, Cheswick.  
 Mary Dessie Blayney, Claysville.  
 John A. O'Donovan, Coraopolis.  
 John A. Barron, Cornwells Heights.  
 James P. Sullivan, Corry.  
 Francis A. Fonash, Doylestown.  
 Bernetta B. Deegan, Dushore.  
 John P. May, East Brady.  
 Elmer S. Harry, East Petersburg.  
 Florence I. Kurtz, Elverson.  
 James B. Eschbach, Florin.  
 Caroline E. W. Curry, Glen Olden.  
 Peter V. Abel, Graterford.  
 Allen R. Brumbaugh, Greencastle.

Elmer N. Zepp, Hatfield.  
 Katherine A. T. Shearer, Herminie.  
 John D. McConegly, Homestead.  
 John H. Boltz, Jonestown.  
 James Frank Groover, Lewisburg.  
 Eva S. Schurr, Linfield.  
 Alexander Rankin, McKeesport.  
 Ruth Elizabeth Mackley, Manheim.  
 J. Merrell Mattern, Mars.  
 Joseph Samuel Raisner, Marysville.  
 Hugh G. Provins, Masontown.  
 Katherine M. Sherlock, Merion Station.  
 Charles J. Bennett, Mount Joy.  
 Joseph W. Hoover, Mountville.  
 Earl H. Helms, Myerstown.  
 Elmer M. Newton, New Wilmington.  
 Lottie I. Brower, Oaks.  
 James W. Nash, Portage.  
 Edward J. Donahue, Port Carbon.  
 James P. Monahan, St. Clair.  
 Charles W. Johnston, Strasburg.  
 Charles Q. Flickinger, Stowe.  
 Charles D. Fitzpatrick, Trevorton.  
 Harry E. Merritt, Ulysses.  
 James D. Brakeman, Union City.  
 Roy Wilkinson, Valley Forge.  
 Harold G. Seyler, Weiser Park.  
 Daniel Leger, Wilmerding.

## RHODE ISLAND

Charles E. Cornell, Shannock.  
 George A. Dolan, Westerly.

## TEXAS

Linnaeus C. Alexander, Waco.

## UTAH

Vernal Twede, Payson.  
 John Emmett Bird, Springville.

## VIRGINIA

Claude Franklin Whitmer, Broadway.  
 Samuel Thomas Nottingham, Cape Charles.  
 Rudolph Shiffer, Claremont.  
 William D. Bowles, Clifton Forge.  
 Archa Vaughan, Floyd.  
 Martin Rosenbaum, Glade Spring.  
 Grace D. Condon, Goshen.  
 Bard E. Fitzgerald, Greta.  
 G. Frederick Switzer, Harrisonburg.  
 Jesse T. Hylton, Hillsville.  
 Charlotte E. Hanks, Ivanhoe.  
 Archie R. Gardner, Ivor.  
 Clarence W. Bradford, Keller.  
 Charles F. Shumaker, Lovettsville.  
 Henry A. Storm, McLean.  
 Alexander H. Cave, Madison.  
 Lena C. Johnson, Madison Heights.  
 William Floyd Boone, St. Charles.  
 Gustavus A. Scruggs, Salem.

## WEST VIRGINIA

Carroll Miller, Gauley Bridge.  
 Frederick F. Robey, Shinnston.  
 Delpha C. Stemple, Thomas.  
 Jock L. Henderson, Williamstown.

## WYOMING

Orville R. Booker, Basin.  
 Austin R. Craven, Sunrise.

## HOUSE OF REPRESENTATIVES

WEDNESDAY, MAY 29, 1940

The House met at 12 o'clock noon.

Rev. Sheridan Watson Bell, pastor of the Shepard St. Paul Methodist Church, Columbus, Ohio, offered the following prayer:

Our Gracious Heavenly Father, whose majesty and might dost overwhelm us, yet whose love and compassion dost reveal the kindness of a benevolent God, we do praise Thee this day. We lift our hearts to Thee in prayer. We are grateful for life. We rejoice in our birthright of freedom; in our supreme opportunity of keeping a democratic ideal in a world overwhelmed by the forces of autocracy and ruthless power. Man to Thee is sacred. Each soul, O God, has in Thy sight favor and possibilities. May this beloved country of ours maintain its Christian obligation of safeguarding the freedom of its peoples. O, may this body of servants of the people be ever mindful of their sacred covenant. Temper their decisions with wisdom and understanding. May they be tolerant and compassionate in their judgments on others. May they pierce the chaos of these terrible days with a scrutiny that discerns truth; that perceives right; that leads to wise, intelligent decisions. God give them guidance; may they abide in Thy tabernacle; may they place their trust in Thee. In Jesus' name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H. R. 169. An act to facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the Cleveland National Forest in San Diego County, Calif.;

H. R. 952. An act for the relief of Indians who have paid taxes on allotted lands for which patents in fee were issued without application by or consent of the allottees and subsequently canceled, and for the reimbursement of public subdivisions by whom judgments for such claims have been paid;

H. R. 1312. An act granting a pension to Ernest Francis White;

H. R. 1379. An act granting a pension to Timothy A. Linehan;

H. R. 1843. An act for the relief of the estate of K. J. Foss;  
 H. R. 2009. An act to facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior boundaries of the Angeles National Forest, Calif.;

H. R. 2143. An act granting a pension to Helen M. Crowley;

H. R. 2273. An act granting a pension to Lizzie May Wilbur Clayton;

H. R. 2285. An act granting a pension to Maud Patterson;

H. R. 3048. An act to confer jurisdiction on the State of Kansas over offenses committed by or against Indians on Indian reservations;

H. R. 3138. An act authorizing J. E. Pate, his successors and assigns, to construct, maintain, and operate a bridge or ferry across the Rio Grande at Boca Chica, Tex.;

H. R. 3233. An act to repeal certain acts of Congress (pocket vetoed);

H. R. 4282. An act to amend the act of June 30, 1936 (49 Stat. 2041), providing for the administration and maintenance of the Blue Ridge Parkway, in the States of Virginia and North Carolina, by the Secretary of the Interior, and for other purposes;

H. R. 4349. An act for the relief of the estate of Lewis Marion Garrard Hale;

H. R. 4394. An act granting a pension to James G. Bailey;

H. R. 4832. An act for the protection of the bald eagle;

H. R. 5007. An act granting a pension to John W. Swoveland;

H. R. 5089. An act conferring jurisdiction upon the Court of Claims of the United States to hear, examine, adjudicate, and render judgment on the claim of the legal representative of the estate of Rexford M. Smith;

H. R. 5459. An act for the relief of George F. Lewis, administrator of the estate of Margaret R. Lewis;



H. R. 5477. An act for the benefit of the Indians of the Crow Reservation, Mont., and for other purposes;

H. R. 5380. An act to incorporate the Navy Club of the United States of America;

H. R. 5906. An act to repeal the prohibition against the filling of a vacancy in the office of district judge for the southern district of New York;

H. R. 5918. An act amending Public Law No. 96 of the Seventy-fifth Congress, being an act entitled "An act amending section 2 of Public Law No. 716 of the Seventy-fourth Congress, being an act entitled 'An act to relieve restricted Indians whose lands have been taxed or have been lost by failure to pay taxes and for other purposes'";

H. R. 5961. An act granting to the regents of the University of New Mexico the right to alienate certain lands conveyed to them under authority of the act of Congress, approved August 19, 1935 (49 Stat. 659), in exchange for an equivalent amount of land more expediently situated;

H. R. 6481. An act to authorize the conveyance of the United States fish hatchery property at Put in Bay, Ohio, to the State of Ohio;

H. R. 6552. An act for the relief of Mrs. Gottlieb Metzger;

H. R. 6681. An act granting a pension to Capt. Victor Gondos, Jr.;

H. R. 6751. An act to repeal certain laws with respect to manifests and vessel permits;

H. R. 6964. An act for the relief of Mr. and Mrs. Nathan Kaplan;

H. R. 7072. An act for the relief of Esther Ross;

H. R. 7084. An act to amend the act entitled "An act to regulate proceedings in adoption in the District of Columbia," approved August 25, 1937;

H. R. 7147. An act to amend the service pension acts pertaining to the War with Spain, Philippine Insurrection, and the China Relief Expedition to include certain continuous service;

H. R. 7306. An act for the relief of John R. Elliott;

H. R. 7530. An act to transfer the site and buildings of the Tomah Indian School to the State of Wisconsin;

H. R. 7733. An act to provide increased pensions for veterans of the Regular Establishment with service-connected disability incurred in or aggravated by service prior to April 21, 1898;

H. R. 7833. An act to set aside certain lands for the Minnesota Chippewa Tribe in the State of Minnesota, and for other purposes;

H. R. 7853. An act for the relief of the Gallup Mercantile Co., of Gallup, N. Mex.;

H. R. 7901. An act to transfer certain Indian lands to the Grand River Dam Authority, and for other purposes;

H. R. 8086. An act to make it a crime to wreck or attempt to wreck a train engaged in interstate commerce;

H. R. 8317. An act for the relief of the Hermosa-Redondo Hospital, C. Max Anderson, Julian O. Wilke, Curtis A. Wherry, Hollie B. Murray, Ruth M. Laird, Sigrid I. Olsen, and Stella S. Guy;

H. R. 8423. An act to amend an act entitled "An act to increase the efficiency of the Coast Guard," approved January 12, 1933;

H. R. 8452. An act to declare Frankford Creek, Pa., to be a nonnavigable stream;

H. R. 8475. An act to limit the interpretation of the term "products of American fisheries";

H. R. 8537. An act to provide for the enlargement of the Coast Guard depot at Seattle, Wash., and for the establishment of a Coast Guard servicing base at or near Chattanooga, Tenn.;

H. R. 8589. An act to authorize the county of Burt, State of Nebraska, to construct, maintain, and operate a toll bridge across the Missouri River at or near Decatur, Nebr.;

H. R. 9013. An act to transfer Hardeman County, Tex., from the Fort Worth division to the Wichita Falls division of the northern judicial district of Texas;

H. R. 9115. An act to authorize the Commissioners of the District of Columbia to provide for the parking of automobiles in the Municipal Center;

H. R. 9210. An act to amend an act entitled "An act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes," approved July 15, 1932, and for other purposes;

H. R. 9236. An act to amend the act entitled "An act to provide books for the adult blind," approved March 3, 1931;

H. R. 9261. An act to extend the times for commencing and completing the construction of a railroad bridge across the Missouri River at or near Randolph, Mo.;

H. R. 9271. An act to extend the existence of the Alaskan International Highway Commission for an additional 4 years, and for other purposes;

H. R. 9381. An act to provide for the alteration of certain bridges over navigable waters of the United States, for the apportionment of the cost of such alterations between the United States and the owners of such bridges, and for other purposes;

H. R. 9441. An act to accept the grant to the United States of certain land by the State of South Carolina and to authorize its use by the United States Coast Guard;

H. R. 9553. An act to amend and clarify certain acts pertaining to the Coast Guard, and for other purposes;

H. J. Res. 265. Joint resolution authorizing the Bureau of Labor Statistics to make studies of productivity and labor costs in industry;

H. J. Res. 302. Joint resolution to authorize compacts or agreements between or among the States bordering on the Atlantic Ocean with respect to fishing in the territorial waters and bays and inlets of the Atlantic Ocean on which such States border, and for other purposes;

H. J. Res. 385. Joint resolution establishing a Greenville Memorial Commission to formulate plans for the construction of a memorial building to commemorate the Treaty of Greene Ville, at Greenville, Ohio;

H. J. Res. 400. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1940, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski;

H. J. Res. 490. Joint resolution providing for an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee of Aerial Legal Experts, and for participation in the meetings of the International Technical Committee of Aerial Legal Experts and the commissions established by that Committee; and

H. J. Res. 496. Joint resolution providing for more uniform coverage under the Railroad Retirement Acts of 1935 and 1937, the Carriers Taxing Act of 1937, and subchapter B of chapter 9 of the Internal Revenue Code.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 458. An act extending the benefits of the Emergency Officers' Retirement Act of May 24, 1928, to provisional, probationary, or temporary officers of the Army, Navy, Marine Corps, and Coast Guard who served during the World War;

S. 537. An act granting a pension to Alice F. Thomas;

S. 769. An act authorizing the Secretary of the Interior to furnish mats for the reproduction in magazines and newspapers of photographs of national park scenery;

S. 1009. An act granting a pension to Bert W. Helmer;

S. 1138. An act granting a pension to Mary Jane Blackman;

S. 1251. An act for the relief of certain settlers in the town site of Ketchum, Idaho;

S. 1560. An act for the relief of Amos B. Cole;

S. 1770. An act granting a pension to Mittie Gaffney;

S. 1910. An act to extend the time within which applications for benefits under the World War Adjusted Compensation Act, as amended, may be filed;

S. 2263. An act granting a pension to Timothy C. Toler;

S. 2305. An act relating to hours of work of licensed officers and seamen on tugs operating in certain inland waters of the United States;

S. 2413. An act granting a pension to Arminda Bauman;

S. 2679. An act to amend the Independent Offices Appropriation Act, 1934, as amended, with respect to the authority

of the Attorney General to compromise suits on certain contracts of insurance;

S. 2768. An act authorizing the naturalization of Thomas A. Lambie;

S. 2891. An act to amend the act of October 6, 1917, "An act to provide for the reimbursement of officers, enlisted men, and others in the naval service of the United States for property lost or destroyed in such service";

S. 2952. An act to reinstate in the Court of Claims the suits entitled "Eastern or Emigrant Cherokees Against The United States," No. 42077, and "Western or Old Settler Cherokees Against The United States," No. 42078;

S. 2983. An act to authorize the sale of lumber and other forest products obtained from the forests on Indian reservations by Indian enterprises;

S. 2984. An act authorizing the transfer of title of the Hayward Indian School to the State of Wisconsin;

S. 3101. An act for the relief of certain purchasers of, and entrymen upon, opened lands of certain Indian reservations;

S. 3107. An act for the relief of Perkins Gins, formerly Perkins Oil Co., of Memphis, Tenn.;

S. 3131. An act to extend the benefits of the United States Employees' Compensation Act to members of the Officers' Reserve Corps and of the Enlisted Reserve Corps of the Army who were physically injured in line of duty while performing active duty or engaged in authorized training between dates of February 28, 1925, and July 15, 1939, both inclusive, and for other purposes;

S. 3136. An act to authorize an appropriation for the construction of small reservoirs under the Federal reclamation laws;

S. 3218. An act for the relief of Schroeder Employees' Thrift Club;

S. 3223. An act for the relief of Arthur A. Schipke;

S. 3266. An act to provide pensions, compensation, retirement pay, and hospital benefits for certain Air Corps Reserve officers who were disabled while on active duty with the Regular Army;

S. 3307. An act to amend an act entitled "An act for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and dependents of Vern A. Needles," approved July 15, 1939;

S. 3339. An act for the relief of John C. Crossman;

S. 3351. An act for the relief of I. M. Cook, J. J. Allen, and the Radiator Specialty Co.;

S. 3352. An act to amend the act of August 27, 1935 (49 Stat. 2194), and for other purposes;

S. 3443. An act for the relief of William A. Wheeler;

S. 3464. An act to amend the Perishable Agricultural Commodities Act, 1930, as amended;

S. 3487. An act for the relief of the heirs of Lt. William Lee Clemmer, Coast Guard;

S. 3533. An act authorizing the appointment of a commission to prepare a new Code of Laws for the District of Columbia;

S. 3578. An act for the relief of Edward Smith;

S. 3587. An act for the relief of Earl P. Collins;

S. 3597. An act for the relief of Vernon C. Brown and F. L. Copeland;

S. 3642. An act granting the consent of Congress to the Secretary of the Interior and the State of Washington to construct, maintain, and operate a highway bridge across the Spokane River, Wash.;

S. 3643. An act granting the consent of Congress to the Secretary of the Interior and Stevens County, State of Washington, to construct, maintain, and operate a highway bridge across the Kettle River, near Marcus, Wash.;

S. 3644. An act granting the consent of Congress to the Secretary of the Interior and the Great Northern Railway Co. to construct, maintain, and operate two railroad bridges across the Kettle River, near Marcus, Wash.;

S. 3649. An act for the relief of Harry D. Gann;

S. 3650. An act to require the payment of prevailing rates of wages on Federal public works in Alaska and Hawaii;

S. 3683. An act to remove the time limit for cooperation between the Bureau of Reclamation and the Farm Security Ad-

ministration in the development of farm units on public lands under Federal reclamation projects;

S. 3686. An act to authorize the Legislature of the Territory of Alaska to create a public corporate authority to undertake slum clearance and projects to provide dwelling accommodations for families of low income and to issue bonds and other obligations of the authority for such purpose, and for other purposes;

S. 3693. An act to authorize the Secretary of War to grant an easement for pipe lines across public lands reserved for military purposes in the parish of Plaquemines, La.;

S. 3706. An act for the relief of Alfred G. Balls;

S. 3727. An act limiting 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 certain counsel;

S. 3742. An act for the relief of M. E. McGivern;

S. 3749. An act to relieve certain employees of the Veterans' Administration from financial liability for certain overpayments and allow such credit therefor as is necessary in the accounts of certain disbursing officers, and for other purposes;

S. 3763. An act for the relief of Capt. David H. Passell and First Lt. Paul E. LaMaster;

S. 3780. An act authorizing Alabama Bridge Commission (an agency of the State of Alabama) to construct, maintain, and operate a toll bridge and causeway between Dauphin Island and the mainland at or near Cedar Point, within the State of Alabama;

S. 3789. An act for the relief of the Eberhart Steel Products Co., Inc.;

S. 3794. An act for the relief of certain Navajo Indians, and for other purposes;

S. 3868. An act for the relief of certain former disbursing officers for the Civil Works Administration and the Federal Emergency Relief Administration;

S. 3887. An act for the relief of Laura Trice Converse;

S. 3899. An act to defray the cost of returning to the United States the remains, families, and effects of officers and employees dying abroad, and for other purposes;

S. 3916. An act for the relief of Lawrence T. Post, G. F. Allen, and D. Buddrus;

S. 3978. An act for the relief of certain former employees of the National Reemployment Service;

S. J. Res. 157. Joint resolution authorizing the President of the United States to present to Eire on behalf of the people of the United States a statue of Commodore John Barry;

S. J. Res. 175. Joint resolution to provide for the observance and celebration of the four hundredth anniversary of the discovery of the Mississippi River by Hernando De Soto; and

S. J. Res. 256. Joint resolution designating a day to be observed as Doctor's Day.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, bills and a joint resolution of the House of the following titles:

H. R. 1435. An act for the relief of A. S. Tait;

H. R. 1827. An act to allow moving expenses to employees in the Railway Mail Service;

H. R. 2417. An act to facilitate the control of soil erosion and/or flood damage originating upon lands within the exterior of boundaries of the Sequoia National Forest, Calif.;

H. R. 2418. An act to extend the provisions of the Forest Exchange Act, as amended, to certain lands, so that they may become parts of the Whitman, Malheur, or Umatilla National Forests;

H. R. 3161. An act for the relief of the estate and minor children of Dale W. and Gladys M. Guise, Sally C. Guise, and Martha G. and Arnold E. Orner;

H. R. 4031. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim or claims of the Recording and Computing Machines Co., of Dayton, Ohio;

H. R. 5584. An act to amend the Canal Zone Code;

H. R. 6334. An act for the relief of Pearl Waldrep Stubbs and George Waldrep;

H. R. 6446. An act amending section 4 of the act entitled "An act to authorize the city of Pierre, S. Dak., to construct,



equip, maintain, and operate on Farm Island, S. Dak., certain amusement and recreational facilities; to charge for the use thereof and for other purposes";

H. R. 6668. An act to grant the State of North Carolina a right-of-way for the Blue Ridge Parkway across the Cherokee Indian Reservation in North Carolina, to provide for the payment of just compensation for said right-of-way, and for other purposes;

H. R. 7019. An act to amend section 1 of the act providing punishment for the killing or assaulting of Federal officers;

H. R. 7074. An act to amend an act to authorize the Secretary of War and the Secretary of the Navy to make certain disposition of condemned ordnance, guns, projectiles, and other condemned material in their respective departments;

H. R. 7811. An act to establish the Hot Springs division of the Western Judicial District of Arkansas;

H. R. 8024. An act to provide for the leasing of restricted allotments of deceased Indians in certain circumstances, and for other purposes;

H. R. 8499. An act relating to adoption of minors by Indians;

H. R. 9185. An act to amend section 73 of an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended; and

H. J. Res. 367. Joint resolution to authorize the Secretaries of War and of the Navy to assist the governments of American republics to increase their military and naval establishments, and for other purposes.

#### PERMISSION TO RECESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that it may be in order at any time today for the Speaker to declare a recess of the House.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I understand this is just a recess for an hour to attend the exercises in the rotunda?

Mr. RAYBURN. Yes; and also for the evening session on the Private Calendar bills.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### EXTENSION OF REMARKS

Mr. THOMASON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a statement by Harry C. Bates, chairman of the housing committee of the American Federation of Labor, with respect to the position of the executive council of the American Federation of Labor regarding housing.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RUTHERFORD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an editorial from the Towanda Daily Review.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TIBBOTT asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. CORBETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein excerpts from Senate Report No. 1615.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. McDOWELL. Mr. Speaker, I ask unanimous consent that on Monday next after the disposition of the legislative business and any prior special orders I may address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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#### EXTENSION OF REMARKS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a letter that appeared in the Washington Post this morning.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

#### NATIONAL DEFENSE PROGRAM

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DONDERO. Mr. Speaker, in this hour when speed is the desired object of all, it ought to be somewhat reassuring to the country to read in the morning Post a statement made by Henry Ford, of Detroit, that in 6 months' time his plant could be geared up to produce 1,000 airplanes per day. That is a very large number of airplanes. Someone has suggested that that is per week, but the morning Post says per day. He also stated that it could be done under their own supervision and without Government meddling. He said that during the World War they told him that he could not produce an Eagle boat per day, but he did it, and had it not been for Government red tape he would have been able to produce one submarine chaser per day. They also told him he could not produce 10,000 completed automobiles per day, but he did it. The Ford Motor Co. has demonstrated to the world its efficiency and ability to produce in immense quantities. If Henry Ford says he can produce 1,000 airplanes per day the country can depend on it.

Thus it will be seen that the great industries of the country are ready to respond to the Nation's call when national defense is the order of the day. [Applause.]

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including in the RECORD a brief statement from the Morning Post.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### COL. CHARLES A. LINDBERGH

Mr. FISH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, the action of the Lafayette Escadrille in striking Col. Charles A. Lindbergh's name from their list as an honorary member, because of his views on the administration's foreign policies, evidently does not represent the attitude of World War veterans.

We are still living in a free country, and every American has the right of freedom of speech whether we agree with him or not. Ninety-five percent of the American people want to keep out of foreign wars, according to all polls, and Colonel Lindbergh reflects consistently that point of view.

The following is an extract from a letter I have just received from Edward E. Spafford, past national commander of the American Legion:

I think that Lindbergh did a good job.

Senator BYRNES' reply was terrible. He apparently has nothing better to do than to defame the character of one of our outstanding citizens.

I think it is a pretty low type of man who indicates that because a person receives a decoration from some foreign power that he has sold out his American patriotism. I happen to have a few decorations from foreign countries, but I certainly do not feel that I owe anything to the countries who decorated me.

Personally, I have a high regard for Senator BYRNES, with whom I have served in the House, but utterly disagree with him in his attempt to impugn Colonel Lindbergh's motives,

patriotism, or Americanism, or that of any other American citizen who opposes America's involvement in another foreign war or is not afraid to disagree with the foreign policies of the administration. [Applause.]

COUNCIL OF NATIONAL DEFENSE

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD at this point the provisions of the United States Code regarding the Council of National Defense.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

The matter referred to follows:

[The Code of the Laws of the United States of America, in force January 3, 1935]

TITLE 50—WAR

CHAPTER 1. COUNCIL OF NATIONAL DEFENSE

SECTION 1. Creation, purpose, and composition of council: A Council of National Defense is hereby established, for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. (Aug. 29, 1916, ch. 418, 2, 39 Stat. 649.)

SEC. 2. Advisory commission: The Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence, when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work. (Aug. 29, 1916, ch. 418, 2, 39 Stat. 649.)

SEC. 3. Duties of council: It shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method, and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation. (Aug. 29, 1916, ch. 418, 2, 39 Stat. 649; Nov. 9, 1921, ch. 119, 3, 42 Stat. 212.)

COUNCIL OF NATIONAL DEFENSE AND ITS ADVISORY COMMISSION

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. BREWSTER. Mr. Speaker, I have inserted the existing statutory provisions regarding the Council of National Defense and its Advisory Commission in order that it may be clear that the powers of this latter body are entirely of an advisory character without executive responsibility of any kind. That means we cannot rely upon this recently appointed body effectively to accomplish the task of industrial coordination that must be carried out.

Section 2 terms this subsidiary group in its title as an "Advisory Commission" and makes it entirely clear that its functions are strictly limited. One might almost say nonexistent.

In section 3 it is provided that "It shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President" with reference to a great number of matters more particularly enumerated. This Council is composed of six members of

the Cabinet. The President says, however, that they are to be ignored in the present program.

Let it be clear, then, that the Advisory Commission which the President has just constituted with considerable acclaim is simply a group of distinguished industrialists and experts in their various fields who are, under the law, to advise the Council of National Defense, which in turn is limited to making "investigations and recommendations" to the President.

The busy and able citizens who have undertaken this service as a patriotic duty can scarcely be flattered when they discover the scope of their authority and their functions nor can the country be reassured.

The Secretary of the Treasury still remains the industrial coordinator, with Mr. Stettinius and Mr. Knudsen as a camouflage.

EXTENSION OF REMARKS

Mr. SANDAGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include an editorial from the Providence Journal of Tuesday, May 28, entitled "Social Offensive or Defense?" which comments upon the President's fireside chat on Sunday night last.

The SPEAKER. Is there objection?

There was no objection.

PRODUCTION OF AIRPLANES

Mr. MILLER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. MILLER. Mr. Speaker, I would not presume to disagree with any statement issued by Mr. Ford, but I think at this time we can well be reminded of the experience this country had in trying to build aircraft in automobile factories during the World War. I saw the tragedy of the "blazing coffins" with the so-called Liberty engines sent to France as a result of trying to manufacture aircraft engines under the license system. There is just as much difference between manufacturing airplane engines and automobile engines as there is between a watch and an automobile engine. I hope that we will proceed slowly in making any definite changes in our aircraft industry. [Applause.]

EXTENSION OF REMARKS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an editorial.

The SPEAKER. Is there objection?

There was no objection.

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my remarks and to include three memoranda from the War Department.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my remarks and to include a short table about rural electrification in Oregon.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLEVINGER. Mr. Speaker, I ask unanimous consent to extend my remarks and to include an article from the market pages of the Chicago Tribune relative to the importation of grain from Canada.

The SPEAKER. Is there objection?

There was no objection.

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include a newspaper article relative to Colonel Lindbergh.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a speech made on the floor of the House by the late Representative J. Will Taylor on November 3, 1939.

The SPEAKER. Is there objection?

There was no objection.



## DEPORTATION OF ALIENS

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?  
There was no objection.

Mr. RICH. Mr. Speaker, I call attention to the fact that in the address of the late J. Will Taylor, which I have just had inserted as a part of my remarks in the Appendix of the RECORD there appears much that it would be wise for all of the Members of the House to read. It shows that in 1939 the border patrol apprehended 13,635 law violators who came into the country illegally but that only 9,275 were deported. Why? Miss Perkins should give an accounting. I think we ought to make every effort in this country today to find those people who came to this country who are trying to overthrow our Government, and nothing should stop the Congress from either deporting them or putting them in concentration camps, and if we know that they are going to do anything that is likely to overthrow our Government, we ought to find a good brick wall, put them against it, and get the bayonets out, and if necessary use them. We want no un-American activities today of any kind.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

## NATIONAL DEFENSE

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my remarks in the RECORD.

The SPEAKER. Is there objection?  
There was no objection.

[Mr. VAN ZANDT addressed the House. His remarks appear in the Appendix of today's RECORD.]

## DEPORTATION OF HARRY BRIDGES

Mr. COLMER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?  
There was no objection.

Mr. COLMER. Mr. Speaker, apropos of the statement just made by the gentleman from Pennsylvania [Mr. RICH], I take this opportunity to advise the House that the Committee on Rules has just unanimously reported a rule to deport Harry Bridges, one of the great disturbing elements in this country. [Applause.]

Mr. VAN ZANDT. Mr. Speaker, may I inquire of the gentleman just how many minutes we are allowed under the rule for discussion of this matter?

Mr. COLMER. There will be 1 hour on the rule and 1 hour on the resolution.

Mr. BLAND. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield.

Mr. BLAND. I wish to say that I introduced a resolution to be considered by the committee next week requiring that the crews on American flag vessels shall be composed 100 percent of American citizens.

## EXTENSION OF REMARKS

Mr. PARSONS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of agriculture and to include therein certain statistical tables.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

## CALL OF THE HOUSE

Mr. HARNESS. Mr. Speaker, I renew my point of order that there is not a quorum present.

The SPEAKER. Evidently there is not a quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House. A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 129]

Ball	Byrne, N. Y.	Darrow	Green
Brown, Ohio	Caldwell	Ditter	Hall, Edwin A.
Burch	Claypool	Faddis	Jarman
Burdick	Creal	Folger	Kean

Kefauver	Mansfield	Schaefer, Ill.	Thorkelson
Kerr	Merritt	Stearns, N. H.	Welchel
Lemke	Norton	Sweet	White, Ohio
McLeod	Risk	Thomas, N. J.	

The SPEAKER. On this roll call 403 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## EXTENSION OF REMARKS

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, on last Monday the very able and distinguished gentleman from Illinois, the chairman of the Rules Committee [Mr. SABATH], addressed the House for 1 minute, and his remarks are extended on page 6914 of the RECORD. In those remarks he included a letter supposedly written by one Robert E. Renfrew, who, he says, signs himself "Just a seaman, but a damn good American," and in this letter this supposed Renfrew attempts to besmirch the Dies committee.

Mr. Speaker, I telephoned the Bureau of Marine Inspection and Navigation this morning, which under the law is charged with keeping a complete, up-to-date list of all bona fide American merchant seamen. Robert E. Renfrew, a name which bears a striking similarity to a noted radio character—Renfrew of the Mounted—is not on that list and has not been on that list at least as far back as December 1936.

Mr. Speaker, it has long been a favored trick of the Communists to circulate in our midst under assumed names.

## EXTENSION OF REMARKS

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my own remarks and include therein a short newspaper article and table entitled "What the United States Army Wants."

The SPEAKER. Without objection it is so ordered.  
There was no objection.

## INTERIOR DEPARTMENT APPROPRIATION BILL, 1941—CONFERENCE REPORT

The SPEAKER. The unfinished business before the House is the further consideration of the conference report on the Interior Department appropriation bill.

Mr. TABER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TABER. I understand that copies of the bill, conference report on which is about to be taken up, the Interior Department appropriation bill printed with the amendments of the Senate are not available to the Members so that they can look at the conference report and tell what they are voting on. I wonder why that is?

The SPEAKER. The Chair could not answer that parliamentary inquiry.

The Clerk will report the next amendment in disagreement.  
The Clerk read as follows:

Amendment No. 69. Page 90, line 4, add the following:  
"San Luis Valley project, Colorado: For further investigations, exploratory and preparatory work, and commencement of construction in accordance with House Document No. 693, Seventy-sixth Congress, third session: *Provided*, That commencement of construction of the Closed Basin drain feature shall be contingent on (a) a conclusive finding of justification for the drain on the basis of cost and the quantity and quality of water to be secured, and (b) adequate arrangements for maintenance of the drain, \$15,000."

Mr. TAYLOR. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Mr. TAYLOR moves that the House recede from its disagreement to the amendment of the Senate numbered 69 and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment and before the semicolon insert

the following: "Provided further, That any works to be constructed by virtue of investigations or surveys resulting from this appropriation shall be so constructed and operated as not to interfere with the operation of or abrogate any of the terms of the Rio Grande interstate compact, and any contracts, permits, or licenses relating to such work entered into by the United States shall provide specifically that all rights thereunder shall be subject to and controlled by the provisions of said Rio Grande interstate compact."

Mr. TAYLOR. Mr. Speaker, this amendment pertains to an interstate compact entered into at Santa Fe, N. Mex., March 18, 1938, by and between the States of Colorado, New Mexico, and Texas in relation to the use of the waters of the Rio Grande. It is known as the San Luis Valley project.

The preliminary investigations on this stream were started in 1935 by the National Resources Committee and more than \$400,000 has been expended from State and Federal funds. Twenty-five thousand dollars has been expended by Colorado, and I think the States of Texas and New Mexico have each spent some \$18,000 on this investigation.

This amendment provides funds for carrying on additional investigations. The project is authorized by law. The Secretary of the Interior has officially found it feasible and desirable, from an economic and engineering standpoint, as required by section 9 of the Reclamation Projects Act of 1939. The project will not open new land for cultivation but will provide a supplemental water supply for 400,000 acres now under irrigation.

The amendment I offer to the Senate amendment provides that the project shall be constructed and operated in accordance with the terms of that Rio Grande compact. The object of the amendment is to remove any doubt or possibility of the rights of either of those States being interfered with by reason of the construction of this project.

The representatives from those three States, including the gentleman from New Mexico [Mr. DEMPSEY] and the gentleman from Texas [Mr. THOMASON], feel that the amendment will properly safeguard the rights of those States. They agree that the amendment should be adopted and I, speaking for the State of Colorado, coincide with their judgment.

For the general information of the House I may digress a moment to say that the Supreme Court of the United States has held that these interstate compacts by the arid States of the West, in the relation to the use of the waters of interstate streams, are perfectly legal and binding upon those States and upon the Federal Government. They are tremendously important in the interest of the orderly use and conservation of the waters of those streams which are so vitally necessary and enormously valuable to those States.

As everyone knows, the water arising within the arid States of the West is a birthright of those States. They could not exist without it and there has been an enormous amount of litigation in relation to those rights.

Colorado by geological survey is the highest State in the Union. The congressional district which I have the honor to represent is the highest part of that State, so I have the distinction of representing the "top of the world" in Congress.

There are 15 large rivers rising in the State of Colorado and flowing north, east, south, and west. Nearly all of them start in my congressional district. Flowing north are the North and South Platte and the Larimer Rivers. Flowing east are the Arkansas and Republican Rivers. Flowing south are the Rio Grande, San Juan, Animas, La Plata, and Mancos Rivers. Flowing west are the Dolores, Colorado, White, Yampa, and Green Rivers.

Forty years ago last winter the State of Kansas started the suit in the United States Supreme Court to restrict the State of Colorado in its use of the waters of the Arkansas River. The Colorado Legislature, then in session, promptly passed Senate Joint Resolution No. 7, Session Laws of Colorado, 1901, authorizing and directing the Governor and attorney general of Colorado to at once take whatever steps and incur whatever expense was necessary to defend Colorado's rights to the use of the waters of that stream. That was the inception of 40 years of litigation in the United States Supreme Court for the protection of Colorado's water rights as

against Kansas, Wyoming, Nebraska, New Mexico, and Arizona. I was the author of that resolution.

I have endeavored diligently ever since to help bring about these interstate compacts and stabilize and conserve the use of the waters of all those streams between those States. There have been about a dozen decisions of the United States Supreme Court in relation to the use of the waters that have come from Colorado. The amendment I offer today merely clarifies the Senate amendment and is intended to, and I am confident will, protect the respective rights of those three States directly interested in it.

There is one large reservoir and two small reservoirs contemplated in this project and they are in the congressional district of Colorado represented by our late colleague, Hon. John A. Martin. I am in reality speaking in behalf of his constituents in the presentation of this amendment, and I trust the Senate amendment and my amendment thereto will be approved by the House.

The SPEAKER. The question is on the amendment offered by the gentleman from Colorado.

The amendment was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 70: Page 91, line 4, strike out "\$35,100,000" and insert "\$43,350,000."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 72: Page 91, line 23, insert the following:

"It is hereby declared to be the policy of the Congress that, in the opening to entry of newly irrigated public lands, preference shall be given to families who have no other means of earning a livelihood, or who have been compelled to abandon, through no fault of their own, other farms in the United States, and with respect to whom it appears after careful study, in the case of each such family, that there is a probability that such family will be able to earn a livelihood on such irrigated lands."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, I ask the gentleman from Oklahoma if he feels it is wise to place in this bill an amendment giving preferential treatment to a certain class of people? It seems to me the law ought to be sufficiently broad to treat everybody alike but to give the Department discretion in certain cases. I doubt whether this amendment is wise.

Mr. JOHNSON of Oklahoma. Answering the distinguished gentleman from Pennsylvania I may say that the language of the amendment as it has been read is self-explanatory. It declares a policy of Congress with reference to entry on new reclamation projects but does not change existing regulations as to requirements for eligibility to enter the new areas. Now, as to the matter of policy, of course, that is another question. Unfortunately for me, I often find myself not in agreement with my genial friend from Pennsylvania with reference to our national policies.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma [Mr. JOHNSON].

The motion was agreed to.

The Clerk read as follows:

Amendment No. 80: On page 107, after line 14, insert the following:

"Notwithstanding any other provisions of law, Royd R. Sayers, a commissioned officer on the active list, United States Public Health Service, is authorized to hold the office of Director of the Bureau of Mines in the Department of the Interior without loss of or prejudice to his status as a commissioned officer on the active list of the United States Public Health Service and if appointed to such civil office he shall receive in lieu of his pay and allowances as such commissioned officer the salary prescribed by law for such civil office."



Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur in the Senate amendment, and I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this is a Senate amendment which indicates that we are so bad off in connection with the management of the Bureau of Mines in the Interior Department that we have to have a physician on the rolls of the United States Public Health Service take charge of it. That is the most ridiculous thing I ever heard of being brought in here for the House to consider. I can see no possible excuse for this operation.

If we really were trying to have good government, we would get the most competent mining engineer we could get for that job and put him in there. I do not propose to let such a thing as that go by without letting the House express itself on the subject. I hope the House will not approve of that provision because it is the most ridiculous thing I have ever heard of. I hope that we will not get down that far.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 10 minutes to the gentleman from Washington [Mr. LEAVY].

Mr. LEAVY. Mr. Speaker, it is comparatively easy to become confused and not quite understand what the issues are here. Dr. Sayers was appointed by the President to be the Chief of the Bureau of Mines following the resignation of Dr. Finch. The Senate under the law has to confirm such appointment, and day before yesterday the Senate unanimously confirmed the selection of Dr. Sayers as the Chief of the Bureau of Mines. It is not a matter for the House to say whether he should or should not be the Chief of that Bureau. He has been appointed, and he has been confirmed. However, for 27 years he has been with the United States Public Health Service, which is set up on a military basis. Dr. Sayers has gained certain rights by reason of 27 years of continuous service, and he does not want to surrender or lose those rights. He does not draw two salaries. He gives up the salary in Public Health and gets the regular salary paid in the Bureau of Mines.

If you will read the provision we have under consideration, found on page 107 of the bill, you will find it merely recites:

Notwithstanding any other provisions of law, Royd R. Sayers, a commissioned officer on the active list, United States Public Health Service, is authorized to hold the office of Director of the Bureau of Mines in the Department of the Interior without loss of or prejudice to his status as a commissioned officer on the active list of the United States Public Health Service; and if appointed to such civil office, he shall receive in lieu of his pay and allowances as such commissioned officer the salary prescribed by law for such civil office.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. LEAVY. I yield to the chairman of my committee, the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. Is it not true that this gentleman who has been ridiculed as incompetent to fill this position has been connected with the Bureau of Mines for the past 12 or 14 years, and is it not also true that he is especially equipped and qualified by education, training, and experience for this particular position?

Mr. LEAVY. Unusually so qualified and trained, and I want to touch upon that a little bit later. If the House refuses to agree to the Senate amendment now under consideration it might compel Dr. Sayers to decline the position for which he was unanimously confirmed 2 days ago, because he would not want to lose the status which he has in the Public Health Service, gained only by 27 years of faithful, efficient, and exceptional service.

Mr. WADSWORTH. May I ask a question?

Mr. LEAVY. I yield to the gentleman from New York.

Mr. WADSWORTH. Does the gentleman happen to know whether Dr. Sayers has taken the oath of office in his new position?

Mr. LEAVY. No; I do not know.

Mr. WADSWORTH. If he has done so, I would gather the impression that he has vacated the Public Health Service office.

Mr. LEAVY. I know this is a matter of such tremendous personal importance to him and I would rather doubt that he has taken the oath of office until he knows that he can preserve his status in the Public Health Service.

Mr. RICH. Will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman from Washington has probably one of the best legal minds of anyone who ever sat in this branch of the Congress.

Mr. LEAVY. I thank the gentleman for the tribute, but I am sure I am not entitled to it.

Mr. RICH. The gentleman may doubt it, but we have expressed our opinion and I am not going to take it back. Does the gentleman believe that we ought to have legislation on an appropriation bill?

Mr. LEAVY. Answering the gentleman, generally we should not.

Mr. RICH. Is this legislation on an appropriation bill?

Mr. LEAVY. Undoubtedly it is, but under the rules prevailing in Congress we can do it when such legislative matter has its origin in the other body, as is the case here. We are authorized to do this and it is the only solution we have to the immediate problem, as it concerns Dr. Sayers.

Now, who is Dr. Sayers? It is well to know. In the first instance I doubt if there is a Member of this House who knows his political affiliations. I am sure I do not. So he is not a partisan in the matter of politics. Because I anticipated the action that is now being taken, I checked on my facts and secured the following information:

He was born at Crothersville, Ind., October 25, 1885. He was graduated from the University of Indiana with the degree of bachelor of arts and received the degree of master of arts from the same institution in 1907. He also holds an M. D. degree from the University of Buffalo, awarded in 1914.

In 1907 Dr. Sayers was electrochemical engineer for the United States Smelting & Refining Co., at East Chicago, Ill., following which he was chief chemist, Gould Storage Battery Co., of Buffalo, until 1911. From 1911 to 1913 he was professor of electrochemistry and physical chemistry at the University of Buffalo. In 1914 he entered the United States Public Health Service, with which he has been connected ever since. In 1917 he was detailed to the United States Bureau of Mines and was chief surgeon and chief of the Health and Safety Branch of that Bureau until 1933, when he returned to the United States Public Health Service and was placed in charge of the Office of Industrial Hygiene and Sanitation.

Dr. Sayers is the author of many publications dealing with physiological effects of environmental conditions on workers, especially in mines and metallurgical plants. He has made original research and published numerous reports on poisoning from gases such as those found in mines; use of synthetic atmosphere for prevention of caisson diseases; silicosis and other diseases occurring among miners; lead poisoning; the physiological effects of abnormal temperatures and humidities; and other matters relating to public and industrial health.

He is an associate member of the American Institute of Mining and Metallurgical Engineers; American Society of Heating and Ventilating Engineers; American Gas Association; American Association for the Advancement of Science; American Medical Association; Association of Industrial Physicians and Surgeons (president, 1938); American Public Health Association; and the Association of Military Surgeons. He has served as a member of the Advisory Committee on Industrial Hygiene, International Labor Office, Geneva, Switzerland, since 1922, and in 1938 was chairman of the American Committee of the International Congress on Industrial Accidents and Occupational Diseases, Frankfurt-on-Main.

There is a record of professional qualification and fitness rarely found. I happen to know this gentleman personally and well. During the last 3 years I have had frequent contacts with him in connection with his work in the Public Health Service and a special assignment that took him into

my State. He is an individual of rare personality and of exceptional executive ability, and would be an ornament to that great Bureau that has now become so prominent in our national-defense program, the Bureau of Mines. For this House to deny the Government the possibility of having the service of a man so well qualified and so badly needed would be highly inconsistent and inexcusable and to me would be proceeding on a most narrow basis.

Mr. GRANT of Indiana. Mr. Speaker, will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from Indiana.

Mr. GRANT of Indiana. May I say that I appreciate the observations the gentleman has made about our illustrious Hoosier. I believe I can speak for a lot of folks from Indiana when I say that we share the gentleman's high esteem for the abilities and the qualifications of Dr. Sayers. [Applause.]

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from Connecticut.

Mr. MILLER. Will the gentleman inform the House as to the procedure followed in the case of an Army officer who accepts another position? Is he protected in his retirement? Say, for example, Colonel Harrington.

Mr. LEAVY. No; I am not in a position to do that.

Mr. MURDOCK of Arizona. The gentleman is correct in his estimate of Dr. Sayer's ability and worth to the Bureau of Mines.

Mr. LEAVY. I trust that the House will agree to the motion to recede and concur in the Senate amendment. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from Nevada [Mr. SCRUGHAM].

Mr. SCRUGHAM. Mr. Speaker, I only want to add a few words in behalf of Dr. Sayers. I have had contact with mining matters for nearly 40 years, and I consider Dr. Sayers to be entirely competent to fill the position of Director of the Bureau.

He was virtually an employee of the Bureau of Mines for 14 years, during which he was detailed to the Bureau from the Public Health Service. He became chief of the Safety and Health Branch of the Bureau of Mines and was identified with its outstanding success that has received generous national recognition from miners throughout all parts of the United States.

In this service Dr. Sayers directed one of the largest groups of Bureau of Mines employees, including those engaged in health research, mine safety, mine rescue and first-aid training. With Bureau engineers he personally went underground in a large number and variety of mines, collecting data and conducting studies upon the deleterious effects of rock dust, humidity, high temperature, mine gases, and gases produced from explosives. His research concerned with the health and safety of miners led to his establishment of clinics in mining camps for the detection, study, and prevention of tuberculosis and silicosis. Some of these clinics are now permanently maintained by State or local authorities, assisted by mining companies. In these activities Dr. Sayers gained knowledge of many mining operations and made many friends among miners and operators.

Dr. Sayers had been a physical chemist before he became a doctor. This proved of value in much of the work described and also in experiments for the use of helium in compressed atmospheres to be breathed by men, such as tunnelling, caisson work, deep-sea diving, and escape from sunken submarines.

The qualifications of Dr. Sayers are nonpolitical. He has played an important part in mining. He knows the field, the background, and the personnel of the Bureau of Mines. He is experienced as a Government administrator.

I trust that the House will concur in the Senate amendment. [Applause.]

The SPEAKER pro tempore (Mr. WARREN). The question is on the motion of the gentleman from Oklahoma that the House recede and concur in the Senate amendment.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 77, noes 37.

Mr. TABER. Mr. Speaker, I object to the vote on the ground that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and seventy-two Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 258, nays 123, not voting 49, as follows:

[Roll No. 130]

YEAS—258

Allen, La.	Drewry	Kelly	Polk
Allen, Pa.	Duncan	Kennedy, Martin	Rabaut
Andersen, H. Carl	Dunn	Kennedy, Md.	Ramspeck
Anderson, Mo.	Durham	Kennedy, Michael	Randolph
Arnold	Eberharter	Keogh	Rankin
Barden, N. C.	Edelstein	Kerr	Rayburn
Barnes	Edmiston	Kilday	Richards
Barry	Elliott	Kitchens	Robertson
Bates, Ky.	Evans	Kleberg	Robinson, Utah
Beam	Fay	Kocialkowski	Robson, Ky.
Beckworth	Fenton	Kramer	Rogers, Okla.
Bell	Ferguson	Kunkel	Romjue
Bland	Fernandez	Landis	Ryan
Bloom	Fitzpatrick	Lanham	Sabath
Boland	Flaherty	Larrabee	Sacks
Boren	Flannagan	Leavy	Sasscer
Boykin	Flannery	Lesinski	Satterfield
Bradley, Pa.	Folger	Lewis, Colo.	Schafer, Wis.
Brooks	Ford, Miss.	Ludlow	Schiffer
Brown, Ga.	Ford, Thomas F.	Lynch	Schuetz
Bryson	Fries	McAndrews	Schulte
Buck	Fulmer	McArdle	Schwert
Buckler, Minn.	Garrett	McCormack	Scrugham
Bulwinkle	Gathings	McGehee	Shanley
Burch	Gavagan	McKeough	Shannon
Burgin	Gehrmann	McLaughlin	Sheppard
Byrns, Tenn.	Gerlach	McMillan, Clara	Sheridan
Camp	Geyer, Calif.	McMillan, John L.	Smith, Conn.
Cannon, Fla.	Gibbs	Maciejewski	Smith, Ill.
Cannon, Mo.	Gillie	Magnuson	Smith, Va.
Cartwright	Gore	Mahon	Smith, Wash.
Casey, Mass.	Gossett	Maloney	Smith, W. Va.
Celler	Grant, Ala.	Marshall	Snyder
Chapman	Grant, Ind.	Martin, Ill.	Somers, N. Y.
Clark	Gregory	Massingale	South
Cochran	Griffith	Mills, Ark.	Sparkman
Coffee, Nebr.	Hare	Mills, La.	Starnes, Ala.
Coffee, Wash.	Harrington	Mitchell	Stefan
Cole, Md.	Hart	Monroney	Sullivan
Collins	Harter, N. Y.	Moser	Sutphin
Colmer	Harter, Ohio	Mouton	Sweeney
Connerly	Havenner	Mundt	Tarver
Cooley	Healey	Murdock, Ariz.	Taylor
Cooper	Hendricks	Murdock, Utah	Tenerowicz
Corbett	Hennings	Myers	Terry
Costello	Hill	Nelson	Thomas, Tex.
Courtney	Hobbs	Nichols	Thomason
Cox	Holmes	Norton	Tolan
Cravens	Hook	O'Connor	Van Zandt
Creal	Horton	O'Day	Vincent, Ky.
Crosser	Houston	O'Leary	Vinson, Ga.
Crowe	Hull	O'Neal	Voorhis, Calif.
Cullen	Hunter	O'Toole	Wallgren
Cummings	Izac	Pace	Ward
Curtis	Jacobsen	Parsons	Warren
D'Alesandro	Johnson, Ind.	Patman	Weaver
Darden, Va.	Johnson, Luther A.	Patrick	West
Davis	Johnson, Lyndon	Patton	White, Idaho
Delaney	Johnson, Okla.	Pearson	Whittington
Dempsey	Johnson, W. Va.	Peterson, Fla.	Williams, Mo.
Dickstein	Jones, Tex.	Peterson, Ga.	Wood
Dies	Kee	Pfeifer	Woodrum, Va.
Dingell	Keefe	Pierce	Zimmerman
Doughton	Kefauver	Pittenger	
Doxey	Keller	Poage	

NAYS—123

Allen, Ill.	Crowther	Hancock	McDowell
Anderson, Calif.	Culkin	Harness	McGregor
Andresen, A. H.	Dirksen	Hawks	McLean
Andrews	Ditter	Hess	McLeod
Angell	Dondero	Hinshaw	Martin, Iowa
Arends	Douglas	Hoffman	Martin, Mass.
Austin	Dworshak	Hope	Mason
Barton, N. Y.	Eaton	Jarrett	Michener
Bates, Mass.	Elston	Jeffries	Miller
Bender	Engel	Jenkins, Ohio	Monkiewicz
Blackney	Englebright	Jenks, N. H.	Mott
Bolles	Ford, Leland M.	Jennings	Murray
Bolton	Gamble	Jensen	O'Brien
Bradley, Mich.	Gartner	Johns	Oliver
Brewster	Gearhart	Johnson, Ill.	Osmers
Carlson	Gilchrist	Jones, Ohio	Plumley
Chipherfield	Goodwin	Jonkman	Powers
Church	Graham	Kilburn	Reece, Tenn.
Clason	Gross	Kinzer	Reed, Ill.
Clevenger	Guyer, Kans.	Knutson	Reed, N. Y.
Cluett	Gwynne	Lambertson	Rees, Kans.
Cole, N. Y.	Hall, Leonard W.	Lewis, Ohio	Rich
Crawford	Haleck	Luce	Rockefeller



Rodgers, Pa.  
Rogers, Mass.  
Routzohn  
Rutherford  
Sandager  
Seccombe  
Seger  
Short

Simpson  
Smith, Ohio  
Springer  
Stearns, N. H.  
Sumner, Ill.  
Taber  
Talle  
Thill

Tibbott  
Tinkham  
Treadway  
Vorvys, Ohio  
Vreeland  
Welch  
Wheat  
Wigglesworth

Williams, Del.  
Winter  
Wolcott  
Wolfenden, Pa.  
Wolverton, N. J.  
Woodruff, Mich.  
Youngdahl

## NOT VOTING—49

Alexander  
Ball  
Boehne  
Brown, Ohio  
Buckley, N. Y.  
Burdick  
Byrne, N. Y.  
Byron  
Caldwell  
Carter  
Case, S. Dak.  
Claypool  
Darrow

DeRouen  
Disney  
Ellis  
Faddis  
Fish  
Gifford  
Green  
Hall, Edwin A.  
Hartley  
Jarman  
Kean  
Kirwan  
Lea

LeCompte  
Lemke  
McGranery  
Maas  
Mansfield  
Marcantonio  
May  
Merritt  
Norrell  
Risk  
Schaefer, Ill.  
Secrest  
Shafer, Mich.

Spence  
Steagall  
Sumners, Tex.  
Sweet  
Thomas, N. J.  
Thorkelson  
Wadsworth  
Walter  
Whelchel  
White, Ohio

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Claypool (for) with Mr. Brown of Ohio (against).  
Mr. Merritt (for) with Mr. Darrow (against).  
Mr. McGranery (for) with Mr. Edwin A. Hall (against).  
Mr. Byrne of New York (for) with Mr. Kean (against).

Until further notice:

Mr. Mansfield with Mr. Gifford.  
Mr. Buckley of New York with Mr. Hartley.  
Mr. May with Mr. Ball.  
Mr. Boehne with Mr. Carter.  
Mr. Norrell with Mr. Wadsworth.  
Mr. Jarman with Mr. Risk.  
Mr. Spence with Mr. Fish.  
Mr. DeRouen with Mr. Case of South Dakota.  
Mr. Schaefer of Illinois with Mr. Alexander.  
Mr. Disney with Mr. Thomas of New Jersey.  
Mr. Faddis with Mr. LeCompte.  
Mr. Secrest with Mr. Shafer of Michigan.  
Mr. Steagall with Mr. Burdick.  
Mr. Green with Mr. Thorkelson.  
Mr. Kirwan with Mr. Lemke.  
Mr. Whelchel with Mr. White of Ohio.  
Mr. Lea with Mr. Marcantonio.  
Mr. Walter with Mr. Sweet.

The result of the vote was announced, as above recorded.

The SPEAKER pro tempore (Mr. WARREN). The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

On page 118, line 2, strike out "\$227,825" and insert "\$251,325."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 85: On page 118, in line 2, after the amount insert: "Provided, That the total sum expended in any fiscal year for maintenance of the Vanderbilt Historical Monument in Dutchess County, N. Y., shall not exceed the total sum of the admission fees collected at such monument during the previous fiscal year."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur in the amendment with an amendment.

The Clerk read as follows:

Mr. JOHNSON of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate No. 85, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "Provided, That the total sum expended in any fiscal year after the fiscal year 1941 for maintenance of the Vanderbilt Historical Monument in Dutchess County, N. Y., shall not exceed the total sum of the admission fees collected at such monument during the previous fiscal year."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, we are asked here this afternoon to take over the Vanderbilt estate in New York, which is in very close proximity to Hyde Park, and make a national monument out of it. I cannot understand why the membership of the House of Representatives should be desirous of taking over any private lands or any public lands that might be given to the Government regardless of how valu-

able it might be, and then making it into a national shrine unless it has historic value. They say this property is valued at \$2,000,000 and they say they are going to give it to the Federal Government, and they want the Federal Government to look after it.

This statement was made by Senator GREEN when Mr. Demaray, who has charge of the parks, was before the committee:

I may say that I know the place. I have been there and it is a magnificent gentleman's estate, but it has no historical significance.

That is the question I am interested in, and I wonder whether the Congress of the United States is going to take over all property that might be offered to the Government and set the Government up in business again. You may say that this is a fine estate, but what does it represent? It represents a fine, large mansion, representing the Vanderbilt estate, representing someone who has had a great amount of money to spend on a home, a large area, and a beautiful place. What part does it have in American historic life? We talk about the economic royalists and this administration has condemned the economic royalists, and yet you want to perpetuate what the administration calls an economic royalist. This administration is full of them.

I admire the heirs of the Vanderbilt estate for offering this property to the Federal Government, but what do you want with it? What are you going to do with it? You are going to charge an admission fee of 50 cents to go in there and see the fine estate. This fee is supposed to take care of the expense, and that is a fine thing and I congratulate the Interior Department on doing that particular thing, but why should we take over any wealthy man's estate just because he wants to give it to the Federal Government. That is the question I want answered, and the thing that worries me is how you are going to maintain all the parks, how you are going to maintain all the monuments that we have now set up. You are requested to set up additional parks and the maintenance cost eventually is going to be staggering unless the Interior Department makes the request with regard to every monument and every park, that the ones who visit them shall pay an admission fee in order that we may be able to bear the expense to the Government. I think it is about time that we try to take care of the people of this country in a way more befitting the needs and the pocketbooks and more befitting the administration that is trying to administer our affairs.

While this particular amendment may be a good one, there is going to be another one offered in a few minutes and I make these remarks as a preface so we will be able to take care of the next one, because I do not think we ought to add any more parks or appropriate any more money for our National Park System at this time, especially when we have to purchase and maintain them. Where are you going to get the money?

The SPEAKER. The question is on the motion of the gentleman from Oklahoma to recede and concur.

Mr. JOHNSON of Oklahoma. Mr. Speaker, answering the gentleman from Pennsylvania, let me say that he always makes an illuminating and an interesting address. However, it would be more interesting and much more informative and convincing if he had made it to the pending amendment instead of the one that has been adopted. The amendment to which he refers has heretofore been adopted by the House and so far as the administration accepting the estate is concerned, that, of course, is water that is already over the dam. The only thing before the committee at this time is whether or not we will have this safeguard to provide that they cannot spend any more money in connection with the estate than is actually taken in by fees collected from the public.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Oklahoma to recede and concur.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 87: Page 118, after line 14, insert: "Andrew Johnson National Monument: For acquisition of the Andrew Johnson homestead and site located in Greenville, Tenn., including certain furniture, furnishings, and equipment located therein, and expenses incidental to such acquisition, in accordance with the provisions of the act of August 29, 1935 (49 Stat. 958), \$44,500."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move to recede and concur.

Mr. RICH. Mr. Speaker, will the gentleman yield me a few minutes on this?

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania.

Mr. RICH. Mr. Speaker, here is where we are going to set up a new Andrew Johnson national monument. This monument is now owned and operated by the State of Tennessee. If it is a good thing, why does not the State of Tennessee want to retain it? Why would it not want to continue to operate it? But no, they come here and offer it to the Government of the United States and they want the Government to buy it and to furnish the money in order that it might be increased in size, and in order that it might be beautified—establishing another drain upon the Treasury of the United States. I do not think this amendment ought to be adopted. I think we ought to permit the State of Tennessee to own it. It is of national importance to that State, and that State ought to retain it, and I do not think the State ought to come and ask the taxpayers of the Federal Government to assume a burden which the State itself admits it cannot stand and does not want to assume, but wants the Federal Government to assume. Are we going to be foolish enough to take over this property at this time? What will your constituents say about that?

Mr. REECE of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. RICH. Yes. I yield to the distinguished gentleman from Tennessee.

Mr. REECE of Tennessee. The gentleman is in error with reference to the ownership of the property that is to be embraced in the proposed Andrew Johnson national monument. The State owns one piece of the property. The Federal Government, however, owns and operates the Andrew Johnson National Cemetery, and then there is an additional piece of property still in the hands of the Andrew Johnson heirs yet to be acquired. So it is not a question of the State transferring all of this to the Federal Government for its development and administration.

Mr. RICH. The gentleman admits he wants the Federal Government to make the purchases of all the land that is not now acquired, and that it should be taken over by the Federal Government in conjunction with the cemetery, which is supposed to be a national monument. Is it not going to cost the Federal Government money to make the purchase?

Mr. REECE of Tennessee. It will cost the Federal Government a comparatively small amount to acquire the additional property, and since the Federal Government has the administration expense of maintaining and administering the national cemetery, the additional cost of administering the whole project will be very small.

Mr. RICH. What does the gentleman mean by "small"?

Mr. REECE of Tennessee. Not more than \$6,000.

Mr. RICH. Six thousand a year for maintenance.

Mr. REECE of Tennessee. Yes.

Mr. RICH. And how much is it going to cost to acquire that land?

Mr. REECE of Tennessee. An estimate has been made that it will cost \$4,500.

Mr. RICH. Has the gentleman seen the Treasury statement of May 24, which shows that we have gone into the red \$3,389,000,000 this year, and that next year we will be worse off?

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

Mr. RICH. Mr. Speaker, I ask the gentleman from Oklahoma to yield me 2 minutes more.

Mr. JOHNSON of Oklahoma. I yield 2 minutes more to the gentleman from Pennsylvania.

Mr. RICH. Mr. Speaker, we are talking now about national defense. We are going to be called upon to undertake a tax bill, and it is to be passed in the name of national defense. A tax bill is to be put out to the people in order to keep us from going over the forty-five billion debt limit. That will not stop this spendthrift Congress. We will be asked to increase that debt limit and we will be asked to increase the taxes back home in order to pay for some of the things we have been spending and for which we have nothing to show. Is it not time that we realize that some of these expenses should be deferred at least for some years to come, and that we should not put so much burden on the Federal Government at a time like this? I think that is something that ought to be done, and I leave the question up to the Members of the House, whether they want to go on and make this purchase at this time. We must record the Members on some of this spending.

The SPEAKER pro tempore. The question is on the motion to recede and concur.

The question was taken; and on a division (demanded by Mr. RICH) there were—ayes 79, noes 27.

Mr. RICH. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. RICH. Mr. Speaker, on request I withdraw my objection.

So the motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 89: Page 122, line 21, after "1941", insert: "Provided further, That in addition to the amount herein appropriated the Secretary of the Interior may also approve projects, incur obligations, and enter into contracts for additional work not exceeding a total of \$3,000,000 and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof and appropriations hereafter made for the construction, reconstruction, and improvement of roads and trails shall be considered available for the purpose of discharging the obligation so created: *Provided further.*"

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, the President sent a Budget estimate to Congress for roads and trails in national parks, \$2,000,000. This amount was allowed by the Committee on Appropriations. It is still in the bill, but in addition there is authorization for contract obligations of an additional \$3,000,000. This is simply an attempt to go beyond the Budget by that amount.

Mr. Speaker, I am not going to discuss the question of the merits of roads and trails in national parks but, rather, I shall discuss the financial condition of the Government. We are right at the point where the President yesterday announced a program of additional taxation and the necessity to increase the national debt limit by \$3,000,000,000. We know that we shall be asked to spend in the next fiscal year at least \$2,000,000,000 more than we figured on, for national-defense items—and we are going to be in a situation where we shall need to spend that money. America is soft. She has had the idea for 20 years that she was invulnerable and would not be involved in trouble. At the present time, as a result of the spending program, we are in trouble; and we are in trouble, also, because of world affairs. We have got to conserve our energies and our finances. Let us stop adding fat under our belts, and begin to fry it out and tighten up our belts. Let us stop asking for special projects in our own States or districts, or additional projects and see if we cannot begin to save some money and help the Treasury out a little bit. Unless the House takes cognizance of its responsibility we are not going



to get anywhere in that direction. This is one of the things that is absolutely indefensible at this time, and I hope the House will refuse to recede and concur in this amendment.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, according to the statement read by the Clerk with respect to this amendment, the Senate has reduced the direct appropriations for this item to \$2,000,000, within the Budget, but has inserted a contract authorization for \$3,000,000, the total of \$5,000,000 representing the amount authorized for appropriation during the fiscal year 1941.

We are increasing the contract obligations. Whenever one Congress permits a department to obligate itself under contracts, the succeeding Congress must appropriate the money to meet the obligations. By adopting this amendment you are going to compel the next session of Congress—unless you get a deficiency item to cover it before the session closes—to appropriate the \$3,000,000 to take care of these contract obligations. Do not deceive yourselves, that is what you are doing. You are responsible. You are creating the obligation of an additional \$3,000,000 if you adopt this amendment. You ought to go slow before you obligate yourselves to this additional great expenditure. Why do the Members of the Congress not try in a sensible way to make appropriations? Why not have the income and the outgo balance? Let us not be squanderers.

The SPEAKER pro tempore. The question is on the motion to recede and concur.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 61, noes 39.

Mr. RICH. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and thirty-seven Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 196, nays 168, answered "present" 1, not voting 65, as follows:

[Roll No. 131]  
YEAS—196

Allen, La.	Doughton	Jones, Tex.	O'Connor
Anderson, Mo.	Doxey	Kee	O'Day
Angell	Drewry	Kefauver	O'Leary
Barden, N. C.	Duncan	Keller	O'Toole
Barnes	Dunn	Kelly	Parsons
Bates, Ky.	Durham	Kennedy, Martin	Patman
Beckworth	Eberharter	Kennedy, Md.	Patrick
Bell	Edelstein	Kennedy, Michael	Patton
Bland	Ellis	Keogh	Pearson
Bloom	Englebright	Kilday	Peterson, Fla.
Boland	Fay	Kirwan	Peterson, Ga.
Boykin	Fernandez	Kitchens	Pierce
Bradley, Pa.	Fitzpatrick	Kleberg	Pittenger
Brooks	Flaherty	Kocialkowski	Rabaut
Brown, Ga.	Flannagan	Kramer	Ramspeck
Buckler, Minn.	Flannery	Lanham	Rankin
Burgin	Folger	Larrabee	Rayburn
Byrns, Tenn.	Ford, Miss.	Leavy	Reece, Tenn.
Camp	Ford, Thomas F.	Lesinski	Richards
Cannon, Fla.	Fries	Lewis, Colo.	Robinson, Utah
Cannon, Mo.	Gathings	Lynch	Rogers, Okla.
Cartwright	Gavagan	McAndrews	Romjue
Case, S. Dak.	Geyer, Calif.	McArdle	Ryan
Chapman	Gibbs	McCormack	Sabath
Cochran	Gore	McGehee	Sasser
Cole, Md.	Gossett	McGranery	Schuetz
Collins	Grant, Ala.	McKeough	Schulte
Colmer	Gregory	McLaughlin	Schwert
Cooley	Griffith	McMillan, Clara	Scrugham
Cooper	Harrington	Maclejewski	Shanley
Courtney	Harter, Ohio	Magnuson	Sheppard
Cox	Havener	Mahon	Sheridan
Cravens	Healey	Maloney	Smith, Ill.
Creal	Hendricks	Marcantonio	Snyder
Crosser	Hennings	Martin, Ill.	Somers, N. Y.
Crowe	Hill	Massingale	South
Cullen	Hobbs	Mills, Ark.	Sparkman
Cummings	Houston	Mills, La.	Spence
D'Alesandro	Hunter	Mitchell	Starnes, Ala.
Delaney	Izac	Mott	Stegall
Dempsey	Jacobsen	Murdock, Ariz.	Sullivan
DeRouen	Jennings	Myers	Sutphin
Dickstein	Johnson, Lyndon	Nelson	Tarver
Dies	Johnson, Okla.	Norrell	Taylor
Dingell	Johnson, W. Va.	Norton	Terry

Thomas, Tex.	Voorhis, Calif.	Weaver	Whittington
Thomason	Wallgren	Weich	Williams, Mo.
Tolan	Ward	West	Woodrum, Va.
Vinson, Ga.	Warren	White, Idaho	Zimmerman

NAYS—168

Allen, Ill.	Elliott	Johnson, Ind.	Reed, N. Y.
Allen, Pa.	Elston	Johnson, Luther A.	Rees, Kans.
Andersen, H. Carl	Engel	Jones, Ohio	Rich
Anderson, Calif.	Evans	Jonkman	Robertson
Andresen, A. H.	Fenton	Keefe	Robson, Ky.
Andrews	Ferguson	Kilburn	Rodgers, Pa.
Arends	Ford, Leland M.	Kinzer	Rogers, Mass.
Austin	Fulmer	Knutson	Routzohn
Barry	Gamble	Kunkel	Rutherford
Barton, N. Y.	Garrett	Lambertson	Sandager
Bates, Mass.	Gartner	Landis	Satterfield
Beam	Gehrmann	LeCompte	Secombe
Bender	Gerlach	Lewis, Ohio	Seger
Blackney	Gifford	Luce	Shannon
Bolles	Gilchrist	Ludlow	Short
Bolton	Gillie	McDowell	Smith, Conn.
Boren	Goodwin	McGregor	Smith, Ohio
Bradley, Mich.	Graham	McLeod	Smith, Va.
Brewster	Grant, Ind.	McMillan, John L.	Smith, W. Va.
Bryson	Gross	Maas	Springer
Carlson	Gwynne	Marshall	Stefan
Chipperfield	Halleck	Martin, Iowa	Sumner, Ill.
Church	Hancock	Martin, Mass.	Sumners, Tex.
Clason	Hare	Mason	Taber
Clevenger	Harness	May	Talle
Cluett	Hart	Michener	Thill
Coffee, Nebr.	Harter, N. Y.	Miller	Tibbott
Cole, N. Y.	Hawks	Monkiewicz	Tinkham
Corbett	Hess	Monroney	Treadway
Costello	Hinshaw	Moser	Van Zandt
Crawford	Hoffman	Mundt	Vincent, Ky.
Crowther	Holmes	Murray	Vorys, Ohio
Curtis	Hope	Nichols	Vreeland
Darden, Va.	Horton	O'Brien	Wadsworth
Dirksen	Hull	Oliver	Wheat
Disney	Jarrett	O'Neal	White, Ohio
Ditter	Jeffries	Osmer	Wigglesworth
Dondero	Jenkins, Ohio	Plumley	Williams, Del.
Douglas	Jenks, N. H.	Poage	Wolcott
Dworshak	Jensen	Polk	Wolfenden, Pa.
Eaton	Johns	Powers	Wolverton, N. J.
Edmiston	Johnson, Ill.	Reed, Ill.	Youngdahl

ANSWERED "PRESENT"—1

Arnold

NOT VOTING—65

Alexander	Coffee, Wash.	Lea	Shafer, Mich.
Ball	Connery	Lemke	Simpson
Boehne	Culkin	McLean	Smith, Wash.
Brown, Ohio	Darrow	Mansfield	Stearns, N. H.
Buck	Davis	Merritt	Sweeney
Buckley, N. Y.	Faddis	Mouton	Sweet
Bulwinkle	Fish	Murdock, Utah	Tenerowicz
Burch	Gearhart	Pace	Thomas, N. J.
Burdick	Green	Pfeifer	Thorkeison
Byrne, N. Y.	Guyer, Kans.	Randolph	Walter
Byron	Hall, Edwin A.	Risk	Whichel
Caldwell	Hall, Leonard W.	Rockefeller	Winter
Carter	Hartley	Sacks	Wood
Casey, Mass.	Hook	Schaefer, Ill.	Woodruff, Mich.
Celler	Jarman	Schaefer, Wis.	
Clark	Kean	Schiffler	
Claypool	Kerr	Secrest	

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

- Mr. Claypool (for) with Brown of Ohio (against).
- Mr. Merritt (for) with Mr. Darrow (against).
- Mr. Byrne of New York (for) with Mr. Kean (against).
- Mr. Coffee of Washington (for) with Mr. Edwin A. Hall (against).
- Mr. Buck (for) with Mr. Simpson (against).

General pairs:

- Mr. Buckley of New York with Mr. Hartley.
- Mr. Pace with Mr. Ball.
- Mr. Boehne with Mr. Carter.
- Mr. Jarman with Mr. Risk.
- Mr. Mouton with Mr. Fish.
- Mr. Schaefer of Illinois with Mr. Alexander.
- Mr. Mansfield with Mr. Thomas of New Jersey.
- Mr. Secrest with Mr. Shafer of Michigan.
- Mr. Smith of Washington with Mr. Burdick.
- Mr. Green with Mr. Thorkeison.
- Mr. Wood with Mr. Lemke.
- Mr. Walter with Mr. Sweet.
- Mr. Bulwinkle with Mr. Woodruff of Michigan.
- Mr. Clark with Mr. McLean.
- Mr. Burch with Mr. Culkin.
- Mr. Pfeifer with Mr. Gearhart.
- Mr. Murdock of Utah with Mr. Leonard W. Hall.
- Mr. Casey of Massachusetts with Mr. Schiffler.
- Mr. Kerr with Mr. Winter.
- Mr. Sweeney with Mr. Stearns of New Hampshire.
- Mr. Faddis with Mr. Guyer of Kansas.

Mr. Randolph with Mr. Schafer of Wisconsin.  
Mr. Tenerowicz with Mr. Wheelchel.  
Mr. Hook with Mr. Caldwell.

Mr. CANNON of Florida changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

AMENDMENT TO RULE XXXV OF THE RULES OF THE HOUSE OF REPRESENTATIVES

Mr. DEMPSEY, from the Committee on Rules, submitted the following privileged resolution (Rept. No. 2334), which was referred to the House Calendar and ordered to be printed:

House Resolution 502

Resolved, That rule XXXV of the Rules of the House of Representatives is amended as follows: At the end of paragraph 3 strike the period and add a semicolon and the following: "and the Speaker may admit to the floor, under such regulations as he may prescribe, one representative of the National Broadcasting Co., one of the Columbia Broadcasting System, one of the Mutual Broadcasting System, and one of the Transradio Press Service."

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an address made by the Honorable Louis Johnson, Assistant Secretary of War.

The SPEAKER pro tempore (Mr. WARREN). Is there objection to the request of the gentleman from Mississippi [Mr. RANKIN]?

There was no objection.

CONFERENCE REPORT ON DEPARTMENT OF INTERIOR APPROPRIATION BILL, 1941

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 90: On page 123, line 6, after the word "appropriation", insert "or contract authorization."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur in the Senate amendment.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next Senate amendment in disagreement.

The Clerk read as follows:

Amendment No. 91: Page 123, line 25, after the word "purpose", insert a colon and the following: "Provided further, That the Secretary of the Interior shall make a detailed statement of expenditures from this appropriation to the Senate and House Committees on Appropriations at the beginning of the next regular session of Congress: Provided further, That in addition to the amount herein appropriated the Secretary of the Interior may also approve projects, incur obligations, and enter into contracts for additional work not exceeding a total of \$6,000,000, of which \$2,100,000 shall be for the Natchez Trace Parkway and shall be allotted and expended ratably between the States of Mississippi, Alabama, and Tennessee according to mileage of said parkway in each respective State, and his action in so doing shall be deemed a contractual obligation of the Federal Government for the payment of the cost thereof, and appropriations hereafter made for the construction and maintenance of the Blue Ridge and Natchez Trace Parkways shall be considered available for the purpose of discharging the obligation so created."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur in the Senate amendment, and I yield 5 minutes to the gentleman from Kansas [Mr. LAMBERTSON].

Mr. LAMBERTSON. Mr. Speaker, this is not the first time I have spoken against appropriations for the Natchez Trace or the Sky Line Drive, and as long as I stay here and these appropriations continue I expect to have something to say each year. My first objection to these appropriations is to the fact they are together. Now, these roads do not connect. They are not part of any one system, yet they have been grouped together because a few years back they entered into a common pork-barrel agreement and they have been kept together in the same paragraph since. Both were started without authorization. The first money was taken from relief appropriations by the President. The Congress of the United States had nothing to do with starting either of these propositions. That should be grounds for a continuing objection at any time. Another objection I have, particularly to the Sky Line Drive, is an additional

provision in here that they can build any number of approach roads of any length that they desire. There is no limitation to the number of, or the length of, the approach roads that the Federal Government may build to the Sky Line Drive. I do not think that is sensible in any case.

Mr. Speaker, I am a great believer in the Federal-aid system in conjunction with the States, but this is the first violation of the 50-50 provision so far as road construction is concerned. This is where the Federal Government builds all of the road, the State barely giving the land.

The newest and biggest objection I have is to appropriating \$2,000,000 for this purpose and then authorizing \$6,000,000 for contracts. How can any sensible people agree to this? The Congress is supposed to appropriate only for one term. We meet every year. We appropriate \$2,000,000 for this purpose—then authorize three times as much for contracts to bind future Congresses. It is just a perfectly typical New Deal business proposition, and I think the House should vote against this thing in order to emphasize the objections which I am now making.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Speaker, notwithstanding the fact these roads were started without any authorization by the Congress, it is expected that the Natchez Trace Parkway will cost \$23,500,000 for 455 miles of roads, and that the Blue Ridge Parkway will cost \$34,300,000 for 484 miles of road, from \$40,000 to \$60,000 a mile. We have appropriated in this bill \$2,000,000 for the projects and last year we appropriated a great sum of money as well. Now it is sought to give permission to make contractual obligations involving \$6,000,000, three times the amount of this appropriation, which means that before the Congress adjourns we may be requested in a deficiency bill to authorize the expenditure of this money.

The President recently came to the Congress and stated he wanted money to build up our national defense. Every Member of Congress, with the exception of one, has voted to do that very thing. How strong will our national defense be if we have no money in the Treasury to back it up to furnish the cash to carry on the national defense? If we have a bankrupt Treasury and a great Army and Navy, what good will they be? We are spending money for things that are not essential and necessary at the present time and I therefore ask the Members of the House to go easy on your ruthless spending.

Let me show you how much we have appropriated for the Blue Ridge Parkway up until November 3, 1939. Up to that time we have appropriated \$13,005,900 and up until November 3 they had an unexpended balance of \$6,881,422.02. They had for the Blue Ridge Parkway on November 30, \$6,880,000, money unexpended, and we give them in this bill an additional \$2,000,000. Now they want to contract for \$6,000,000 more. Where in the name of common sense are you going to get the money to pay for these projects and if you authorize them what kind of money are you going to use to pay the bills with?

Mr. Speaker, this is a serious situation. In times of national stress and in times of great demands upon the Treasury of the United States for national-defense purposes I think we ought to call a halt to these contract authorizations. We should make our national defense permanent and stop squandering for unnecessary things.

Mr. LAMBERTSON. Will the gentleman yield?

Mr. RICH. I yield to the gentleman from Kansas.

Mr. LAMBERTSON. And especially the Sky Line Drive, since it will in no sense be used as a military road for defense purposes.

Mr. RICH. Absolutely. As a military-defense measure it is worthless.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Mississippi.

Mr. RANKIN. The gentleman from Kansas cannot say that about Natchez Trace, over which Andrew Jackson went to win the only battle of New Orleans in 1815.



Mr. RICH. I may say to the gentleman that we do not want any war in this country and we do not want to get implicated in war abroad, but if you want to keep from getting into war you have to protect the National Treasury. It is time to stop this reckless expenditure of funds. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Speaker, it is probably just as well that in the rather hectic and troublous period in which we live some folks do not lose their sense of humor. I noticed in the Congressional Digest this morning that a bill was introduced in the Senate of the United States about a week ago directing the Postmaster General to issue a 3-cent postage stamp to commemorate the 9 years of continuous defaulting on the part of certain European governments in making payments on their indebtedness to the United States. Some day we may issue a postage stamp to commemorate some of our own defaulting if we are not careful.

Within the next few days the Committee on Ways and Means of this body will tackle the rather herculean task of raising the debt limit and providing \$600,000,000 to \$700,000,000 in taxes. This in itself should be ample to serve notice on the Congress and the country that the time has come to walk rather slowly and sedately as we continue to spend money for every conceivable thing under the sun. I have no doubt that the Blue Ridge Parkway, which is 485 miles long, extending from the Shenandoah to the Great Smokies Park, is a very desirable thing, and that perhaps over a period of years the estimated cost of \$34,000,000 will be justified; but it is not an absolutely indispensable thing at this time. I wonder whether the Congress can sit in the shadow of an endeavor to raise the debt limit and to produce new taxes and at the same time expend money for things that are not absolutely necessary.

The same thing is true of the Natchez Trace. For all I know, this old trail over which Andrew Jackson took his troops more than 128 years ago, extending from Nashville to Jackson, Miss., might make a good military road. I am concerned, however, about the fact that it is going to cost us \$23,000,000, that we have already appropriated \$8,000,000, and that we have \$15,500,000 to go before it is completed. We are a long way from the completion of these projects, and there will be recurrent assaults upon the Federal Treasury at a time when we are going to jack the debt limit from \$45,000,000,000 to \$48,000,000,000, and then impose an onerous burden of taxation aggregating something in the nature of \$600,000,000 or \$700,000,000 more than is already derived from the taxpayers of the country.

I say nothing about the desirability of these projects, about the prospect of children and adults, rich and poor, getting out in God's sunlight. Yes; one could make a splendid argument on that side, but we cannot be wholly unmindful of our fiscal responsibility. If the contract authorization as carried in this bill is approved by this House, it means that you stamp the seal of approval upon another \$6,000,000 worth of authority that can be obligated now, after this bill is passed, and then a year hence they will be back saying, "We have made these obligations, now we will need the appropriations to cover." The time has come to be just a little cautious about it and determine as between the necessary things and the desirable things.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from New York.

Mr. REED of New York. I just wanted to state what I suppose everybody in the House knows, that \$45,000,000,000 represents the value of everything—mines, railroads, and farms—everything of value west of the Mississippi River.

Mr. DIRKSEN. If the action now proposed by the chairman of the conference committee, the gentleman from Oklahoma [Mr. JOHNSON], prevails, it just means you are placing the seal of solemn approval upon another \$6,000,000 of con-

tract authorizations which can be obligated for the purpose of these two interpark highways. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR. Mr. Speaker, since about the first day of the session I have listened to our distinguished friend, the gentleman from Illinois [Mr. DIRKSEN], talk against appropriations. He made the biggest admission on this amendment that he has made during this debate, that this project is a very desirable one. We wish to thank the gentleman for that admission.

Mr. Speaker, I live at the front door of perhaps the greatest park in the world, namely, the Yellowstone National Park. People come from all over the world to enjoy its grandeur and view its world-famous geysers. The great works of Nature one sees in Yellowstone are awe-inspiring. In addition, we have a road from that park over to Glacier National Park, which is another magnificent park; almost matchless in its beauty. Your mountain peaks in the parks down here in this country do not compare at all with the peaks in the Yellowstone National Park, or in the Glacier Park. Our peaks rise up into the heavens; as a matter of fact, they pierce the clouds, and it has been said of them, they tickle the feet of the angels. I fully realize that in the construction of this road we may lose some business from the Yellowstone National Park and Glacier Park, but, notwithstanding that fact, I am for it because I live in that great open-space country out there where we have a lot of room, where we have scenery that is unmatched any place in the world. I have flown over the country through which this road will pass, and after flying over it and looking at what your millions of people have down here in the eastern part of the United States, I feel sorry for you. Whenever I can vote to give you any improvement which will add to your happiness I will vote for it, because I want to see you have the best that the country here can afford, by way of employment of what scenery you have. That road will afford the poor as well as the rich a chance to enjoy Nature.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. Yes; I yield.

Mr. RICH. The gentleman said that they had some mountains out there that pierced the clouds.

Mr. O'CONNOR. Yes; they tickle the feet of the angels.

Mr. RICH. How about the present debt limit? That tickles the new dealers. After the gentleman made his speech on the floor here the other day that he was for economy and that he was for anything that would save the National Treasury and that he would do anything that was going to protect America now in the time of need, does the gentleman think we ought to do things that are unnecessary, and how is the gentleman going to explain that to his constituents?

Mr. O'CONNOR. Let me say to the gentleman there is something besides money. We must not place money above humanity. Dollars never gave you happiness. We have the greatest country in the world if we only let ourselves enjoy it. Why inhibit ourselves if it does cost a few dollars? I know the gentleman would spend it himself. I am for the improvement of our country so that we may get the most use and enjoyment out of it.

Mr. RICH. Mr. Speaker, will the gentleman yield for just one question?

Mr. O'CONNOR. I yield.

Mr. RICH. If the gentleman is for economy, then why does he not consider dollars? Dollars make some people happy. The gentleman said the other day that he was for economy. Is that dollars or just words?

Mr. O'CONNOR. I am for economy, but I am not for economy at the expense of the hungry or jobless or at the expense of the advancement and improvement of this country and the enjoyment of our natural resources. [Applause.] I am in favor of such a policy, and that is why I am going to vote for this amendment. I never expect to see this highway.

However, I have flown over the territory it is going to go through, and I will say it traverses a territory that is a close second to my own State; but regardless of that fact and regardless of the fact that it may take a few tourists away from my own country, I am going to support the expenditure, because, as I said before, I think the eastern people ought to be able to enjoy what little scenic beauty they have.

I may say also that this road passes through a section of the United States of great historical significance. If I had the time and the opportunity from the standpoint of making a closer study of the historical points of interest in the eastern section of the United States, I certainly would traverse this route on the first occasion. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

THE NATCHEZ TRACE

Mr. RANKIN. Mr. Speaker, the gentleman from Kansas [Mr. LAMBERTSON] commented on the fact that the money spent on these projects would have no effect on national defense. I call attention to the fact that this very highway, the Natchez Trace, was the road over which Andrew Jackson marched to New Orleans when he won the greatest victory of the War of 1812.

It is dedicated to those Chickasaw and Choctaw Indians who joined him in that march and in that battle at a time when help was badly needed, when certain elements in New England were crippling the national administration by threatening to withdraw from the American Union.

I call attention also to the fact that today the countries at war are using highways such as this Natchez Trace to transport their troops as well as their motorized and their mechanized equipments. This will furnish a direct route from Nashville to Natchez, near the Gulf, which will not have a single obstruction on it. Every crossing will either be an overhead or an underpass, so that artillery, tanks, motors, and machinery can go directly any time that is necessary, and at as high rate of speed as possible. As General Forrest once said: It would enable us to get there first with the most men.

Besides that, they say that this is providing for contracts in the future. That is merely to keep from stopping the work while we wait for additional authority to make these contracts.

Everyone knows this highway is going to be finished. Everyone knows these appropriations will be made when the time comes, but this provides that the Park Service or the Department of the Interior may go ahead and make these contracts now and not stop this work and move the machinery away and then spend thousands or hundreds of thousands of dollars to begin the next project. It is economy, it is common sense, it is common justice to adopt this amendment. I trust that it will be approved by an overwhelming majority. [Applause.]

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to my colleague the gentleman from Mississippi.

Mr. WHITTINGTON. In other words, the provision under consideration is simply authority to make contracts with respect to national parks mentioned in the amendment heretofore adopted by the House.

Mr. RANKIN. Of course; it enables them to make similar contracts in connection with construction on the Natchez Trace and the Blue Ridge Parkway.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman.

Mr. WHITE of Idaho. Is it not a fact that the system of great highways in Germany has contributed largely to her success over there?

Mr. RANKIN. The highways in Europe and the inland waterways have had more effect on this war than almost any other two elements you can mention.

They talk about spending money on this project at a time of national stress. I call attention to the fact that this

highway had its birth in national stress more than 100 years ago, when this country needed a passage to the sea, and when Andrew Jackson and his men were worn out almost trying to get over this very trail in order to reach New Orleans in time to meet the British in their last assault.

Mr. RICH. If the gentleman's argument is good for the amount mentioned in the bill, why does he not ask for the total sum needed for the Natchez Trace?

Mr. RANKIN. Because the contracts have not been made.

Mr. RICH. Why does not the gentleman ask for contracts for the \$6,000,000?

Mr. RANKIN. Because the right-of-way has not been obtained yet.

I now yield to the gentleman from Minnesota.

Mr. KNUTSON. It has been suggested that in view of the raids that have been made by cotton and other interests that the North lost the war after Appomattox.

Mr. RANKIN. The gentleman from Minnesota is about as nearly accurate on that as he usually is. That is the greatest argument a Republican has put up against this measure yet. I hope when you Republicans come to vote you rise to that degree of statesmanship just indicated by my distinguished friend from Minnesota [Mr. KNUTSON].

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. We are planning on thoroughly motorizing our armed forces for our national defense. Can the gentleman think of any means of defense—other than modern equipment and trained men—better than highways?

Mr. RANKIN. Certainly not. Speed in transportation is one of the most essential elements in modern warfare.

Mr. MURDOCK of Arizona. They are not even second to airways. I know of nothing so combining cultural and material values as such highways.

Mr. RANKIN. We are bound to have them. We have got to motorize our artillery if we are ever to get anywhere in time to be effective in another war; and we are going to need many highways, such as the Natchez Trace, if we should get into another war.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes; I yield.

Mr. WHITTINGTON. Is it not true that already more than the amount carried in this bill has been authorized and that we are appropriating within the amount authorized?

Mr. RANKIN. Certainly; and this money will all be appropriated when the time comes, but it is economy instead of extravagance to pass this amendment now. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Washington [Mr. LEAVY].

Mr. LEAVY. Mr. Speaker, I realize when I take the floor to champion such a cause as this that some of my good Republican friends on the left will say that I am always for spending public money, because we have gotten a great deal of it out in my section of the country. Perhaps I have voted for appropriations more frequently than I have voted against them.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. LEAVY. Yes. I gladly yield to my friend from Mississippi, who has times without number demonstrated his championship of the common people of America.

Mr. RANKIN. I call the gentleman's attention to the fact that in respect to spending money, when we were buying the Cape Cod Canal the enthusiasm for expenditures was just as great on the part of some of the gentlemen on the other side, who are now opposing the expenditure of this money, as it was with the gentleman from Washington [Mr. LEAVY] when he was voting for money for the Columbia River project.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. LEAVY. Yes.

Mr. RICH. If there is any thought of trying to play favorites here, I suggest that that is not so, because if the



gentleman can show where we have showed one bit of favoritism for one section of the country over another section of the country. I would like to know where it is.

Mr. LEAVY. I cannot be distracted from the consideration of the matter at issue, even though the question is interesting, so to get back to the thought I had in mind when I just yielded, I have never voted for an appropriation unless I could justify it upon its merits in my own mind. I voted against this park-to-park highway 4 years ago when it first came before us, because I did not believe it was a sound or proper policy. After voting against it, I took the time to go out over so much of the highway as was then finished. I had the route of it pointed out to me. I saw what it meant to the 50,000,000 people that live within 1 day's drive of it, and I changed my mind and have voted consistently for it since. I think purely on the basis of service to the people in the crowded East, you ought to be willing to give them, rich and poor alike, an opportunity to travel these 900 miles through the most scenic and historic regions in this whole section of the country.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. LEAVY. I have not the time.

The road goes along at an elevation of 2,500 feet on an average for the whole 900 miles. We have been appropriating all the way from four to seven million dollars a year for it. Note what happened this year. This year the estimate came in for \$2,000,000.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. LEAVY. I just cannot at this point. If I get time when I finish I shall be glad to yield.

What does this amendment do? It merely provides that Congress is giving to the Park Service the right to contract into the next fiscal year for \$4,000,000 additional, making it \$6,000,000 in all—less than we appropriated in 1938 and 1939. It does not affect the financial Budget in any degree whatever, but assures the Government a better return for money spent, as the Park Service can make a longer range plan. But what does it do in the matter of useful service? This road, of necessity, had to be built in sections, because the States have to acquire title to a strip of land 800 feet wide, containing 100 acres to the mile, and have to present it in fee to Uncle Sam. Each of the five States is doing that, and they have now practically completed it. The road was built where title had been acquired or other legal or physical handicaps removed. There are many incomplete blocks, and taking into consideration the erratic temperament of Congress from year to year with reference to appropriations since last year we gave them \$6,000,000 and the year before \$7,000,000, while this year we gave them only \$2,000,000, it will readily be seen it is necessary, for anything like a systematic or intelligent program, that we authorize this additional sum as a contract obligation. What we are doing here does not add to the deficit one dollar. We provide that they can enter into contracts, and we will, of course, be obligated next year to appropriate the money, but the Park Service can carry out a unified, orderly program.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield the gentleman 2 minutes more.

Mr. LEAVY. Mr. Speaker, 390,000 people last year traveled over the sections of the road where completed and it is estimated this year there will be over 500,000. It is the plan and policy of the Park Service to charge a small fee, just as they do for the national parks as a whole, and in the hearings you will find the testimony of Mr. Demaray, Assistant Superintendent in the Park Service, stating this money will all be returned ultimately to the Government of the United States.

Mr. RICH. Does the gentleman mean to say that anyone on this side of the House has said that it would not make a beautiful highway? We all admit that it will make a beautiful highway, but does the gentleman not think in time of national defense and stress, such as we are going through now, that we should not put the Government to this expense?

Why did we in the committee cut it down to \$1,000,000? Why did the gentleman vote that way? Why is he now giving way before pressure?

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. JOHNSON of Oklahoma. I yield the gentleman 1 minute more.

Mr. LEAVY. I am not yielding to pressure, because in committee, as the hearing discloses, I stated it was a mistake to so drastically cut this item. The greatest mistake this Congress can make in our national defense program would be to cripple or destroy essential public activities that make for happy useful citizens, and think we can secure ourselves by the acquisition of instrumentalities of death and destruction. We need defense weapons, but more important is the right type of citizens. [Applause.]

#### RECESS

The SPEAKER. Pursuant to Senate Concurrent Resolution 45, the Commission authorized to employ an artist to paint the scene of the signing of the Constitution was authorized to provide for the holding of ceremonies in the rotunda of the Capitol at its unveiling. The Commission, pursuant to that authority, has provided for the holding of ceremonies today at 3 o'clock. The Members of the House of Representatives and the Senate are invited to attend. Upon the declaration of a recess by the Chair the Members of the House who desire to attend the ceremonies will form in line following the Speaker and proceed to the rotunda of the Capitol. The Chair now declares the House to be in recess subject to the call of the Chair.

Thereupon at 2:50 o'clock p. m. the House stood in recess subject to the call of the Chair.

The proceedings at the unveiling of the painting depicting the signing of the Constitution of the United States in the rotunda of the Capitol will appear hereafter in the Appendix.

#### AFTER THE RECESS

The recess having expired, the House was called to order by the Speaker at 4:16 o'clock p. m.

The SPEAKER. The Chair takes the liberty of asking unanimous consent that the proceedings just held in the rotunda of the Capitol together with the addresses may be published in the CONGRESSIONAL RECORD. Is there objection? There was no objection.

#### INTERIOR DEPARTMENT APPROPRIATION BILL, 1941—CONFERENCE REPORT

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi [Mr. McGEHEE].

Mr. McGEHEE. Mr. Speaker, permit me to call the attention of the membership to an argument in favor of the adoption of the pending amendment, to recede and concur. The Congress some 5 or 6 years ago by and through its authorization started the Natchez Trace Parkway and the Blue Ridge Parkway. Several millions of dollars have been appropriated by the Congress. A great part of these parkways has been constructed, and contracts are being performed today.

The Senate amendment merely authorizes the Department of the Interior to continue this work and to obligate itself on contracts for the year 1941. The States through which this parkway passes, Mississippi, Alabama, and Tennessee, have contributed large sums of money. I do not know how much the other States have appropriated, but the State of Mississippi, has already appropriated over \$1,000,000, some \$350,000 at the past session of the State legislature for the purchase of the right-of-way.

The Congress, I am sure, is not going to break faith with these States which have expended these large sums of money in the purchase of the right-of-way for the construction of these highways.

I express the hope that the House will support the motion of the gentleman from Oklahoma. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Speaker, I am not going to use the entire 5 minutes, but I have been watching the proceedings here under this bill appropriating more money with a great deal of interest. I do not suppose there is any person in the House who believes more firmly in team work than I do. I deplore the fact that there has been so much criticism of the New Deal. I am one of those who believe that credit should be given for things accomplished, and the reason I have taken the floor is to show my sense of fairness in giving full credit to the new dealers for the things they have accomplished. I have made a few notes here, and I think they should be made a matter of record in fairness to the committee that is now appropriating these funds.

We on our side of the House must admit that the New Deal has created the most costly Federal bureaucracy in history. It has created the greatest peacetime Budget in history. It has created the largest debt in history. It has created the greatest depression in history. It has created the most burdensome tax structure in history. It has created the greatest unemployment in history; and we cannot deny that it has created the greatest expenditure of public money on record in history.

These are things to brag about, especially now that you are endeavoring to improve that record by the various items you are introducing into this bill at the very time when the Treasury is scraping the bottom of the barrel and asking for an extension of the debt limit and for higher taxes to carry on this orgy of spending. [Applause.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Speaker, I hope my good friend, the distinguished gentleman from New York, feels somewhat relieved as a result of his wonderful delivery with respect to the misdeeds and shortcomings of the New Deal. He has given us some information about what the New Deal has created, one of the things he said was that the New Deal has created the most unemployment of any administration in the history of the entire country.

I have neither the time nor the disposition to make comparisons, but I am wondering who created the economic conditions and the enormous burden of unemployment and ills of one kind and another that we inherited—not created but that we inherited—from the previous administration? When the gentleman has time I hope he will enlighten the House as to the enormous burden of ills that we inherited from the previous administration.

I rise, of course, in support of the motion to recede and concur in the Senate amendment.

I am very much pleased that those who have opposed this amendment finally admit it is a worth-while project or program. Earlier in the history of this Blue Ridge-Natchez Trace project those who opposed this proposition were just as vehement and critical as they are now of the pending motion. They called it a fantastic project. There has been some improvement in those who have opposed it in the past, but I am certain if those of the opposition would inform themselves fully as to the merits of the proposition they would not only not oppose it but would actively support it.

Mr. RICH. Will the gentleman yield?

Mr. DOUGHTON. I yield to the gentleman from Pennsylvania.

Mr. RICH. There is no man in the House for whom we have greater respect than the chairman of the Ways and Means Committee.

Mr. DOUGHTON. I thank the gentleman.

Mr. RICH. We are very glad whenever we can do anything for him and his State. But the thought I have in mind is whether or not the gentleman is going to bring in a tax bill for the purpose of preparedness only or will it also cover a lot of these nonessentials for which we are appropriating at this time?

Mr. DOUGHTON. We will cross that bridge when we get to it and we will discuss the problem when it is brought before the House for consideration. I have not the time to explain it now.

Mr. RICH. Will it take care of all these expenses so we will not have to pass them on to our children? I know the gentleman will try to do the right thing.

Mr. DOUGHTON. Mr. Speaker, I am in accord with the gentleman so far as it is reasonably possible. The gentleman referred to the fact he was willing and anxious to do something for my State, and, of course, we appreciate that. We always appreciate the gentleman's generosity and fair-mindedness. I think if the gentleman will reflect with his intelligent, comprehensive mind he will realize that this is not altogether for the benefit of the State I represent nor for the section through which it passes. It is true the money will be expended along the line of this great parkway from the Smoky Mountain National Park to the Shenandoah National Park. It will be practically all one park. But much money is needed to complete this beautiful parkway. The money that is spent will not only benefit our people but will benefit the people of Pennsylvania because there will be purchased road machinery, dynamite, tools, trucks, and other things.

Many of those things are made in the gentleman's State. It will help relieve the unemployment situation in Pennsylvania, Ohio, Michigan, and those other States. How much will the gentleman's State be benefited and how much will the unemployment situation be relieved in your section of the country by the expenditure of this money? It will, of course, be of some benefit to the section of the country in which I live. The section through which this parkway passes is the most beautiful section of the eastern part of the United States. If my friend will go down there some week end and take a ride over that beautiful parkway, when we get a few of the links completed that this authorization will permit, so that the parkway may be fully utilized, he will come back with his mind brighter, his nerves quieted, and will favor the program.

[Here the gavel fell.]

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma [Mr. JOHNSON].

The question was taken; and on a division (demanded by Mr. RICH) there were—ayes 86, noes 56.

Mr. RICH. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. The Chair has just counted. Apparently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 197, nays 155, not voting 78, as follows:

[Roll No. 132]

YEAS—197

Allen, La.	Cullen	Gibbs	Lesinski
Arnold	Cummings	Gore	Lewis, Colo.
Barden, N. C.	D'Alesandro	Gossett	McAndrews
Bates, Ky.	Darden, Va.	Grant, Ala.	McArdle
Beam	Davis	Gregory	McCormack
Beckworth	Delaney	Griffith	McDowell
Bland	Dempsey	Hare	McGehee
Boland	DeRouen	Harrington	McGranery
Boykin	Dickstein	Hart	McKeough
Brooks	Dies	Harter, Ohio	McMillan, Clara G.
Brown, Ga.	Dingell	Havener	McMillan, John L.
Bryson	Disney	Healey	Maclejewski
Buck	Doughton	Hendricks	Mahon
Buckler, Minn.	Doxey	Hill	Maloney
Bulwinkle	Drewry	Hobbs	Marcantonio
Burch	Duncan	Hunter	Martin, Ill.
Burgin	Dunn	Izac	Massingale
Byrns, Tenn.	Durham	Jacobsen	May
Camp	Eberharter	Johnson, Luther A.	Mills, Ark.
Cannon, Fla.	Edelstein	Johnson, Lyndon	Mills, La.
Cannon, Mo.	Edmiston	Johnson, Okla.	Monroney
Cartwright	Elliott	Johnson, W. Va.	Murdock, Ariz.
Casey, Mass.	Ellis	Jones, Tex.	Murdock, Utah
Chapman	Ferguson	Kefauver	Myers
Clark	Fernandez	Keller	Nelson
Cochran	Fitzpatrick	Kelly	Norrell
Cole, Md.	Flaherty	Kennedy, Md.	O'Connor
Collins	Flannagan	Kennedy, Michael	O'Day
Colmer	Flannery	Keogh	O'Toole
Cooley	Ford, Miss.	Kilday	Pace
Cooper	Ford, Thomas F.	Kirwan	Patman
Courtney	Fries	Kitchens	Patrick
Cox	Fulmer	Kleberg	Patton
Cravens	Garrett	Kocialkowski	Pearson
Creal	Gathings	Larrabee	Peterson, Ga.
Crosser	Gavagan	Lea	Pierce
Crowe	Geyer, Calif.	Leavy	Rabaut



Ramspeck  
Rankin  
Rayburn  
Richards  
Robertson  
Robinson, Utah  
Rogers, Okla.  
Romjue  
Sabath  
Sacks  
Sasser  
Satterfield  
Schulte

Schwert  
Scrugham  
Shanley  
Shannon  
Sheppard  
Sheridan  
Smith, Ill.  
Smith, W. Va.  
Snyder  
Somers, N. Y.  
South  
Sparkman  
Spence

Starnes, Ala.  
Steagall  
Sullivan  
Sweeney  
Tarver  
Taylor  
Tenerowicz  
Terry  
Thomas, Tex.  
Thomason  
Tolan  
Vincent, Ky.  
Voorhis, Calif.

Wallgren  
Ward  
Warren  
Weaver  
West  
White, Idaho  
Whittington  
Williams, Mo.  
Woodrum, Va.  
Zimmerman

Mr. Walter with Mr. Sweet.  
Mr. Kerr with Mr. Winter.  
Mr. Randolph with Mr. Englebright.  
Mr. Barry with Mr. Horton.  
Mr. Mansfield with Mr. Reece of Tennessee.  
Mr. Sumners of Texas with Mr. Wadsworth.  
Mr. Hennings with Mr. Jennings.  
Mr. Jarman with Mr. Stearns of New Hampshire.  
Mr. Folger with Mr. Welch.  
Mr. Bell with Mr. Magnuson.  
Mrs. Norton with Mr. Celler.  
Mr. Bradley of Pennsylvania with Mr. Hook.  
Mr. Kee with Mr. Faddis.  
Mr. Kramer with Mr. Wheelchel.  
Mr. Buckley of New York with Mr. Caldwell.

## NAYS—155

Allen, Ill.  
Allen, Pa.  
Andersen, H. Carl  
Anderson, Calif.  
Anderson, Mo.  
Andresen, A. H.  
Andrews  
Angell  
Arends  
Austin  
Barnes  
Barton, N. Y.  
Bates, Mass.  
Bender  
Blackney  
Bolles  
Bolton  
Boren  
Bradley, Mich.  
Brewster  
Carlson  
Case, S. Dak.  
Chipherfield  
Church  
Clason  
Clevenger  
Cluett  
Coffee, Nebr.  
Cole, N. Y.  
Corbett  
Costello  
Crawford  
Crowther  
Culkin  
Curtis  
Dirksen  
Dondero  
Douglas  
Dworshak

Eaton  
Elston  
Engel  
Evans  
Fenton  
Ford, Leland M.  
Gamble  
Gearhart  
Gehrmann  
Gerlach  
Gifford  
Gilchrist  
Gille  
Goodwin  
Graham  
Grant, Ind.  
Gross  
Guyer, Kans.  
Gwynne  
Hall, Leonard W.  
Halleck  
Hancock  
Harness  
Harter, N. Y.  
Hawks  
Hess  
Hinshaw  
Hoffman  
Holmes  
Hope  
Houston  
Hull  
Jarrett  
Jeffries  
Jenkins, Ohio  
Jenks, N. H.  
Jensen  
Johnson, Ill.  
Johnson, Ind.

Jones, Ohio  
Jonkman  
Keefe  
Kinzer  
Knutson  
Kunkel  
Lambertson  
Landis  
Lanham  
LeCompte  
Lewis, Ohio  
Luce  
Ludlow  
McGregor  
McLaughlin  
McLean  
McLeod  
Maas  
Marshall  
Martin, Iowa  
Martin, Mass.  
Mason  
Michener  
Miller  
Monklewicz  
Moser  
Mott  
Mundt  
Murray  
O'Brien  
Oliver  
O'Neal  
Pittenger  
Plumley  
Poage  
Polk  
Powers  
Reed, N. Y.  
Rees, Kans.

Rich  
Robison, Ky.  
Rodgers, Pa.  
Rogers, Mass.  
Routzohn  
Rutherford  
Ryan.  
Sandager  
Schafer, Wis.  
Schiffler  
Secombe  
Seger  
Short  
Smith, Conn.  
Smith, Ohio  
Springer  
Stefan  
Sumner, Ill.  
Sutphin  
Taber  
Talle  
Thill  
Thomas, N. J.  
Tibbott  
Tinkham  
Treadway  
Van Zandt  
Vorys, Ohio  
Vreeland  
Wheat  
White, Ohio  
Wigglesworth  
Williams, Del.  
Wolcott  
Wolfenden, Pa.  
Wolverton, N. J.  
Woodruff, Mich.  
Youngdahl

## NOT VOTING—78

Alexander  
Ball  
Barry  
Bell  
Bloom  
Boehne  
Bradley, Pa.  
Brown, Ohio  
Buckley, N. Y.  
Burdick  
Byrne, N. Y.  
Byron  
Caldwell  
Carter  
Celler  
Claypool  
Coffee, Wash.  
Connelly  
Darrow  
Ditter

Englebright  
Faddis  
Fay  
Fish  
Folger  
Gartner  
Green  
Hall, Edwin A.  
Hartley  
Hennings  
Hook  
Horton  
Jarman  
Jennings  
Johns  
Kean  
Kee  
Kennedy, Martin  
Kerr  
Kilburn

Kramer  
Lemke  
Lynch  
Magnuson  
Mansfield  
Merritt  
Mitchell  
Mouton  
Nichols  
Norton  
O'Leary  
Osmer  
Parsons  
Peterson, Fla.  
Pfeifer  
Randolph  
Reece, Tenn.  
Reed, Ill.  
Risk  
Rockefeller

Schaefer, Ill.  
Schuetz  
Secrest  
Shafer, Mich.  
Simpson  
Smith, Va.  
Smith, Wash.  
Stearns, N. H.  
Sumners, Tex.  
Sweet  
Thorkelson  
Vinson, Ga.  
Wadsworth  
Walter  
Welch  
Wheelchel  
Winter  
Wood

So the motion was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Vinson of Georgia (for) with Mr. Ditter (against).  
Mr. Claypool (for) with Mr. Brown of Ohio (against).  
Mr. Smith of Virginia (for) with Mr. Ball (against).  
Mr. Bloom (for) with Mr. Gartner (against).  
Mr. Coffee of Washington (for) with Mr. Edwin A. Hall (against).  
Mr. Lynch (for) with Mr. Rockefeller (against).  
Mr. Nichols (for) with Mr. Hartley (against).  
Mr. Byrne of New York (for) with Mr. Kean (against).  
Mr. Parsons (for) with Mr. Risk (against).  
Mr. Fay (for) with Mr. Simpson (against).  
Mr. Schuetz (for) with Mr. Johns (against).  
Mr. O'Leary (for) with Mr. Reed of Illinois (against).  
Mr. Pfeifer (for) with Mr. Kilburn (against).  
Mr. Martin J. Kennedy (for) with Mr. Osmer (against).  
Mr. Merritt (for) with Mr. Darrow (against).

General pairs:

Mr. Boehne with Mr. Carter.  
Mr. Mouton with Mr. Fish.  
Mr. Schaefer of Illinois with Mr. Alexander.  
Mr. Secrest with Mr. Shafer of Michigan.  
Mr. Smith of Washington with Mr. Burdick.  
Mr. Green with Mr. Thorkelson.  
Mr. Wood with Mr. Lemke.

The result of the vote was announced as above recorded.  
The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 95: On page 127, after line 5, insert the following:

"Navy and Marine Memorial: For labor and materials including the preparation of revised plans and specifications as may be necessary, not to exceed \$5,000 for architectural fees and full satisfaction of all obligations in connection with the original contract between the Navy and Marine Memorial Association and the architect, and not to exceed \$44,384 for the design, professional services, disbursements, materials, and in full satisfaction of all obligations in connection with the original contract between the Navy and Marine Memorial Association and the sculptor, and the remainder, or so much thereof as may be necessary, to be expended during the fiscal year 1941, for the completion of the Navy and Marine Memorial, authorized by act approved April 26, 1939, \$100,000."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. JOHNSON of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate No. 95, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"Navy and Marine Memorial: For completion of the Navy and Marine Memorial in accordance with plans approved by the Fine Arts Commission, \$51,000, or so much thereof as may be necessary: *Provided*, That no part of this sum shall be used for the payment of any obligations referred to in the act of April 29, 1939 (Public, No. 53, 76th Cong.)."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from New Hampshire [Mr. JENKS].

Mr. JENKS of New Hampshire. Mr. Speaker, on Columbia Island in the Potomac on the Memorial Highway and very nearly opposite the new Jefferson Memorial stands unfinished today, abandoned, a memorial unveiled 10 years ago to the men of our Navy and Marine Corps—men who have given their lives in the service of their country. For 10 years this memorial has stood there incomplete.

We have neglected for 150 years or more to erect any memorial in this country to the men of our Navy and Marine Corps, to my knowledge, and I believe I can say that without contradiction. This memorial was erected through the contributions of more than 2,000,000 school children and people of this country, but they failed to quite reach the goal and have asked this Congress to complete this memorial.

That bill was passed by the House, I think almost unanimously if not unanimously, and was passed by the Senate and signed by the President, who is heartily in favor of completing the memorial. How could there be a more appropriate time to do so than now, when we are navy-minded, national-defense-minded, when we are going to ask more men in our Navy to serve their country? Do we want them to feel that this Congress will not appropriate \$100,000 to complete their memorial?

Mr. HOUSTON. Mr. Speaker, will the gentleman yield?

Mr. JENKS of New Hampshire. I yield to the gentleman from Kansas.

Mr. HOUSTON. How much is involved in this proposition? Is it not \$50,000 instead of \$100,000?

Mr. JENKS of New Hampshire. It is \$100,000.

Mr. HOUSTON. I understand the amendment now pending will reduce the amount to \$50,000.

Mr. JENKS of New Hampshire. Which I shall oppose.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, this operation is one of the most notorious swindles in our generation. A certain outfit got together and collected \$339,737 from school children to put up a memorial somewhere in Washington.

Mr. Demaray, Associate Director of the National Parks Service, testifying on July 11, 1939, was asked—

Do you know what they did with this money?

Mr. DEMARAY. Well, as far as I can answer that, there is about \$110,000 or \$120,000 showing for work that has been done on the memorial. The balance of it must have been for promotion expenses.

Just think of it. They collected \$339,000 from school children, and they can account for only \$110,000 or \$120,000 of it. Of that amount, \$101,000 went to architects and sculptors.

The proposal in this Senate amendment is to give them \$44,000 more for sculptors and \$5,000 for an architect, and \$50,000 for something else.

They came in here about 10 years ago with a bill to erect this memorial. The gentleman from New York [Mr. Bloom] was in charge of the bill, and he agreed on the floor right out and out—it is right in the record—that if they were given about \$20,000 out of the Treasury to pay for building this memorial and bringing it down here and erecting it that would be the end of the story. Now they are back here asking for \$100,000 more. Of the money that can be accounted for, practically all of it has gone for promotion expenses and architects' fees. Now they want half of \$100,000 more for architects' fees and promotion expenses. They have not kept faith with the Congress. They have gone back on what they agreed to do.

On top of that, anybody who has seen this memorial knows that it is the worst travesty on art in the National Capital. It is the most disgusting and disgraceful looking thing you ever saw.

Mr. COLE of New York. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. COLE of New York. Who is the "they" to whom the gentleman refers?

Mr. TABER. The whole outfit that has been promoting it.

Mr. COLE of New York. Who is it?

Mr. TABER. William Church Osborne was one of the promoters of this thing and had a good deal to do with raising the money. I do not know who had charge of accounting for it, but I do know that they cannot tell anything about where the money went, and they cannot find out.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. RICH. There has been no authority granted by the Congress to make this appropriation, has there?

Mr. TABER. Well, there was a bill put through some time ago, but it has expired.

Now, I hope that this Congress is not going to go on record in favor of perpetuating this operation. It is time we stopped this and not go into it any deeper. I hope this motion to recede and concur with an amendment will be rejected.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Does not the gentleman believe, in view of the fact we have to conserve funds for national defense, that this House should unanimously reject this indefensible racket-raid on our almost bankrupt Federal Treasury?

Mr. TABER. It is time we began to show some sense of responsibility.

Mr. SCHAFER of Wisconsin. We can buy a bomber plane or a couple of anti-aircraft guns to defend the Nation's Capital with this amount of money.

Mr. TABER. And we need them a great deal worse.

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Speaker, we are now asked to appropriate \$100,000 for the completion of a monument, the erection of which was first undertaken, according to the statements made here today, by individuals. No one has challenged the purpose behind the project, though the methods of some of its promoters have been questioned. We may assume that those whose memories we seek by the completion of this monument to honor are worthy of that tribute. That assumption does not justify us in making the appropriation at this time.

Shortly we will have before us a tax bill which, if adequate for the purpose, will levy grievous burdens upon our people. That tax bill will bring home to the folks who elected us as no other act on our part can do, the fact that we have been spending billions of dollars on projects that were unnecessary; wasting much of the money, without providing for repayment of the obligations which we incurred when we made those appropriations.

Soon will come before us a bill to increase the limit of the national debt, which again will remind the home folks that we have been extravagant with the money which we have borrowed; that we have been a party to creating a situation where now, when we believe ourselves to be faced with a great national emergency, our national-debt limit is far greater, in fact, more than double any previous peacetime national debt. These two things, the levying of new taxes, the increasing of the limit of our national debt, so that we may borrow more money, should remind us that first things should come first, that for only those things which are necessities should we continue to make appropriations.

True, this request is for only \$100,000, considered against the background of other appropriations, it is just "chicken feed." Yes; I notice the gentleman from California [Mr. GEYER] smiles and nods. I have often marveled at the cheerfulness, the wholehearted, the generous spirit exhibited by the gentleman as he voted for appropriations, spending other people's money. Perhaps that is one of the things which we do most easily here. It is one of the things at which Congress is an expert but if we continue to waste the taxpayers money on this, that, and the other; if we continue to vote sums which we do not have, but must borrow, for purposes, which, while desirable, are not necessary, soon we will be called to account for our actions. It may be that that day of reckoning will come next November and that those of us who desire to return to Congress should have in mind our settlement day with the electors.

Mr. SHEPPARD. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield.

Mr. SHEPPARD. May I ask the gentleman, when he refers to the delegation from California, would he kindly indicate—

Mr. HOFFMAN. Oh, no; I did not say "the delegation." I said the gentleman who was smiling at me, giving his encouragement.

Mr. SHEPPARD. Will not the gentleman give the name of the man?

Mr. HOFFMAN. The gentleman to whom I had reference was the gentleman from California [Mr. GEYER].

During the last few days we have appropriated billions of dollars for national defense. Those appropriations will add to our national debt and will force the levying of new taxes.

The President frightened and threw into a panic about two-thirds of our population by his speech here in the House a week ago last Thursday. Then last Sunday he came back in one of his fireside chats and quite complacently announced that "all is well." He frightened the people and the Congress, and he induced the Congress to once more vote him almost unlimited power and more money than he can legitimately spend during the remainder of his term. Having created that fear, obtained that power, and the authority to spend billions of dollars, apparently he looked into the mirror and was well satisfied with what he saw. In substance, he told us, "Do not be afraid, my children, I am here and the bogey-man will not get you." No doubt to justify his confidence in himself he forgot all about his complete failure as a solver of our domestic problems and saw him-



self seated in the White House for a third term, saw himself in his accustomed role of "The magic man."

This administration and its rubber-stamp Congress has been a success as the creator of a staggering national debt. No other administration has been able to waste in so many ways so much money, has been able to get so little for what it spent.

If things turn out as the President prophesied, we will need every dollar that we can raise, beg, or borrow for national defense. Especially is this true if the percentage of waste established by this present administration continues. Instead of erecting monuments for the edification of Hitler, if he comes, and certainly monuments cannot in any way contribute to our national defense, why not, for once, use a little common sense and vote down this proposition?

When this session started we gave the country to understand that we intended to economize. Well do I remember those economy speeches made by the gentleman from Missouri [Mr. COCHRAN] and the gentleman from Virginia [Mr. WOODRUM]. They were wonderful economy speeches, packed with good sense, sound logic, and outlined a policy which would, had it been followed, have done much to take us out of the depression. Then came the victories of Hitler and, taking advantage of the situation, the President, as he has done so often before, using some real or fancied emergency, some real condition or some creature of his imagination, asked for and obtained appropriations amounting to billions of dollars. We dare not refuse to appropriate for national defense because we do not actually know how great is our need, nor do we know what amount is necessary for our protection, but one thing we do know, and that is that we do not at this time need monuments.

Assuming that the Nation's security is now in danger, let us once, at least, during the discussion of this bill, vote for economy and turn down this appropriation. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield to the author of the bill, the distinguished gentleman from California [Mr. IZAC] 5 minutes.

Mr. IZAC. Mr. Speaker, a civilian committee raised \$339,000 for a Navy and Marine memorial which is partly completed and erected on Columbia Island not far across the Potomac. That monument is not completed. The funds have been exhausted. They have turned to the Federal Congress and asked that we do something about completing it. The veterans' and other patriotic organizations felt that it was a disgrace to those who served in the Navy and to those who go down to the sea in ships that they should not have the one memorial erected in the 150 years of the life of this country completed after 10 years of effort, and they asked me to sponsor a bill this past year to bring it to a completion. We put the bill through. I do not believe there was any objection, and while it is true that the date has long since passed at which time we would have expected to spend the money, nevertheless the Appropriations Committee never before saw fit to give us the \$50,000 that was needed for the actual completion of the monument. But now they have come in here and offer to give us that amount on a motion to disagree with the Senate amendment of \$100,000 and provide just what is needed for the completion of the monument, leaving the architects' fees and the sculptors' fees to wait for a future day.

I am interested not so much in the architect or in the designer, who is dead now, although I hope that we will do justice to both of those people, but I am interested in seeing that this memorial is completed. It will take about \$50,000, and all of the veterans' organizations and other patriotic citizens have been besieging me to do my duty and present the matter to you and show you that it is something the American people want completed, and that it should be done as a national effort. I appeal to you not to strike this out, but to go along with the committee which has investigated this thoroughly. Since only \$50,000 is needed, I ask you to agree to the motion made.

Mr. VAN ZANDT. Mr. Speaker, will the gentleman yield?

Mr. IZAC. Yes.

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Mr. VAN ZANDT. I trust the gentleman will explain to the Members of the House that the veterans' organizations were invited to assist in the solicitation of the funds but that they had nothing to do with the accounting or the expenditure of the money.

Mr. IZAC. Yes; originally they were, and the school children and the patriotic citizens all over the United States were asked to and they did contribute, I think, \$339,000. Of course, it was a civilian committee, and there was no accounting to the Congress; and, in fact, they did not come to the Congress and ask for aid until after their funds had been exhausted. The Appropriations Committee had nothing to do with the expenditure of the money in the past, and all they ask is that we vote this appropriation and finish the memorial now rather than leave it as a black spot on the other bank of the Potomac River.

The SPEAKER. The time of the gentleman from California has expired.

#### APPOINTMENT OF SPEAKER PRO TEMPORE

The SPEAKER. The Chair appoints the gentleman from Virginia [Mr. BLAND] to preside as Speaker pro tempore for the remainder of the day.

#### INTERIOR DEPARTMENT APPROPRIATION BILL, 1941—CONFERENCE REPORT

The SPEAKER. The question is on the motion offered by the gentleman from Virginia to recede and concur.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 97, noes 81.

Mr. TABER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 173, not voting 100, as follows:

[Roll No. 133]

YEAS—157

Allen, La.	Drewry	Lea	Routzohn
Anderson, Mo.	Duncan	Leavy	Sacks
Arnold	Dunn	Lesinski	Sasser
Barden, N. C.	Durham	McAndrews	Satterfield
Barnes	Edelstein	McCormack	Schulte
Bates, Ky.	Elliott	McGehee	Schwert
Beckworth	Ellis	McGranery	Scrugham
Bland	Ferguson	McKeough	Shanley
Boland	Fernandez	McMillan, Clara	Shannon
Boydin	Flaherty	Maclejewski	Sheppard
Brooks	Flannagan	Magnuson	Sheridan
Brown, Ga.	Flannery	Maloney	Smith, Conn.
Buck	Ford, Miss.	Marcantonio	Snyder
Buckler, Minn.	Fries	Martin, Ill.	Somers, N. Y.
Burch	Gathings	Massingale	Sparkman
Burgin	Gavagan	Miller	Spence
Camp	Geyer, Calif.	Mills, La.	Starnes, Ala.
Cannon, Fla.	Gibbs	Murdock, Ariz.	Stegall
Cartwright	Grant, Ala.	Murdock, Utah	Stearns, N. H.
Casey, Mass.	Griffith	Myers	Sullivan
Clark	Harrington	Nelson	Sutphin
Cochran	Havenner	Norton	Sweeney
Cole, Md.	Healey	O'Connor	Tenerowicz
Collins	Hill	O'Day	Thomas, Tex.
Cooley	Houston	O'Toole	Tolan
Cooper	Izac	Petman	Van Zandt
Costello	Jacobsen	Patrick	Voorhis, Calif.
Courtney	Jenks, N. H.	Patton	Walgren
Cravens	Johnson, Luther A.	Peterson, Fla.	Ward
Crosser	Johnson, Okla.	Peterson, Ga.	Weaver
Crowe	Kefauver	Pierce	Welch
Cullen	Keller	Rabaut	White, Idaho
D'Alesandro	Kennedy, Martin	Ramspeck	Whittington
Darden, Va.	Kennedy, Md.	Rankin	Williams, Mo.
Dempsey	Kennedy, Michael	Rayburn	Wolverton, N. J.
DeRouen	Keogh	Richards	Wood
Dies	Kleberg	Robertson	Zimmerman
Dingell	Kocialkowski	Robinson, Utah	
Doughton	Kunkel	Rogers, Okla.	
Doxey	Lanham	Romjue	

NAYS—173

Allen, Pa.	Cannon, Mo.	Culkin	Gamble
Andersen, H. Carl	Carlson	Curtis	Garrett
Anderson, Calif.	Case, S. Dak.	Dirksen	Gearhart
Andersen, A. H.	Chapman	Disney	Gehrmann
Angell	Chipfield	Dondero	Gerlach
Arends	Church	Douglas	Gifford
Austin	Clason	Dworshak	Gilchrist
Bates, Mass.	Clevenger	Eaton	Gillie
Bender	Cluett	Eberharter	Goodwin
Blackney	Coffee, Nebr.	Edmiston	Gore
Bolton	Cole, N. Y.	Elston	Gossett
Boren	Colmer	Engel	Graham
Bradley, Mich.	Corbett	Evans	Grant, Ind.
Bryson	Crawford	Fenton	Gregory
Byrns, Tenn.	Crowther	Fulmer	Guyer, Kans.

Gwynne	Kelly	Moser	Smith, W. Va.
Hall, Leonard W.	Kilday	Mott	South
Halleck	Kinzer	Mundt	Springer
Hancock	Kirwan	Murray	Stefan
Hare	Kitchens	Norrell	Summer, Ill.
Harness	Knutson	O'Brien	Summers, Tex.
Hart	Landis	Oliver	Taber
Harter, N. Y.	Larrabee	O'Neal	Talle
Harter, Ohio	LeCompte	Pace	Tarver
Hawks	Lewis, Colo.	Pearson	Terry
Hess	Lewis, Ohio	Pittenger	Thill
Hobbs	Luce	Plumley	Thomason
Hoffman	Ludlow	Poage	Tibbott
Holmes	McDowell	Polk	Tinkham
Hope	McGregor	Powers	Treadway
Horton	McLaughlin	Reed, N. Y.	Vincent, Ky.
Hull	McLean	Rees, Kans.	Vorys, Ohio
Hunter	McLeod	Rich	Vreeland
Jarrett	McMillan, John L.	Robison, Ky.	Warren
Jeffries	Mahon	Rogers, Mass.	Wheat
Jenkins, Ohio	Marshall	Rutherford	White, Ohio
Jennings	Martin, Iowa	Ryan	Williams, Del.
Jensen	Martin, Mass.	Sandager	Wolcott
Johnson, Ill.	Mason	Schafer, Wis.	Wolfenden, Pa.
Johnson, Ind.	Mich	Schiffler	Woodruff, Mich.
Johnson, Lyndon	Michener	Secombe	Youngdahl
Johnson, W. Va.	Mills, Ark.	Seeger	
Jonkman	Monkiewicz	Short	
Keefe	Monronney	Smith, Ohio	

## NOT VOTING—100

Alexander	Cox	Jarman	Reed, Ill.
Allen, Ill.	Creal	Johns	Risk
Andrews	Cummings	Jones, Ohio	Rockefeller
Ball	Darrow	Jones, Tex.	Rodgers, Pa.
Barry	Davis	Kean	Sabath
Barton, N. Y.	Delaney	Kee	Schaefer, Ill.
Beam	Dickstein	Kerr	Schuetz
Bell	Ditter	Kilburn	Secrest
Bloom	Englebright	Kramer	Shafer, Mich.
Boehne	Faddis	Lambertson	Simpson
Bolles	Fay	Lemke	Smith, Ill.
Bradley, Pa.	Fish	Lynch	Smith, Va.
Brewster	Fitzpatrick	McArdle	Smith, Wash.
Brown, Ohio	Folger	Maas	Sweet
Buckley, N. Y.	Ford, Leland M.	Mansfield	Taylor
Bulwinkle	Ford, Thomas F.	Merritt	Thomas, N. J.
Burdick	Gartner	Mitchell	Thorkelson
Byrne, N. Y.	Green	Mouton	Vinson, Ga.
Byron	Gross	Nichols	Wadsworth
Caldwell	Hall, Edwin A.	O'Leary	Walter
Carter	Hartley	Osmer	West
Celler	Hendricks	Parsons	Whelchel
Claypool	Hennings	Pfeifer	Wigglesworth
Coffee, Wash.	Hinshaw	Randolph	Winter
Connery	Hook	Reece, Tenn.	Woodrum, Va.

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. West (for) with Mr. Wigglesworth (against).  
 Mr. Celler (for) with Mr. Andrews (against).  
 Mr. Vinson of Georgia (for) with Mr. Ditter (against).  
 Mr. Claypool (for) with Mr. Brown of Ohio (against).  
 Mr. Smith of Virginia (for) with Mr. Ball (against).  
 Mr. Bloom (for) with Mr. Gartner (against).  
 Mr. Coffee of Washington (for) with Mr. Edwin A. Hall (against).  
 Mr. Byrne of New York (for) with Mr. Kean (against).  
 Mr. Fay (for) with Mr. Simpson (against).  
 Mr. Hennings (for) with Mr. Kilburn (against).  
 Mr. Buckley of New York (for) with Mr. Osmer (against).  
 Mr. Pfeifer (for) with Mr. Jones of Ohio (against).  
 Mr. Parsons (for) with Mr. Reece of Tennessee (against).  
 Mr. O'Leary (for) with Mr. Bolles (against).  
 Mr. Schuetz (for) with Mr. Johns (against).

General pairs:

Mr. Boehne with Mr. Carter.  
 Mr. Mouton with Mr. Fish.  
 Mr. Schaefer of Illinois with Mr. Alexander.  
 Mr. Secrest with Mr. Shafer of Michigan.  
 Mr. Smith of Washington with Mr. Burdick.  
 Mr. Green with Mr. Thorkelson.  
 Mr. Cox with Mr. Lemke.  
 Mr. Walter with Mr. Sweet.  
 Mr. Kerr with Mr. Winter.  
 Mr. Randolph with Mr. Englebright.  
 Mr. Woodrum of Virginia with Mr. Wadsworth.  
 Mr. Jarman with Mr. Hinshaw.  
 Mr. Fitzpatrick with Mr. Allen of Illinois.  
 Mr. Creal with Mr. Thomas of New Jersey.  
 Mr. Mansfield with Mr. Barton of New York.  
 Mr. Beam with Mr. Risk.  
 Mr. Kee with Mr. Brewster.  
 Mr. Whelchel with Mr. Rockefeller.  
 Mr. Taylor with Mr. Maas.  
 Mr. Nichols with Mr. Rodgers of Pennsylvania.  
 Mr. McArdle with Mr. Lambertson.  
 Mr. Faddis with Mr. Leland M. Ford.  
 Mr. Folger with Mr. Reed of Illinois.  
 Mr. Hendricks with Mr. Gross.  
 Mr. Kramer with Mr. Hartley.  
 Mr. Merritt with Mr. Darrow.

Mr. Sabath with Mr. Lynch.  
 Mr. Bradley of Pennsylvania with Mr. Hook.  
 Mr. Barry with Mr. Caldwell.

Mr. BECKWORTH and Mr. BROWN of Georgia changed their vote from "nay" to "yea."

Mr. FULMER changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.  
 Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate numbered 95.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 99: Page 132, line 9, insert: "Restoration of Lower Klamath Migratory Waterfowl Refuge: For the restoration and development of Klamath Lake Reservation (commonly known as the Lower Klamath Migratory Waterfowl Refuge) as a feeding, nesting, and breeding ground for migratory birds, including the construction of water-control works thereon and for necessary expenses incident thereto, \$70,000."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 100: Page 132, line 16, strike out "\$2,381,093" and insert in lieu thereof "\$2,791,093."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur with an amendment.

The Clerk read as follows:

Mr. JOHNSON of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate, No. 100, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$2,641,093."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 101: Page 132, line 21, strike out "\$4,881,093" and insert in lieu thereof "\$5,291,093."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur with an amendment.

The Clerk read as follows:

Mr. JOHNSON of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate, No. 101, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,141,093."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 110: Page 149, after line 4, insert the following: "Division of Territories and Island Possessions: For expenses of the Division of Territories and Island Possessions in the investigation and survey of natural resources of the land and sea areas of the Antarctic regions, including personal services in the District of Columbia and elsewhere without regard to the civil-service laws or the Classification Act of 1923, as amended, or by contract, if deemed necessary, without regard to the provisions of section 3709 of the Revised Statutes, rent, traveling expenses, purchase of necessary books, documents, newspapers and periodicals, stationery, hire of automobiles, purchase of equipment, supplies and provisions, and all other necessary expenses, \$250,000: *Provided*, That fuel, repairs, and emergency supplies to be paid for out of this appropriation may be contracted for in foreign ports."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House insist on its disagreement to the amendment of the Senate, No. 110.

The motion was agreed to.

Mr. JOHNSON of Oklahoma. Mr. Speaker, in connection with the action just taken by the House, it occurs to me that I should make a brief statement.

Some Members have asked the question if there is any money in the pending bill for the purpose of continuing the so-called Byrd Antarctic Expedition. I will say in that connection that there was no such provision in the bill as it



passed the House. The Senate, as you know, included \$250,000 for that purpose. At the time the House and Senate conferees met, Admiral Byrd was on his way to Washington, being called home by the President of the United States. I think it is only fair to say that both the House and Senate conferees desired additional information about the matter. Certainly it is fair to say that it was the unanimous sentiment of all Members of the House conference that it would be much more preferable to defer the entire matter at this time and let it be considered in connection with the deficiency bill, which has heretofore carried all appropriations for this activity.

Let me say here for the benefit of the Members that I have discussed this matter in some detail with the President of the United States. I also have received a letter from him which I have shown members of the committee. I also have a letter from the State Department, and I know that the President is tremendously interested in the entire matter; but, on the other hand, the President was kind enough to make it plain to me that he was not particular about what bill carried the appropriation, whether it was in the Interior or the deficiency bill. But after conferring with the chairman of the Appropriations Committee, and other members of the committee, it was thought best, for reasons I have stated, to permit the deficiency committee to continue its jurisdiction over appropriations for the Antarctic Expedition.

I want to add here, Mr. Speaker, that after Admiral Byrd returned from the Antarctic recently he called at my office and I had the pleasure of an interesting and pleasing visit with him. I found him to be fair and reasonable in every respect. I found that he is now, and has been, on active duty and under the orders of the President of the United States. I am glad also to say that I found the distinguished admiral to be a sincere and honorable gentleman from every possible standpoint. You will recall that when the House bill was under consideration that I referred to Admiral Byrd as a great explorer. I might also have added that he is a great scientist and a great patriotic American. I have nothing but the highest feeling for him personally, but I told the admiral, as well as the President and the Senate conferees and others with whom I have discussed the matter, that I felt it was best that the deficiency committee, which undoubtedly is more familiar with the subject than the Interior subcommittee, should continue its jurisdiction over this activity.

Mr. ROBERTSON. Mr. Speaker, will the gentleman yield me 5 minutes?

Mr. JOHNSON of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia [Mr. ROBERTSON].

Mr. ROBERTSON. Mr. Speaker, I am very happy to hear my distinguished friend from Oklahoma speak so highly of my friend, Admiral Byrd, who was born and reared at Winchester, Va., and for some years has been an adopted son of our sister Commonwealth of Massachusetts. Frequently during debate in recent days on national defense we have heard it said that there are two vital elements of defense that money cannot buy. One of those is courage, the other is patriotism. No man I have ever known possesses those two cardinal virtues to a higher degree than Admiral Richard E. Byrd.

Mr. Speaker, I wish to read to the House a letter that I received today from the Secretary of State:

DEPARTMENT OF STATE,  
Washington, May 29, 1940.

MY DEAR MR. ROBERTSON: It has been brought to my attention that during the consideration of the appropriation for the continuance of the United States Antarctic Service, in which the Department of State is interested, certain statements were made regarding Rear Admiral Richard E. Byrd, United States Navy, retired, which I feel sure were based entirely on a misapprehension as to the facts.

Until Admiral Byrd was consulted by the Department of State in January 1939 he had no prior knowledge of the proposed Government expedition to the Antarctic. When his services were requested by the Government he immediately responded generously and has given more than a year of his time to the Antarctic Service during which he has not only received no compensation from the Government, or any other source, beyond his pay as a retired naval officer, but has given and loaned to the Government many thousands of dollars of his equipment.

In my opinion, considerations of continental defense make it vitally important to keep for the 21 American Republics a clearer title to that part of the Antarctic continent south of America than is claimed by any non-American country. The continuance of the work of the Antarctic Service is essential in this connection. During the brief period of its existence, due to the administrative ability and qualities of leadership possessed by Admiral Byrd, a great deal has been accomplished toward this end: two well-equipped bases have been established 1,200 miles apart; 800 miles of the 1,200 miles of the hitherto inaccessible coast line south of the Pacific Ocean have been reached; 150,000 square miles of unknown area have been investigated; and 14 new islands and 6 new mountain ranges have been discovered. In addition to these geographical discoveries important research is also being pursued in many other branches of science.

Mr. Speaker, I wish to invite the attention of the House especially to the concluding paragraph in the letter written to me by the Secretary of State:

In my opinion, Admiral Byrd, whose integrity and honor is beyond question, deserves the thanks of his Government for performing an important and patriotic service at great personal sacrifice.

Sincerely yours,

CORDELL HULL.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. ROBERTSON. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. May I say to the gentleman from Virginia that Massachusetts is extremely proud and extremely honored to have Admiral Byrd as an adopted son.

Mr. ROBERTSON. I thank the gentlewoman so much.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 111: Page 150, line 17, strike out "\$1,240,285" and insert "\$1,275,285."

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House recede and concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. JOHNSON of Oklahoma moves that the House recede from its disagreement to the amendment of the Senate No. 111 and agree to the same with an amendment as follows: In lieu of the sum proposed insert the following: "and not to exceed \$35,000 for the purchase of uniforms for employees, \$1,275,285."

Mr. RICH. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield to the gentleman from Pennsylvania.

Mr. RICH. I may say to the gentleman that that will not purchase uniforms for the attendants at St. Elizabeths Hospital.

Mr. JOHNSON of Oklahoma. Does the gentleman want to raise it?

Mr. RICH. It will furnish the dresses, but it will not furnish the stockings. So they will be back here next year for the stockings. I may say to the chairman of the committee that we are glad this bill is completed. Although we put up a fight to try to reduce various amounts, we did not meet with much success.

Mr. JOHNSON of Oklahoma. I may say to the gentleman in reply that I was almost overcome by his convincing argument. I thought he was going to ask the House to raise this last amount and I was going to ask the distinguished gentleman, "Where are you going to get the money?"

Mr. RICH. You will never fool me by trying to get me to squander the taxpayers' money, because I believe we ought to be conservative at a time like this when we want national defense, when we want to protect America from everybody on the outside, from those who would destroy America. That is what we want to do, so let us get together.

Mr. JOHNSON of Oklahoma. In explanation of the amendment I wish to state that it provides \$35,000 for the purchase of uniforms for certain employees at St. Elizabeths Hospital. Approximately 1,000 employees are concerned, including male attendants, fire and police employees, nurses, and so forth. Many of these employees receive salaries of approximately \$1,260, and it is not believed fair

that they should be forced to spend a portion of this sum for uniforms. It is my understanding that in every department of the Government in the District of Columbia requiring guards or other employees to wear uniforms, these uniforms are paid for by the Government except in St. Elizabeths Hospital.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oklahoma [Mr. JOHNSON].

The motion was agreed to.

A motion to reconsider the vote by which the several motions were agreed to was laid on the table.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. FLAHERTY (at the request of Mr. McCORMACK), for 3 days, on account of important business.

To Mr. VINSON of Georgia, for 6 days, on account of important business.

#### EXTENSION OF REMARKS

Mr. HOUSTON asked and was given permission to extend his own remarks in the RECORD.

Mr. LEONARD W. HALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. LEONARD W. HALL]?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by putting in a letter written by Commissioner Pinchot to President Roosevelt.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. TINKHAM]?

There was no objection.

Mr. LANDIS asked and was given permission to extend his own remarks in the RECORD.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a newspaper article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. EDELSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein newspaper clippings showing the necessity for technical employment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

#### LEAVE OF ABSENCE

Mr. CAMP. Mr. Speaker, I ask unanimous consent that I be granted leave of absence for 5 days on account of important business.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

#### EXTENSION OF REMARKS

Mr. REED of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by David C. Mearns, of the Library of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. REED of Illinois asked and was given permission to extend his own remarks in the RECORD.

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein certain tables furnished me by the F. S. C. C. and the Department of State.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. JOHNSON of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Moline Dispatch.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GRANT of Indiana. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to the order heretofore agreed to, the Chair declares the House in recess until 8 o'clock tonight.

Accordingly (at 6 o'clock p. m.) the House stood in recess until 8 o'clock p. m.

#### AFTER THE RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BLAND], at 8 o'clock p. m.

#### THE PRIVATE CALENDAR

The SPEAKER pro tempore. Pursuant to the order of the House previously entered, the Clerk will call the private bills reported by the Committee on Claims.

#### ESTATE OF JOSEPH MIHELICH

The Clerk called the first bill on the private calendar (S. 920) conferring jurisdiction upon the United States District Court for the District of Montana to hear, determine, and render judgment upon the claim of the estate of Joseph Mihelich.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the United States District Court for the District of Montana to hear, determine, and render judgment, as if the United States were suable in tort, upon the claim of the estate of Joseph Mihelich, for damages sustained as a result of the death of Joseph Mihelich, who was killed at Butte, Mont., on July 2, 1938, by the caving in of a sewer ditch which had been dug by employees of the Works Progress Administration: *Provided*, That the judgment, if any, shall not exceed \$5,000.

Sec. 2. Suit upon such claim may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, appeals therefrom, and payment of any judgment thereon shall be in the same manner as in the cases over which such court has jurisdiction under the provisions of paragraph 20 of section 24 of the Judicial Code, as amended.

With the following committee amendment:

Page 1, line 8, after the figures, insert "the death of the said Joseph Mihelich being allegedly caused."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CITY OF LEAVENWORTH, KANS.

The Clerk called the next bill, S. 1289, for the relief of the city of Leavenworth, Kans.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the city of Leavenworth, Kans., the sum of \$14,000, in full settlement of all claims against the United States growing out of the construction during 1938 of a new intake from the Missouri River and of certain sewer extension work made necessary by such new intake. Such new intake was made



necessary by the diversion of the water of the river from the old intake in the carrying out of a Federal project to make the river a navigable stream: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PARKER M'KEE, SR., AND LOUISE M'KEE

The Clerk called the next bill, S. 2083, conferring jurisdiction upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claims of Parker McKee, Sr., and Louise McKee.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the United States District Court for the District of New Jersey to hear, determine, and render judgment upon the claims of Parker McKee, Sr., and Louise McKee, of Woodbury, N. J., against the United States for damages for the death of their son, Parker McKee, Jr., as the result of a landslide which occurred at official project No. 165-22-3018 of the Works Progress Administration, in Woodbury, N. J., on April 7, 1937.

Sec. 2. In the determination of such claims the United States shall be held liable for the acts of its officers and employees to the same extent as if it were a private person; except that any judgment rendered on such claims shall not be for any amount in excess of \$5,000.

Sec. 3. Suit upon such claims may be instituted at any time within 1 year after the date of enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, and appeals from, and payment of, any judgment thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under the provisions of paragraph "Twentieth" of section 24 of the Judicial Code, as amended.

With the following committee amendment:

Page 1, line 8, after the word "Jr.", insert the word "allegedly."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KATHERINE SCOTT, MRS. J. H. SCOTT, JETTIE STEWART, AND RUTH MINCEMEYER

The Clerk called the next bill, S. 2132, for the relief of Katherine Scott, Mrs. J. H. Scott, Jettie Stewart, and Ruth Mincemeyer.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Katherine Scott, Ellington, Mo., the sum of \$2,000; to Mrs. J. H. Scott, Ellington, Mo., \$1,300; to Jettie Stewart, Ellington, Mo., \$100; and to Ruth Mincemeyer, Clayton, Mo., \$100; in all, \$3,500, in full settlement of their respective claims against the United States for personal injuries sustained when the vehicle in which they were riding was struck by a truck of United States Civilian Conservation Corps Camp S-70, Forest Service, Department of Agriculture, on Missouri State Highway No. 106, at the point where it intersects with the park road leading to camp S-70, June 12, 1936: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 6, strike out the sign and figures "\$2,000" and insert in lieu thereof "\$2,500."

Page 1, line 7, strike out the sign and figures "\$1,300" and insert in lieu thereof "\$500."

Page 1, line 8, strike out the sign and figures "\$100" and insert in lieu thereof "\$50."

Page 1, line 9, strike out the sign and figures "\$100" and insert in lieu thereof "\$50."

Page 1, line 9, strike out the sign and figures "\$3,500" and insert in lieu thereof "\$3,100."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ISADORE J. FRIEDMAN

The Clerk called the next bill, S. 2199, for the relief of Isadore J. Friedman.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay to Isadore J. Friedman, of Belmar, N. J., out of any money in the Treasury not otherwise appropriated, the sum of \$1,693.86, in full settlement of all claims against the United States for property damage and personal injuries suffered by him when a truck owned by the United States Naval Air Station, Lakehurst, N. J., collided with his vehicle on February 5, 1938, on Main Street, Lakehurst, N. J.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALTER J. HOGAN AND W. R. LARKIN, FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

The Clerk called the next bill, S. 2419, for the relief of Walter J. Hogan and W. R. Larkin, in connection with the construction, operation, and maintenance of the Fort Hall Indian irrigation project, Idaho.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the act of June 20, 1938 (52 Stat. 1363), entitled "An act for the relief of certain individuals in connection with the construction, operation, and maintenance of the Fort Hall Indian irrigation project, Idaho," is hereby amended by substituting the amounts of \$400 and \$2,000, respectively, in lieu of the amounts of \$100 and \$1,300 appearing in the act immediately following the names of Walter J. Hogan and W. R. Larkin.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNA M. SHEA

The Clerk called the next bill, S. 2572, for the relief of Anna M. Shea.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anna M. Shea, of Portland, Ore., the sum of \$161.50, in full satisfaction of her claim against the United States for compensation and reimbursement for medical and hospital expenses incurred on account of personal injuries sustained by her as the result of being struck by an automobile operated by a Works Progress Administration employee on June 12, 1936, in Portland, Ore.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MR. AND MRS. JOHN W. FINLEY

The Clerk called the next bill, S. 2667, for the relief of Mr. and Mrs. John W. Finley.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. John W. Finley, of Roswell, N. Mex., the sum of \$2,500. The payment of such sum shall be in full settlement of all claims against the United States for the death of a minor son, Calvin Finley, who was killed in an accident involving a Civilian Conservation Corps truck on April 24, 1934, east of Roswell, N. Mex.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the

contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES H. PARR

The Clerk called the bill (S. 2798) for the relief of Charles H. Parr.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, the claim of Charles H. Parr for disability alleged to have been incurred by him on or about September 14, 1933, when engaged in authorized activities while an enrollee of the Civilian Conservation Corps at North Vernon, Ind., and to determine said claim upon its merits under the provisions of said act: *Provided,* That said claim shall be filed with the United States Employees' Compensation Commission not later than 60 days after the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BLACK HILLS METHODIST HOSPITAL

The Clerk called the bill (H. R. 1167) for the relief of the Black Hills Methodist Hospital of Rapid City, S. Dak.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Black Hills Methodist Hospital of Rapid City, S. Dak., the sum of \$288.65 in full settlement of its claims against the United States for services rendered beneficiaries of the Veterans' Administration by the hospital prior to 1933 on the authority of the designated examiner and covered in a revised voucher received in the central office of the Veterans' Administration on June 9, 1933, after passage of the Economy Act of March 20, 1933, which discontinued the authority of payment for such services.

With the following committee amendment:

At the end of the bill, page 2, insert a colon and the following: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LESTER R. TAYLOR

The Clerk called the bill (H. R. 1178) for the relief of Lester R. Taylor.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lester R. Taylor the sum of \$1,307.50 in full settlement of all claims for injuries, hospital care, and other expenses suffered and incurred by his son, Jerry Taylor, a minor, when struck by a Government truck, operated in connection with the Civilian Conservation Corps, at Sturgis, S. Dak., on June 14, 1937.

With the following committee amendments:

Line 5, after name "Taylor", insert "of Sturgis, S. Dak."

Line 6, strike out the sign and figures "\$1,307.50" and insert in lieu thereof "\$792.68."

Line 6, after the word "claims", insert "against the United States."

Line 8, strike out the word "by" and insert in lieu thereof "when."

Line 8, strike out the word "when" and insert in lieu thereof "was."

At the end of the bill add: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any

person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MALACHY RYAN

The Clerk called the bill (H. R. 1846) for the relief of Malachy Ryan.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of Malachy Ryan, former acting postmaster at Caledonia, Minn., with the sum of \$109, lost by reason of burglary occurring in his office May 8, 1933.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIM OF D. X. SANDERS

The Clerk called the bill (H. R. 2078) conferring jurisdiction upon the United States District Court for the Eastern District of Oklahoma to hear, determine, and render judgment upon the claim of D. X. Sanders.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That jurisdiction is hereby conferred upon the United States District Court for the Eastern District of Oklahoma to hear, determine, and render judgment, without intervention of a jury, upon the claim of D. X. Sanders, of Sallisaw, Okla., for damages allegedly sustained by him in July or August 1919 as a result of the injury and death of approximately 150 head of cattle, by reason of the alleged neglect of an inspector of the Bureau of Animal Industry, Department of Agriculture, in the dipping of said cattle for the elimination of infested ticks, preparatory to interstate shipment.

Sec. 2. Suit upon such claim may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claim, appeals therefrom, and payment of any judgment thereon shall be in the same manner as in the cases over which such court has jurisdiction under the provisions of paragraph 20 of section 24 of the Judicial Code, as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAN YANCEY

The Clerk called the bill (H. R. 2083) for the relief of Dan Yancey.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Dan Yancey, the sum of \$2,000. The payment of such sum shall be in full satisfaction of all claims against the United States arising in connection with the forfeiture of a lease to certain Federal lands east of Mammoth Springs in Yellowstone National Park (formerly known as Yancey's) and the refusal of the Department of the Interior to renew or grant any further lease of such lands to the said Dan Yancey, and also the destruction of certain buildings on said lands owned by the said Dan Yancey.

With the following committee amendments:

Line 6, page 1, after "Yancey", insert "of Livingston, Mont." and strike out "\$2,000" and insert "\$1,000."

Page 2, line 5, strike out the period, insert a colon, and the following: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.



C. B. REAGH

The Clerk called the bill (H. R. 2513) for the relief of C. B. Reagh.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. B. Reagh, Belden, Miss., the sum of \$500. The payment of such sum shall be in full settlement of all claims against the United States for losses sustained by the said C. B. Reagh on account of personal injuries received by Robert Reagh, his minor son, when he was struck on May 6, 1937, near Acton, Tenn., by a motor vehicle in the service of the Civilian Conservation Corps.

With the following committee amendment:

Page 2, line 1, after the word "Corps", strike out the period, add a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## CLAIM OF GERALDINE ASH

The Clerk called the bill (H. R. 2901) conferring jurisdiction upon the United States District Court for the Middle District of Georgia, to hear, determine, and render judgment upon the claim of Geraldine Ash.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the United States District Court for the Middle District of Georgia to hear, determine, and render judgment, as if the United States were suable in tort, and notwithstanding the lapse of time or any provision of law to the contrary, upon the claim of Geraldine Ash for damages on account of personal injuries sustained by the said Geraldine Ash in a collision involving the automobile in which she was riding and a truck operated by the Soil Conservation Service of the Department of Agriculture on January 18, 1938, in the city of Athens, Ga.: *Provided*, That the measure of damages to govern in said suit shall be the same as is or may be provided and authorized by the laws of the State of Georgia: *Provided further*, That the judgment, if any, shall not exceed \$5,000. Such suit shall be brought within 1 year from the date of enactment of this act and shall not abate by the death of the claimant but may be continued in the event of her death by her personal representative, as provided by the laws of Georgia.

Sec. 2. The United States district attorney for the middle district of Georgia is hereby charged with the duty of defending the United States in any suit instituted under the authority of section 1 of this act.

Sec. 3. There is authorized to be appropriated such sum as may be necessary to pay the amount of any judgment rendered pursuant to this act. The amount of such judgment, when appropriated, shall be paid by the Secretary of the Treasury upon presentation of a duly authenticated copy of the judgment of the United States District Court for the Middle District of Georgia.

With the following committee amendments:

Page 1, line 8, after the word "for", insert the word "alleged", and on page —, line 3, strike out the figures "18" and insert "10."

The committee amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LELAND G. MYERS

The Clerk called the next bill, H. R. 3142, for the relief of Leland G. Myers.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Leland G. Myers, New Kensington, Pa., the sum of \$250. The payment of such sum shall be in full settlement of all claims against the United States for losses sustained by the said Leland G. Myers on account of personal injuries received as the result of an accident on October 23, 1937, on Pennsylvania Route No. 66, involving an automobile owned and operated by the said Leland G. Myers and a Government-owned truck in the service of the Corps of Engineers, United States Army.

With the following committee amendments:

Line 3, strike out the word "is" and insert in lieu thereof "be, and he is hereby."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROSE BILAITIS

The Clerk called the next bill, H. R. 3163, for the relief of Rose Bilaitis.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement of all claims against the Government of the United States, to Rose Bilaitis, the sum of \$1,000, covering bond guaranteeing the departure from the United States of Petras Gavenas, alien, who disappeared, causing forfeiture of the bond, and who was later apprehended and deported: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 7, after the name "Bilaitis", insert a comma and the words "of Detroit, Mich."

Beginning with the syllable "Pro-" at the end of line 10, page 1, strike out the remaining language of the bill and insert in lieu thereof: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLIFF KNOWLEN

The Clerk called the next bill, H. R. 3976, for the relief of Cliff Knowlen.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cliff Knowlen, Brainerd, Minn., the sum of \$5,000. The payment of such sum shall be in full settlement of all claims against the United States for losses sustained by the said Cliff Knowlen on account of personal injuries received by Violet Knowlen, his minor daughter, when the said Violet Knowlen was struck on September 30, 1938, 1 mile north of Garrison, Crow Wing County, Minn., in front of the Borden Lake Schoolhouse, on highway No. 18, by a Civilian Conservation Corps truck operating under the jurisdiction of the National Park Service, Department of the Interior.

With the following committee amendments:

Line 3, strike out the word "is" and insert in lieu thereof "be, and he is hereby."

Line 5, strike out the name "Cliff Knowlen" and insert in lieu thereof "the legal guardian of Violet Knowlen, a minor, of."

Line 6, strike out the sign and figures "\$5,000" and insert in lieu thereof "\$2,500."

Lines 7 and 8, strike out the language "for losses sustained by the said Cliff Knowlen."

Line 9, after the word "by", insert "the said", and strike out the words "his minor daughter."

At the end of the bill, add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding."

Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended to read: "A bill for the relief of Violet Knowlen, a minor."

MAUDE SULLIVAN

The Clerk called the next bill, H. R. 4113, for the relief of Maude Sullivan.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maude Sullivan, widow of the late Lt. Col. William B. Sullivan, United States Marine Corps, the sum of \$1,157, in full satisfaction of all his claims against the United States for the loss of certain of the personal property of the late Lieutenant Colonel Sullivan on September 1, 1923, in the earthquake at Kamakura.

With the following committee amendments:

Line 8, strike out the word "his".

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY REID HUDSON

The Clerk called the next bill, H. R. 4142, for the relief of Mary Reid Hudson.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Reid Hudson, Henryetta, Okla., the sum of \$6,160. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said Mary Reid Hudson on account of personal injuries received on March 27, 1937, in Schuler, Okla., when the automobile which she was driving was struck by a trailer which became detached from a truck in the service of the Works Progress Administration at the instant such truck was in the act of passing such automobile.

With the following committee amendments:

Line 6, strike out the sign and figures "\$6,160" and insert in lieu thereof "\$3,000."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRINCIPIO AMEN

The Clerk called the next bill, H. R. 4801, for the relief of Principio Amen.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Principio Amen the sum of \$7,500 in full settlement of claim against the United States Government on account of permanent injuries received by his infant daughter, Mary Camastro, by a United States Army truck on April 4, 1936, about 1 o'clock p. m., at northwest corner of Northern Boulevard and One Hundred and Third Street, Corona, Queens County, N. Y.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or

attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 5, strike out the name "Principio Amen" and insert in lieu thereof "the legal guardian of Mary Camastro, a minor, of Corona, N. Y."

Page 1, line 6, strike out the sign and figures "\$7,500" and insert in lieu thereof "\$5,000."

Page 1, line 7, between the words "of" and "claim", insert "all."

Page 1, line 8, add an "s" to the word "claim."

Page 1, line 9, strike out the words "his infant daughter" and insert in lieu thereof "the said."

Page 2, line 2, after the word "Provided," strike out remainder of bill, and insert in lieu thereof "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Mary Camastro, a minor."

ANNIE BROWN

The Clerk called the next bill, H. R. 4971, for the relief of Annie Brown.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Annie Brown, of Rockport, Maine, the sum of \$1,300. The payment of such sum shall be in full settlement of all claims against the United States for losses sustained by the said Annie Brown on account of personal injuries received on July 7, 1937, in Lincolnville, Maine, when she fell into an unlighted and unprotected ditch made in connection with a National Park Service project.

With the following committee amendments:

Line 6, strike out the sign and figures "\$1,300" and insert in lieu thereof "\$1,000."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN T. MURPHY

The Clerk called the next bill, H. R. 5365, for the relief of John T. Murphy.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John T. Murphy, of Indianapolis, Ind., the sum of \$500 for personal loss suffered as the result of a loss of a like sum of money, the funds of the Post Office Department, taken in a robbery, and which Mr. Murphy's superiors ordered and advised him to repay from his personal funds, and which sum he did then and there deduct from his personal funds and apply to the funds of the Post Office Department, all in violation of Postal Laws and Regulations, and for which he should not have been held to have been responsible as postal authorities have exonerated said John T. Murphy, following official investigation, of having been a party to, or responsible for, said robbery.

With the following committee amendments:

Page 1, line 5, strike out the "T" in the name of "John T. Murphy" and insert in lieu thereof "J."

Page 1, line 6, after the sign and figures "\$500", insert the language "in full settlement of all claims against the United States."



Page 1, line 9, after the word "Department", strike out the language "taken in a robbery."

Page 2, line 5, strike out the "T" in the name of "John T. Murphy" and insert in lieu thereof "J."

At the end of the bill add: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of John J. Murphy."

VERNON ATKISON

The Clerk called the next bill, H. R. 5592, for the relief of Vernon Atkison.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Vernon Atkison, of Greenville, S. C., the sum of \$5,092.50, in full settlement of all claims against the United States for personal injuries received by him and property damage to his bicycle when such bicycle was struck on Paris Mountain Road near Greenville, S. C., on the morning of December 30, 1937, by a truck in the service of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Line 3, strike out the word "is" and insert in lieu thereof "be, and he is hereby."

Line 5, after the word "to", insert "the legal guardian of."

Line 6, after the name "Atkison", insert "a minor."

Line 7, strike out the sign and figures "\$5,092.50" and insert in lieu thereof "\$2,000."

Line 9, strike out the word "him" and insert in lieu thereof "the said Vernon Atkison."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MORRISSEY CONSTRUCTION CO.

The Clerk called the next bill, H. R. 5823, for the relief of Morrissey Construction Co.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Morrissey Construction Co., of Vicksburg, Miss., the sum of \$1,316.52 for work performed for Works Progress Administration by tractors of said Morrissey Construction Co. in airport at Iuka, Miss., for which payment has not been made: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 7, strike out "\$1,316.52" and insert "\$1,097.06, in full settlement of all claims against the United States."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RAYMOND C. KNIGHT

The Clerk called the next bill, H. R. 5930, for the relief of Raymond C. Knight.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money

in the Treasury not otherwise appropriated the sum of \$3,400 to Raymond C. Knight, of Lyle, Wash., in full settlement of all claims against the United States on account of personal injuries and expenses incident thereto, as the result of being struck by a truck belonging to the Civilian Conservation Corps on May 7, 1938, on United States Highway No. 410, about 7 miles north of Dayton, Wash.

With the following committee amendments:

Page 1, line 5, strike out "\$3,400" and insert "\$2,500."

Page 2, line 1, after the word "Washington", insert the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. COSTELLO. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO to the committee amendment: Strike out "\$2,500" and insert "\$1,500."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN E. AVERY

The Clerk called the next bill, H. R. 6215, for the relief of John E. Avery.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 to John E. Avery, Rural Free Delivery No. 2, Honey Grove, Tex., in full settlement of all claims against the United States for personal injuries and damages sustained by the said John E. Avery on April 26, 1938, as the result of a collision involving a Works Progress Administration truck, assignment No. 24941, said truck being employed at that time in connection with project No. 6634, Honey Grove, Tex., street improvement and construction: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of any services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 5, strike out "\$1,000" and insert "\$500."

Page 1, line 8, strike out "and damages" and insert "and expenses incident thereto."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PENNSYLVANIA STATE COLLEGE

The Clerk called the next bill, H. R. 6553, for the relief of the Pennsylvania State College.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Pennsylvania State College the sum of \$5,000, in full satisfaction of its claim against the United States Government arising out of loss and damages to property held under a 10-year lease by the Pennsylvania State College, which property was occupied by the Civilian Conservation Corps without permission of the Pennsylvania State College: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by an agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 6, strike out "\$5,000" and insert "\$625.93."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES H. UPTON

The Clerk called the next bill, H. R. 6598, for the relief of Charles H. Upton.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles H. Upton, of San Francisco, Calif., the sum of \$223.83. The payment of such sum shall be in full settlement of the claim of the said Charles H. Upton against the United States for mileage allowance while performing the duties of acting chief probation and parole officer for the northern district of California, for travel authorized by means of his privately owned automobile during the period from May 1936 to February 1937, both inclusive. Such claim for mileage was disallowed by the General Accounting Office because travel was performed in an automobile registered in the name of the wife of the said Charles H. Upton.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Comptroller General of the United States is authorized and directed to allow credit in the accounts of George Vice, United States marshal, northern district of California, for payments totaling the amount of \$223.83 made to Charles H. Upton, of San Francisco, Calif., which payments were for mileage allowance while the said Charles H. Upton was performing the duties of acting chief probation and parole officer for the northern district of California, for travel authorized by means of a privately owned automobile during the period from May 1936 to February 1937, both inclusive, such claim for mileage having been disallowed by the General Accounting Office because travel was performed in an automobile registered in the name of the wife of the said Charles H. Upton, whereas the act of February 14, 1931, provides for the payment of mileage to an officer or employee of the United States only for travel performed in the traveler's own automobile."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOUIS A. CHARLAND

The Clerk called the next bill, H. R. 6605, for the relief of Louis A. Charland.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, the claim of Louis A. Charland for disability alleged to have been incurred by him on or about November 11, 1935, when engaged in authorized activities while an employee of the Veterans' facility at Sunmount, N. Y., and to determine said claim upon its merits and under the provisions of said act.

With the following committee amendment:

Page 2, line 3, after the word "Act" insert a colon and the following: "Provided, That such claim be filed within 6 months after the passage of this act: And provided further, That no benefits shall accrue prior to the approval of this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

T. JACK NEAL

The Clerk called the next bill, H. R. 6686, for the relief of T. Jack Neal.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. Jack Neal the sum of \$2,500, as a reward and in full settlement of all claims against the United States for personal injuries to him and medical and hospital expenses incident thereto, incident to the capture by him of Max and Nathan Zarrani, counterfeit note passers, said capture occurring in the Farragut Hotel at Knoxville, Tenn., on April 21, 1939.

With the following committee amendments:

Page 1, line 5, after the word "Neal", insert "of Knoxville, Tenn."

Page 1, line 6, strike out "\$2,500" and insert "\$1,500."

Page 2, line 2, after "1939", insert a colon and the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELIZA WARREN

The Clerk called the next bill, H. R. 6822, for the relief of Eliza Warren.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Eliza Warren, of Brookhaven, Miss., out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 in full satisfaction of her claim against the United States for personal injuries received, and the sum of \$450 for damage to her car, on the 7th day of April 1938, when struck by a car driven by Bertha Rich, an employee of the Works Progress Administration, and attached to its office at Brookhaven, Miss., while in the official performance of her duties for said Works Progress Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 4, after the word "pay", insert "in full settlement of all claims against the United States."

Page 1, line 7, strike out "\$1,000 in full satisfaction of her claim against the United States", and insert "\$150."

Page 1, line 9, strike out "the sum of \$450 for damage to her" and insert "to George T. Warren the sum of \$143.05 for damage to his."

Page 1, line 11, after the word "when", insert "automobile was."

Mr. COSTELLO. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. COSTELLO to the committee amendment: On page 1, line 8, strike out "\$150" and insert "\$500."

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Eliza Warren and George T. Warren."

MYRTLE C. RADABAUGH

The Clerk called the next bill, H. R. 6864, for the relief of Myrtle C. Radabaugh.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HANCOCK and Mr. HALLECK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

WALTER CHWALEK

The Clerk called the next bill, H. R. 7173, for the relief of Walter Chwalek.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Walter Chwalek, the sum of \$2,938.50, in full settlement of his claim against the Government as the result of his receiving personal and property damages when his automobile was struck by a truck in the service of the United States Army: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim.



tion with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 3, strike out "is" and insert "be, and he is hereby."  
Line 5, after "Chwalek", insert "of Oswego, N. Y."  
Line 7, strike out "his claim against the Government" and insert "all claims against the United States."  
Line 10, after "Army", insert "on August 24, 1937."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLIFFORD J. WILLIAMS

The Clerk called the next bill, H. R. 7843, for the relief of Clifford J. Williams.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Postmaster General is authorized and directed to credit the account of Clifford J. Williams, postmaster, at Bainbridge, Ga., in the sum of \$10,068.28. Such sum represents a balance due on a shortage in the accounts of John A. Harrison, former assistant postmaster, which accrued prior to August 15, 1926, the date of the appointment of the said Clifford J. Williams as postmaster aforesaid.

SEC. 2. The surety on the bond of the said Clifford J. Williams, as postmaster at Bainbridge, Ga., is hereby relieved of any liability on account of such shortage.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CERTAIN DISBURSING OFFICERS OF THE ARMY

The Clerk called the next bill, H. R. 8096, for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the Army of the United States the amounts set opposite their names: Maj. Lester L. Boggs, Finance Department, \$148.38; Maj. George W. Brent, Coast Artillery Corps, \$78.50; Lt. Col. Edward T. Comegys, Finance Department, \$6.08; Maj. Ray B. Conner, Finance Department, \$162.10; Maj. George W. Cooke, Finance Department, \$29.90; Lt. Col. Horatio G. Coykendall, Finance Department, \$5.50; Maj. Frederick E. Coyne, Jr., Finance Department, \$59; Lt. Col. Walter D. Dabney, Finance Department, \$17.86; Maj. Oliver W. DeGruchy, Finance Department, \$18.57; Capt. James H. Dickie, Finance Department, \$53.74; Capt. Lemuel E. Edwards, Finance Department, \$50; Lt. Col. Horace G. Foster, Finance Department, \$358.75; Lt. Col. Frank M. Holmes, Finance Department, \$230.75; Capt. John S. Knudsen, Finance Department, \$29.39; Capt. Ray H. Larkins, Finance Department, \$6; Maj. Charles Lewis, Finance Department, \$79.27; Lt. Col. James MacKay, Finance Department, \$203.32; Capt. Charles K. McAllister, Finance Department, \$30; Maj. Edmund W. McLaren, Finance Department, \$104.27; Lt. Col. Dana W. Morey, Finance Department, \$208.34; Capt. David H. Passell, Finance Reserve, \$19.96; Maj. Arthur O. Walsh, Finance Department, \$158.32; Maj. Hugh Whitt, Finance Department, \$6; said amounts being public funds for which they are accountable and which comprise minor errors in computations of pay and allowances due former members of the Civilian Conservation Corps, enlisted men of the Regular Army, members of the Officers' Reserve Corps, members of the citizens' military training camps, civilian employees, and commercial firms or individuals from whom collection of the overpayments cannot be effected, and which amounts have been disallowed by the Comptroller General of the United States: *Provided*, That no part of these amounts shall be charged against any person or commercial firm other than the payees.

SEC. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lt. Col. Horatio G. Coykendall, Finance Department, the sum of \$17.98, public funds for which he is accountable and which were paid to the Christ Overgaard Sawmill for lumber and disallowed by the Comptroller General of the United States.

SEC. 3. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. Henry M. Denning, Finance Department, the sum of \$56.68, public funds for which he is accountable, and which were stolen from the office safe of his agent officer at One Hundred and Forty-fifth Company, Civilian Conservation Corps, Plymouth, Vt., during the night of November 30-December 1, 1937.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury

not otherwise appropriated, to Capt. Seward W. Hulse, Quartermaster Corps, the amount of \$55.44 in full satisfaction of his claim against the United States for a like amount which was paid by him for advertising for and in the interests of the United States without the prior approval of the Secretary of War as required by Revised Statutes 3828 (44 U. S. C. 324).

SEC. 5. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. John S. Knudsen, Finance Department, the amount of \$321.50, public funds for which he is accountable, which were paid to the Hillcrest Water Co. for drinking water and disallowed by the Comptroller General of the United States.

SEC. 6. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Frederick W. Long, Jr., Infantry Reserve, the sum of \$119, in full satisfaction of his claim against the United States for a like amount which was paid by him to Capt. C. R. Mize, Finance Department, finance officer, district C, Fort Oglethorpe, Ga., as reimbursement for public funds lost when the company safe was stolen from Civilian Conservation Corps Company 4495, Tenn. TVA P-15, Harrison, Tenn., on the night of October 31-November 1, 1938.

SEC. 7. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. Arthur O. Walsh, Finance Department, the amount of \$67.48, public funds for which he is accountable, which amount has been disallowed by the Comptroller General of the United States on account of failure to obtain a cash receipt for a payment made to an enlisted man now deceased.

SEC. 8. That payments heretofore made for salaries and travel expenses incident to the attendance of educational advisers, Civilian Conservation Corps, at aquatic schools for the purpose of receiving instruction in lifesaving, are hereby ratified and validated, and the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers of the Army for and on account of all such payments.

SEC. 9. That payments heretofore made for travel allowances to personnel in and under the jurisdiction of the War Department incident to the Ohio-Mississippi flood in 1937 are hereby ratified and validated, and the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers of the Army for and on account of all such payments: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to any person a sum equal to the amount collected from such person on account of payments which are herein validated, upon presentation of a claim therefor to the Comptroller General of the United States, who is authorized and directed to certify same to the Secretary of the Treasury for payment.

SEC. 10. That payments heretofore made to Cornelius M. Daly (now lieutenant colonel, Cavalry) for longevity pay increases incident to his service as a cadet, United States Revenue Cutter Service, are hereby ratified and validated, and the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of disbursing officers of the Army for and on account of all such payments.

SEC. 11. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the administrator of the estate of Capt. Bigelow B. Barbee, Finance Department, the amount of \$191.73, which amount represents overpayments due to minor errors of computation of pay and allowances due former enrollees of the Civilian Conservation Corps, and was deducted by the Comptroller General of the United States from the amount authorized to be paid to the estate of Capt. Barbee by the act of June 22, 1938 (52 Stat. 1373): *Provided*, That no part of this amount shall be charged against any person other than the person erroneously paid.

SEC. 12. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Lt. Col. Walter D. Dabney, Finance Department, the amount of \$30.25, public funds for which he is accountable, which were paid to a former enrollee for final pay, and to a civilian employee for travel allowances, and disallowed by the Comptroller General of the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ED SYMES AND ELIZABETH SYMES

The Clerk called the next bill, H. R. 8227, for the relief of Ed Symes and his wife, Elizabeth Symes, and certain other citizens of the State of Texas.

Mr. HALLECK and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Claims.

MRS. E. J. M'CARDLE

The Clerk called the next bill, H. R. 5424, for the relief of Mrs. E. J. McCardle.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. E. J. McCardle, of Macon, Ga., the sum of \$5,000, as compensation for the death of her son, James Courson, resulting from a collision on September 5, 1929, between a motorcycle on which he was riding and an automobile operated by a Federal prohibition agent.

With the following committee amendment:

Line 10, after "agent", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. R. W. NOBLE

The Clerk called the next bill, H. R. 6705, for the relief of Mrs. R. W. Noble.

Mr. HANCOCK and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Claims.

BOLINROSS CHEMICAL CO., INC.

The Clerk called the next bill, H. R. 8868, conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the Bolinross Chemical Co., Inc.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claim of the Bolinross Chemical Co., Inc., of Newark, N. J., for damages or losses resulting from the alleged unlawful raid on its chemical plant at 12-22 Orange Street, Newark, N. J., including the alleged destruction of its machinery, equipment, raw materials, and finished products, and the loss of its business, by prohibition agents of the United States, on February 20, 1929.

SEC. 2. Suit upon such claim may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations, and proceedings for the determination of such claim, appeals therefrom, and payment of any judgment thereon shall be in the same manner as in the cases over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL WAR LABOR BOARD AWARD

The Clerk called the next bill, H. R. 7967, to provide for the carrying out of the award of the National War Labor Board of April 11, 1919, and the decision of the Secretary of War of date November 30, 1920, in favor of certain employees of the Minneapolis Steel & Machinery Co., Minneapolis, Minn.; of the St. Paul Foundry Co., St. Paul, Minn.; of the American Hoist & Derrick Co., St. Paul, Minn.; and of the Twin City Forge & Foundry Co., Stillwater, Minn.

Mr. COSTELLO, Mr. HANCOCK, and Mr. BARDEN of North Carolina objected, and, under the rule, the bill was recommitted to the Committee on Claims.

J. FRANK KUNER

The Clerk called the next bill, S. 3304, for the relief of J. Frank Kuner, private, uniformed force, United States Secret Service.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That no suspension, charge, or disallowance shall be raised against any disbursing or certifying officer for any payments of salary made to J. Frank Kuner for services rendered as private, uniformed force, United States Secret Service, during the period July 1, 1938, to November 25, 1938, both dates inclusive, and such payments are hereby ratified and validated.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALTER R. MAGUIRE

The Clerk called the next bill, S. 2234, for the relief of Walter R. Maguire.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering from injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, if filed within 6 months after the enactment of this act, the claim of Walter R. Maguire, of Dorchester, Mass., for disability alleged to have been caused by injuries sustained by him on August 3, 1936, while in the performance of his duties in the employment of the Navy Department at the Boston Navy Yard: *Provided*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

M. GRACE MURPHY

The Clerk called the next bill, H. R. 2214, to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of M. Grace Murphy, administratrix of the estate of John H. Murphy, deceased, against the United States.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred on the Court of Claims to hear, determine, and render judgment upon, notwithstanding lapse of time or bar of any statute of limitations or any other provision of law to the contrary, the claim of M. Grace Murphy, administratrix of the estate of John H. Murphy, deceased, for services said John H. Murphy, deceased, rendered or may have rendered the United States of America in connection with the sale to the Government of Poland of certain surplus war supplies, viz: Seven thousand five hundred and fifty-four railway cars. Either party shall have the same right of appeal as in other cases.

SEC. 2. There is authorized to be appropriated such sum as may be necessary to pay the amount of any judgment rendered pursuant to this act. Such action shall be brought within 1 year from the date of the passage of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to M. Grace Murphy, Boston, Mass., administratrix of the estate of John H. Murphy, deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$125,000 in full settlement of all claims against the United States for compensation for the services performed and expenses incurred by the said John H. Murphy, deceased, in connection with sale to the Government of Poland of certain surplus war materials: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of M. Grace Murphy, administratrix of the estate of John H. Murphy, deceased."

HAZEL THOMAS

The Clerk called the next bill, H. R. 6061, for the relief of Hazel Thomas.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Forest Service, Department of Agriculture, to Hazel Thomas, of Yorba Linda, Calif., the sum of \$5,000. The payment of such sum shall be in full settlement of all claims against the United



States for personal injuries and property damage received when the vehicle in which she was riding was struck on the Angelus Crest Highway, approximately 4 miles south of Charleton Flats, Los Angeles County, Calif., about 6 p. m. on June 24, 1938, by a Forest Service truck No. 2116: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 5, after the word "Treasury", strike out the remainder of the line and all of line 6 and insert "not otherwise appropriated."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### NANNIE MAY BLYTHE

The Clerk called the next bill, H. R. 6212, for the relief of Nannie May Blythe.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nannie May Blythe, of Natchez, Miss., the sum of \$5,000, in full satisfaction of all claims against the United States on account of the death of her 17-year-old brother, Earl Alexander Blythe, who was killed on October 23, 1913, while on duty as a special-delivery messenger for the post office in Natchez, Miss.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 5, after the name "Blythe", insert "and Claudia Blythe, jointly, both";

Page 1, line 8, strike out the word "her" and insert "their."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Nannie May Blythe and Claudia Blythe."

#### ANTHONY BORSELLINO

The Clerk called the next bill, H. R. 6845, for the relief of Anthony Borsellino.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Anthony Borsellino, of Washington, D. C., in full settlement of all claims against the United States, for the death of his minor son, Joseph Borsellino, as a result of injuries received through the negligent operation of a truck belonging to the District of Columbia National Guard, on June 23, 1933, at Third Street and Maine Avenue, Washington, D. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 5, strike out the sign and figures "\$5,000" and insert in lieu thereof "\$3,500."

Page 2, line 1, after the word "provided", strike out the remaining language of the bill and insert in lieu thereof the following: "That no person or persons acting on behalf of the claimant on account of services rendered in connection with this claim shall be paid or shall receive an amount in excess of 10 percent of the amount herein appropriated, any contract or contracts to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### HANNAH S. BRAY, JANE BICKERS, AND FRANCES BICKERS

The Clerk called the next bill, H. R. 7861, conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claims of Hannah S. Bray, Jane Bickers, and Frances Bickers.

There being no objection the Clerk read the bill, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the Court of Claims to hear, determine, and render judgment upon any claims against the United States of Hannah S. Bray, Jane Bickers, and Frances Bickers for damages sustained by them as a result of the collision between the automobile in which they were riding and a Civilian Conservation Corps truck at the intersection of United States Route No. 29 and Barracks Road, in Charlottesville, Va., on July 22, 1939.

SEC. 2. In the determination of such claims, the United States shall be held liable for such damages, and for any acts committed by any of its officers and employees (including enrollees in the Civilian Conservation Corps), to the same extent as if the United States were a private person.

SEC. 3. Suit upon such claims may be instituted at any time within 1 year after the date of enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, and appeals from, and payment of, any judgments thereon shall be in the same manner as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

With the following committee amendment:

Strike out all after the enacting clause and insert "That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Hannah S. Bray, Jane Bickers, and Frances Bickers, of Stanardsville, Va., and Winchester, Va., respectively, out of any money in the Treasury not otherwise appropriated, the following sums:

"To Hannah S. Bray, the sum of \$5,000 for personal injuries, pain, and suffering and the sum of \$2,695.65 for hospital and physician bills and the sum of \$750 for property damages, or a total of \$8,445.65.

"To Jane Bickers, the sum of \$10,000 for personal injuries, pain, and suffering.

"To Frances Bickers, the sum of \$5,000 for personal injuries, pain, and suffering.

"To Jane and Frances Bickers, the sum of \$4,900.13 for physician and hospital bills.

"Said sums being in full settlement of all claims that the above parties have against the United States by reason of injuries and property damages sustained on account of being struck by a Civilian Conservation Corps truck at the intersection of United States Route No. 29 and Barracks Road in Charlottesville, Va., on June 22, 1939.

"SEC. 2. That there shall be a guardian appointed for Frances Bickers, a minor, for the payment of the sum of \$5,000 for her use and benefit.

"SEC. 3. *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MAJ. L. P. WORRALL

The Clerk called the next bill, H. R. 8429, for the relief of Maj. L. P. Worrall, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Comptroller General be, and he is hereby, authorized and directed to credit the account of Maj. L. P. Worrall, former finance officer, United States Army, Fort Sam Houston, Tex., in the sum of \$3,066.03. Payment of such sum was made on September 8, 1938, to King & Boozer, Anniston, Ala., pursuant to change order "B" issued under date of August 23, 1938, modifying contract No. W-58-QM-CIV-59, dated June 29, 1938. Maj. W. L. Bartley, of the Quartermaster Corps, United States Army, Fort Sam Houston, Tex., was the duly designated purchasing and contracting officer. In such capacity he held that the true intent and meaning of the plans and specifications are that the vestibules and skirting are included in the contract. The contractors, King & Boozer, addressed to the contracting officer a letter protesting this decision and requesting that the matter be referred to the Quartermaster General. This request was granted and the Office of the Quartermaster General held that the vestibules and skirtings were not included in the contract, and instructed the contracting officer that if the vestibules are required a change order should be

placed on the contract covering such vestibules as are required. In accordance with this instruction, Major Bartley issued change order "B," providing for the furnishing of vestibules and skirtings at an increase of \$3,097 in the contract price, in accordance with unit prices in the contractor's bid. In a letter dated July 5, 1939, written by the Secretary of War to the Comptroller General, it is stated: "Summarizing the foregoing, it is the opinion of the War Department that the quartermaster general properly found that the contract did not contemplate that skirtings and vestibules were to be included as an integral part of the buildings and that the contractor was not required to furnish such skirtings and vestibules without additional compensation. Such a finding having properly been made, it is also the opinion of the Department that the contracting officer was required to follow the instructions of the Quartermaster General concerning the interpretation of the contract and the issuing of change order 'B.' In view of the above, it is requested that credit be allowed for payments made under the change order."

The Comptroller General disallowed credit for the payment made under change order "B" on the ground that the decision of the contracting officer was irrevocable and not subject to review by his superior officer, the Quartermaster General.

Sec. 2. That the said King & Booser are hereby released from any liability to refund such sum of \$3,066.03 to the United States, and in case there has been heretofore withheld or deducted from any amounts otherwise payable out of Government funds to the said King & Booser any amount on account of such sum the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said King & Booser a sum equal to the amount so withheld or deducted.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. L. P. Worrall, Finance Department, the sum of \$3,066.03, public funds for which he is accountable, which sum was paid by him to King & Booser, Anniston, Ala., pursuant to change order B, dated August 23, 1938, modifying contract No. W-58-QM-CIV-59, dated June 29, 1939, and which sum has been disallowed by the Comptroller General of the United States: *Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said King & Booser a sum equal to any amount withheld or deducted from any amounts otherwise due to the said King & Booser on account of the payment which is herein validated, upon presentation of a claim therefor to the Comptroller General of the United States, who is authorized and directed to certify same to the Secretary of the Treasury for payment: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BARNET WARREN

The Clerk called the next bill, S. 3091, for the relief of Barnet Warren.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Barnet Warren the sum of \$2,756.14, and the additional sum of \$100 a month, up to and not exceeding \$5,000, in full settlement of all his claims against the United States growing out of any damages or personal injuries suffered by him when a Civilian Conservation Corps truck, operated at the time by the National Park Service, collided with the said Barnet Warren, who was riding a bicycle north on United States Highway No. 1, near Ojus, Fla., on March 17, 1939: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EBERHART STEEL PRODUCTS CO., INC.

The Clerk called the bill (H. R. 9418) for the relief of the Eberhart Steel Products Co., Inc.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HANCOCK. Mr. Speaker, this bill was passed yesterday by the Senate, and I ask unanimous consent to substitute the Senate bill, S. 3789.

The SPEAKER pro tempore. Without objection, the Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That jurisdiction is hereby conferred upon the United States Court of Claims, notwithstanding the lapse of time or any statute of limitations, with instructions to hear and determine and render judgment upon the claims of the Eberhart Steel Products Co., Inc., of Buffalo, N. Y., against the United States growing out of 43 certain contracts dated on and between January 28, 1920, and September 24, 1920, for the manufacture and delivery by said company to the War Department of certain material and parts for class B military trucks, notwithstanding any failure or error of any Government official to give proper written orders for changes made in any of said contracts, or fix the value thereof, or any previous decisions or decrees rendered with reference thereto, and without regard to any alleged settlement or adjustment heretofore made, or termination agreement, except only for proper credits to be given for any and all payments heretofore made: *Provided*, That no judgment rendered on this claim for an amount due such company shall exceed the amount heretofore found by the Court of Claims as the fair cost of manufacture of supplies left on claimant's hands, manufactured in accordance with the terms of the foregoing original contracts and changes thereunder.

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 9418) was laid on the table.

PRISCILLA M. NOLAND

The Clerk called the bill (S. 1239) for the relief of Priscilla M. Noland.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Priscilla M. Noland, of Seattle, Wash., the sum of \$765, in full satisfaction of her claim against the United States for damages resulting from an accident involving a Government truck operated in connection with the Civilian Conservation Corps, while en route from Seattle, Wash., to Snoqualmie Falls, Wash., on June 25, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

BRUNO ARENA

The Clerk called the bill (S. 1445) for the relief of Bruno Arena.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bruno Arena, of Providence, R. I., the sum of \$2,112.40, in full satisfaction of all claims against the United States for damages for personal injuries and medical expenses sustained by him when he was struck by a United States mail truck in the service of the United States Post Office Department, operated by William Conlon, an employee of the United States Post Office Department, on Promenade Street, Providence, R. I., on February 20, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

THOMAS G. ABBITT

The Clerk called the bill (S. 1474) for the relief of Thomas G. Abbit.



There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the limitations of time in sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of Thomas G. Abbitt, of Catawba Sanatorium, Va., and the United States Employees' Compensation Commission is authorized, under the remaining provisions of said act, to receive and consider his claim for disability from tuberculosis alleged to have been contracted as a result of his employment by the Corps of Engineers, War Department, in conducting a survey of the Roanoke River during the months of November and December 1930 and January to June, inclusive, 1931: *Provided*, That claim hereunder shall be filed within 6 months from the date of the approval of this act: *Provided further*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ALAN C. WINTER, JR., AND ELIZABETH WINTER

The Clerk called the bill (S. 1649) for the relief of Alan C. Winter, Jr., and Elizabeth Winter.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Alan C. Winter, Jr., and Elizabeth Winter, his wife, the sum of \$633.17, in full satisfaction of all their joint and several claims against the United States for damages resulting from personal injuries received by them, and incidental damages, on February 4, 1937, in the city of Jacksonville, Fla., on account of collision of automobile in which they were riding with a truck operated by a member of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Line 6, after the word "wife", insert "both of Jacksonville, Fla."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LE ROY BREITHAUPT

The Clerk called the bill (S. 1839) for the relief of Le Roy Breithaupt.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Comptroller General is authorized and directed to cancel the charges against Le Roy Breithaupt, of Corvallis, Oreg., in the sum of \$1,302.78, representing the unpaid balance of the claim of the United States against said Le Roy Breithaupt (United States claim No. COL-0665045) for refund of sums received by him from the United States as compensation for services as an agent in the Oregon Cooperative Extension Service during the period he was employed upon a per diem basis by the Farm Credit Administration.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROXIE RICHARDSON

The Clerk called the bill (S. 2268) for the relief of Roxie Richardson.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Roxie Richardson, of Hartford, Vt., the sum of \$1,250, in full settlement of her claims against the United States for personal injuries, medical and hospital expenses, and damages sustained by her when the automobile in which she was a passenger was struck by a car owned by the United States and used in connection with the Civilian Conservation camp at Bellows Falls, Vt., said accident having occurred March 31, 1938, at East Bethel, Windsor County, Vt.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LUTHER DEVOE

The Clerk called the bill (S. 3071) for the relief of Luther Devoe.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Luther Devoe, of Houlton, Maine, the sum of \$1,000, in full satisfaction of his claim against the United States for compensation for personal injuries sustained by him when he was struck by an automobile operated by Charles T. Warner, an employee of the Immigration and Naturalization Service, Department of Labor, while engaged in the performance of his duties as such employee, on October 27, 1937, near Houlton, Maine: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

SEC. 2. Payment shall not be made under this act until the said Luther Devoe has released, in a manner satisfactory to the Secretary of the Treasury, any judgment or other claim arising out of such accident, which he may have against the said Charles T. Warner.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VERLE S. WARD

The Clerk called the bill (S. 3073) for the relief of Verle S. Ward.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, if filed within 6 months after the enactment of this act, the claim of Verle S. Ward, of Hyattsville, Md., for disability alleged to have been caused by using bromine liquid gas while in the performance of his duties in the employment of the Treasury Department in the Supervising Architect's Office of the Public Buildings Branch of the Procurement Division.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MAJ. JOHN R. HOLT

The Clerk called the bill (S. 3092) for the relief of Maj. John R. Holt.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maj. John R. Holt, of Fort Snelling, Minn., the sum of \$96 in full satisfaction of his claim against the United States for a refund of the sum which he paid from his personal funds for two tarpaulins for use on Army trucks, such tarpaulins having been purchased by him as quartermaster officer at Fort Snelling, Minn., and payment therefor having been disallowed by the General Accounting Office: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

C. T. JENSEN

The Clerk called the next bill, S. 3233, for the relief of C. T. Jensen.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. T. Jensen, of

Minot, N. Dak., a native-born citizen of the United States, the sum of \$20.50, in full satisfaction of his claim against the United States for reimbursement of necessary expenses incurred by him by reason of the refusal of the Commissioner of Immigration and Naturalization to recognize the said C. T. Jensen as a native-born citizen of the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DOROTHY CROSSING

The Clerk called the next bill, S. 3328, for the relief of Dorothy Crossing.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dorothy Crossing, of Bogota, N. J., the sum of \$223.20 in full satisfaction of her claim against the United States for compensation for services performed by her for the Wage and Hour Division of the United States Department of Labor during the year 1939: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

W. M. HURLEY

The Clerk called the next bill, H. R. 775, for the relief of W. M. Hurley.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. M. Hurley the sum of \$500 in full satisfaction of his claim for damages to his property situated in the city of North Little Rock, Ark., allegedly as the result of the failure of the United States Government to keep in repair its dike constructed on the Arkansas River near by the said property, which failure is alleged to have caused the current to destroy the said property.

With the following committee amendment:

Strike out all the language in the bill following the enacting clause and insert in lieu thereof the following language:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. M. Hurley, of North Little Rock, Ark., the sum of \$500; and to Joe Whitson, of North Little Rock, Ark., the sum of \$1,500. The said sums shall be accepted in full settlement of all claims against the United States for damages to the property of the said W. M. Hurley and Joe Whitson situated in the city of North Little Rock, Ark., as a result of the failure of the United States Government to keep in repair its dike constructed on the Arkansas River nearby the said property: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of W. M. Hurley and Joe Whitson."

AUGUSTA BRASSIL

The Clerk called the next bill, H. R. 1528, for the relief of Augusta Brassil.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HANCOCK and Mr. COSTELLO objected; and under the rule the bill was recommitted to the Committee on Claims.

CHARLES FLACK

The Clerk called the next bill, H. R. 2106, for the relief of Charles Flack.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Charles Flack, Morristown, Tenn., the sum of \$6,000, in full settlement of all claims against the United States and in settlement of the judgments obtained against Michael Felotoirch in the United States District Court for the Eastern District of Tennessee, as a result of personal injuries sustained by Charles Flack when he was struck by Civilian Conservation Corps truck driven by said Michael Felotoirch, a member of the Civilian Conservation Corps, at Arthur, Tenn., on April 27, 1935.

With the following committee amendments:

Lines 5 and 6, strike out the words "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", and insert in lieu thereof, "not otherwise appropriated."

Line 7, strike out the amount "\$6,000" and insert in lieu thereof, "\$3,500."

At the end of the bill, add the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES P. BRUCE, JR.

The Clerk called the next bill, H. R. 2151, for the relief of James P. Bruce, Jr.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended (U. S. C., 1934 ed., title 5, secs. 767 and 770), are hereby waived in favor of James P. Bruce, Jr., who sustained an injury on or about July 31, 1936, while employed by the Tennessee Valley Authority, and his case is authorized to be considered and acted upon under the remaining provisions of such act, as amended, if he files a claim for compensation with the United States Employees' Compensation Commission not later than 60 days after the date of enactment of this act.

With the following committee amendments.

Line 8, after the word "Junior", add "of Florence, Ala."

Line 9, after the word "who", insert "is alleged to have."

At the end of the bill add: "*Provided*, That no benefits shall accrue prior to the approval of this act."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WASYL KULMATYCKI

The Clerk called the next bill, H. R. 2286, for the relief of Wasyl Kulmatycki.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wasyl Kulmatycki, a resident of Canada, or his duly authorized representative, the sum of \$500, in full settlement of all claims against the United States for the amount of a bond issued under Form 554 of the United States Department of Labor, Immigration and Naturalization Service, deposited by him with the immigration authorities of San Antonio, Tex., conditioned upon his departure from the United States on or before April 21, 1924, such bond being subsequently forfeited, although such Wasyl Kulmatycki departed from the United States within the period fixed in such bond: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said



claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 8; after the word "the", insert "refund of the." Strike out the language of the bill following the word "bond" in line 3, page 2, and insert in lieu thereof the following: "Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

S. T. ENLOE

The Clerk called the next bill, H. R. 2354, for the relief of S. T. Enloe.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. T. Enloe, of Clover, S. C., the sum of \$5,000. The payment of such sum shall be in full satisfaction of all claims against the United States for personal injuries sustained by the said S. T. Enloe when the automobile which he was driving was struck by a Government truck, operated in connection with the Civilian Conservation Corps, on January 9, 1937, near York, S. C.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Line 6, strike out the sign and figures "\$5,000" and insert in lieu thereof "\$2,673."

Line 8, after the word "injuries", insert "and property damage."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BARBARA KOSICK

The Clerk called the next bill, H. R. 2580, for the relief of Barbara Kosick.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that an identical Senate bill, S. 1942, be substituted for the House bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representative of Anna Barbara Kosick, deceased, of Los Angeles, Calif., the sum of \$5,000. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said legal representative of Anna Barbara Kosick, deceased, on account of the death of her daughter, Anna Barbara Kosick, on or about the 10th day of September 1937 as the result of injuries sustained in a collision involving the car in which the said Anna Barbara Kosick was riding and a Government vehicle in the service of the Civilian Conservation Corps at the intersection of Huntington Drive and Baldwin Avenue, in the city of Arcadia, county of Los Angeles, State of California: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

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The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

By unanimous consent a similar House bill (H. R. 2580) was laid on the table.

JOHN ENGBLOM

The Clerk called the next bill, H. R. 2628, for the relief of John Engblom.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of John Engblom, of Hawthorne, Nev., a former foreman with the United States Forest Service at Hawthorne, Nev.; and the United States Employees' Compensation Commission is authorized to receive and consider his claim, under the remaining provisions of said act, for injury and disability alleged to have been sustained in October 1936 as a result of his employment in such capacity: *Provided*, That claim hereunder shall be filed within 90 days from the approval of this act: *Provided further*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAOMA KINDER, A MINOR

The Clerk called the next bill, H. R. 2946, for the relief of Naoma Kinder, a minor.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Naoma Kinder, a minor, the sum of \$5,000, in full satisfaction of all claims against the United States for injuries sustained by her on August 23, 1938, when the material hoist operated by employees of the Geological Survey during the construction of a concrete water-stage recorder well just downstream from the left pier of the steel bridge at Ashford, W. Va., broke, allowing the boom to slide along the concrete handrail of said bridge, striking Naoma Kinder and causing her to be permanently disfigured: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 5, after the word "to", insert "the leading guardian of."

Page 1, line 6, strike out "\$5,000" and insert "\$750."

Page 1, line 8, strike out "her" and insert "the said Naomi Kinder."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

H. S. WAYMAN

The Clerk called the next bill, H. R. 3964, for the relief of H. S. Wayman.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to H. S. Wayman, Oak Grove, Mo., the sum of \$348.05. Such sum represents the actual amount of expenses incurred by the said H. S. Wayman in connection with the hospitalization of his son, Donald S. Wayman, at the Research Hospital, Kansas City, Mo., from July 21, 1937, to July 28, 1937, both dates inclusive. The said Donald S. Wayman, aviation machinist's mate, third-class, United States Navy, was taken ill while on leave of absence, but was not granted admission to the United States Army hospital at Fort Leavenworth, Kans., until July 29, 1937.

With the following committee amendments:

Page 1, line 3, after the word "Treasury", strike out "is" and insert "be, and he is hereby."

Page 1, line 6, strike out "\$348.05" and insert "\$347.75."

Page 2, line 4, after "1937", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received

by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRED T. GORDON AND BERT N. RICHARDSON

The Clerk called the next bill, H. R. 4202, for the relief of Fred T. Gordon and Bert N. Richardson.

Mr. HALLECK and Mr. HANCOCK objected, and, under the rule, the bill was recommitted to the Committee on Claims.

STANLEY V. SMITH

The Clerk called the next bill, H. R. 5297, for the relief of Stanley V. Smith.

There being no objection the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Stanley V. Smith, Atlantic City, N. J., the sum of \$76.39, in full settlement of his claim against the United States for loss of tools which were destroyed by fire while stored in a Works Progress Administration warehouse at Atlantic City, N. J., on May 8, 1936: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 6, strike out "\$76.39" and insert "\$76.10."

The committee amendment was agreed to.

The motion was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SOLOMON BROWN

The Clerk called the next bill, H. R. 5303, for the relief of Solomon Brown.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Solomon Brown, Walterboro, S. C., the sum of \$1,000. Such sum shall be in full settlement of all claims against the United States arising out of the permanent disability sustained by the said Solomon Brown due to the amputation of his right hand, necessitated by severe injuries to such hand received on October 22, 1932, while the said Solomon Brown was at work in the laundry of the United States Penitentiary at Atlanta, Ga.

With the following committee amendments:

Page 2, line 2, after the word "Georgia", insert a colon and the following: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DON E. HICKS

The Clerk called the next bill, H. R. 5464, for the relief of Don E. Hicks.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Don E. Hicks, of Heiberger, Ala., the sum of \$15,000, in full settlement of all claims against the United States for serious injuries sustained by him on July 24, 1936, when a truck in which he was riding collided with a truck of the Civilian Conservation Corps on Highway No. 80, about 7 miles west of Forest, Miss.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof

shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 6, strike out "\$15,000" and insert "\$3,500."

Page 1, line 11, after the word "*Provided*", strike out the balance of the bill and insert: "That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MINNIE LOWERY AND WINELL LOWERY

The Clerk called the next bill, H. R. 5571, for the relief of Minnie Lowery and Winell Lowery

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Minnie Lowery and her daughter, Winell Lowery, of Dallas, Tex., the sum of \$15,000 in full satisfaction of their claim against the United States for the death of Oscar L. Lowery, the husband of Minnie Lowery and father of Winell Lowery, who was shot without cause by a Federal prohibition agent at their farm near Tecumseh, Okla., July 4, 1929.

With the following committee amendments:

Page 1, line 6, strike out "\$15,000" and insert "\$4,000."

Page 1, line 9, strike out "without cause by a Federal prohibition agent at their farm near Tecumseh, Okla., July 4, 1929" and insert "and killed during an investigation of a Federal prohibition agent and assistants near Tecumseh, Okla., on July 4, 1929: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Mr. SUMNERS of Texas. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. SUMNERS of Texas to the committee amendment: Page 1, line 6, strike out "\$4,000" and insert "\$5,000."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LOUIS ST. JACQUES

The Clerk called the bill (H. R. 5771) for the relief of Louis St. Jacques.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Louis St. Jacques, Burbank, Calif., the sum of \$525. The payment of such sum shall be in full settlement of all claims against the United States on account of personal injuries received by the said Louis St. Jacques on September 21, 1933, in Burbank, Calif., when a United States Army airplane struck the house in which he resided.

With the following committee amendments:

Page 1, line 6, strike out "\$525" and insert "\$375."

Page 1, line 11, after "resided", insert a colon and the following: "*Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account



of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALBERT DE PONTI

The Clerk called the bill (H. R. 5776) for the relief of Albert DePonti.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Albert DePonti, of St. Paul, Minn., the sum of \$10,000 in full satisfaction of his claim against the United States for personal injuries sustained from a bullet which was fired by a soldier of the United States Army from a rifle employed in target practice on the United States rifle range at Fort Snelling, Minn., May 22, 1937.

With the following committee amendments:

Page 1, line 3, strike out "is hereby" and insert "be, and he is hereby."

Page 1, line 6, strike out "\$10,000" and insert "\$5,000."

Page 1, line 7, strike out "satisfaction of his claim" and insert "settlement of all claims."

Page 2, line 1, after "1937", insert a colon and the following:

"Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILBUR P. RIDDLESBARGER AND JOSEPHINE RIDDLESBARGER

The Clerk called the next bill, H. R. 6095, for the relief of Wilbur P. Riddlesbarger and Josephine Riddlesbarger.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Wilbur P. Riddlesbarger and Josephine Riddlesbarger, of Eugene, Oreg., the sum of \$5,000, in full satisfaction of their claim against the United States on account of the death of their minor son, Wilbur Paul Riddlesbarger, Jr., who died on May 15, 1938, as the result of injuries received when he fell into a ditch left open and unguarded by Works Progress Administration employees: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 7, strike out "\$5,000" and insert "\$2,500" and strike out "their claim" and insert "all claims."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ISOBELL SHANKS

The Clerk called the next bill, H. R. 6548, for the relief of Isobell Shanks.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Isobell Shanks, of Wave-

land, Ind., the sum of \$10,000. The payment of such sum shall be in full settlement of all claims against the United States on account of the personal injuries sustained by the said Isobell Shanks when the automobile in which she was a passenger was struck on June 24, 1938, near Waveland, Ind., by a truck owned by the Civilian Conservation Corps, and operated by an employee of the corps.

With the following committee amendments:

Page 1, line 5, at the end of the line, insert "Frank E. Shanks, as legal guardian of."

Line 7, strike out "\$10,000" and insert "\$3,500."

Line 9, after "by", strike out "the said" and insert "his minor daughter."

Page 2, after line 2, insert:

"Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FIDELITY TRUST CO. OF BALTIMORE, MD.

The Clerk called the next bill, H. R. 6819, for the payment of claims of the Fidelity Trust Co. of Baltimore, Md., and others.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFFER of Wisconsin. Mr. Speaker, a similar bill has been vetoed by the President; therefore I object.

Mr. THILL. I object, Mr. Speaker.

Under the rule, the bill was recommitted to the Committee on Claims.

WILLIAM M. IRVINE

The Clerk called the next bill, H. R. 6891, for the relief of William M. Irvine.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Postmaster General be, and he is hereby, authorized and directed to pay to William M. Irvine, of Alhambra, Calif., out of the appropriation for "Clerks, first- and second-class post office, 1939," the sum of \$304.05, in full and final settlement of any and all claims against the Government on account of the work performed by him as clerk in the Los Angeles Post Office between July 1 and August 25, 1938.

With the following committee amendment:

Page 1, beginning in line 3, strike out all after the enacting clause and insert the following:

"That in the audit of the accounts of the postmaster at Los Angeles, Calif., the Comptroller General of the United States is hereby authorized and directed to waive the citizenship requirements of section 5 of the act of March 28, 1938, 52 Stat. 148, as to compensation earned by William M. Irvine during the period July 1 to August 25, 1938, inclusive, as a postal clerk at Los Angeles, Calif."

"Sec. 2. The postmaster at Los Angeles, Calif., is hereby authorized and directed to pay William M. Irvine, under the applicable appropriation of the Postal Service, such part of \$304.05 as has not been paid him, or, having heretofore been paid to him, has been refunded by the payee, such sum representing the net amount of compensation earned by him during the period July 1 to August 25, 1938, inclusive, as a postal clerk at Los Angeles, Calif.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THOMAS BOYD

The Clerk called the next bill, H. R. 6967, for the relief of Thomas Boyd.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and

for other purposes," approved September 7, 1916, as amended, the United States Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, the claim of Thomas Boyd for disability alleged to have been incurred by him during January of 1934, when engaged in authorized activities while an employee of the Norfolk Navy Yard at Norfolk, Va., and to determine said claim upon its merits under the provisions of said act: *Provided*, That said claim shall be filed with the United States Employees' Compensation Commission not later than 60 days after the approval of this act: *And provided further*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK HALL

The Clerk called the next bill, H. R. 7283, for the relief of Frank Hall.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Hall, of New Paris, Ohio, the sum of \$7,073.85. Such sum represents and shall be in full settlement of all claims against the United States for loss incurred in the destruction by fire of real and chattel property on or about February 18, 1939, said fire resulting from actions of an agent or agents of the Soil Conservation Service, United States Department of Agriculture: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 6, after "of", strike out "\$7,073.85" and insert "\$5,844.29."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. MONTROSE EDREHI

The Clerk called the next bill, H. R. 7608, for the relief of J. Montrose Edrehi.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Comptroller of the United States be, and he is hereby, authorized and directed to settle and allow the claim of J. Montrose Edrehi for compensation for services rendered as United States commissioner in the northern district of Florida from April 1, 1936, to June 30, 1938, inclusive, notwithstanding the fact that accounts therefor were not submitted by the commissioner within 1 year after the rendition of such services in accordance with the provisions of the act of March 1, 1933 (47 Stat. 1383).

With the following committee amendment:

Page 1, after line 2, strike out all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. Montrose Edrehi the sum of \$517.30, in full settlement of all claims against the United States for services rendered by the said J. Montrose Edrehi as United States commissioner for the northern district of Florida for the period beginning May 1, 1936, and ending April 30, 1938: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNA T. SIFFERMAN VARGA

The Clerk called the next bill, H. R. 7821, for the relief of Anna T. Sifferman Varga.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anna T. Sifferman Varga,

formerly a clerk in the American Consulate General at Munich, Germany, the sum of \$240, in full settlement of all claims against the Government of the United States for expenses incurred in shipping her personal effects to the United States in May 1939: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

R. F. BRAZELTON

The Clerk called the next bill, H. R. 7826, for the relief of R. F. Brazelton.

There being no objection, the Clerk read the bill, as follows:

Whereas in October 1933 the Government announced it would make loans on the basis of 10 cents per pound to producers on cotton stored in warehouses approved by the Reconstruction Finance Corporation and the Commodity Credit Corporation; and

Whereas in pursuance of this policy and authority, the Commodity Credit Corporation contracted for a certain brick warehouse from J. E. McCoy & Son, located at Kingsland, Cleveland, County, Ark., which warehouse was approved by the said Commodity Credit Corporation and the Reconstruction Finance Corporation, and notice of its approval as a Government warehouse for the storage of cotton for loans by producers in that section was duly given and farmers desiring loans were advised to store their cotton in said warehouse; and

Whereas on the 2d day of November 1933, being the first day said warehouse was open to receive cotton for storage, seven bales were stored therein by R. F. Brazelton seeking a loan from said Commodity Credit Corporation, which bales were weighed and receipted for; and

Whereas in the early morning of November 3, 1933, said warehouse and its contents, including the seven bales of cotton belonging to the said R. F. Brazelton stored therein and receipted for, were burned and totally destroyed; and

Whereas it has been determined that the said R. F. Brazelton should be compensated by the Government of the United States on the basis of 10 cents per pound: Therefore

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, \$360 for the loss of 3,600 pounds of cotton (seven bales).

Sec. 2. That such payment shall be received in full settlement by the said R. F. Brazelton for the loss sustained by him by reason of the cotton having been destroyed by fire while stored in said warehouse, and the sum of \$360 is hereby appropriated for the purpose of carrying out the provisions of this act.

With the following committee amendment:

Beginning on page 1, strike out the preamble and all after the enacting clause and insert the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$360 to R. F. Brazelton of New Edinburg, Ark., in full settlement of all claims against the United States for the loss of 3,600 pounds of cotton (7 bales), said cotton having been destroyed by fire while stored in a warehouse approved by the Reconstruction Finance Corporation and the Commodity Credit Corporation: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARY D. BRIGGS AND SIMEON G. RIGOR

The Clerk called the next bill, H. R. 7858, for the relief of Mary D. Briggs and Simeon G. Rigor.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States is hereby authorized and directed to credit the account of Mary D. Briggs, postmaster at Los Angeles, Calif., in the amount of \$114.91, representing compensation in part paid, and in part to be paid, to Simeon G. Rigor and earned by the latter while employed as a temporary substitute clerk in the post office at Los Angeles, Calif., disallowance of the amount having been based upon a legal prohibition resulting from lack of proof of citizenship.



Sec. 2. The postmaster at Los Angeles, Calif., is authorized and directed to pay to Simeon G. Rigor the balance due him of \$53.88 for services rendered, such amount being incorporated in the amount stated in section 1 of this act.

With the following committee amendment:

Page 2, line 5, after the word "Act", insert the following:

"Provided, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SIMON A. BRIEGER

The Clerk called the next bill, H. R. 7914, for the relief of Simon A. Brieger, as legal representative of the estate of Thomas Gerald Brieger, a deceased minor.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Simon A. Brieger, of Mississippi, as legal representative of the estate of Thomas Gerald Brieger, a deceased minor, the sum of \$2,500. The payment of such sum shall be in full settlement of all claims against the United States on account of the death of the said Thomas Gerald Brieger, who was fatally injured on March 14, 1939, in Lauderdale County, Miss., by a truck operated by the Work Projects Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provision of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. A. R. BARNARD AND OTHERS

The Clerk called the next bill, H. R. 8097, to amend an act entitled "An act for the relief of Mrs. A. R. Barnard, Charles A. Stephens, Donald W. Prairie, and dependents of Vern A. Needles," approved July 15, 1939.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, a similar Senate bill (S. 3307) will be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the act of July 15, 1939 (Private, No. 95, 76th Cong., 1st sess.), is amended by striking out all of that portion thereof reading "and the sum of \$5,000 to Mrs. Vern A. Needles, Newport, Oreg., widow of Vern A. Needles, who, as a member of the crew of the motorboat *M. E. Sloan*, was drowned when such motorboat was capsized and destroyed as aforesaid: *Provided*," and substituting in lieu thereof "and the sum of \$2,500 to Mrs. Vern A. Needles, Newport, Oreg., widow, and the sum of \$2,500 to Charles V. Needles, minor son, of Vern A. Needles, who, as a member of the crew of the motorboat *M. E. Sloan*, was drowned when such motorboat was capsized and destroyed as aforesaid: *Provided*, That payment of the last-named amount shall be made to the legal guardian of Charles V. Needles, for his use and benefit: *Provided further*."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 8097) was laid on the table.

JAMES L. KINNEY

The Clerk called the next bill, H. R. 8099, for the relief of James L. Kinney.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States

suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of James L. Kinney for disability alleged to have been incurred by him while in the employ of the Department of Commerce, Bureau of Air Commerce, and to determine said claim upon its merits under provisions of said act: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the enactment of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEIRS OF LT. WILLIAM LEE CLEMMER, COAST GUARD

The Clerk called the next bill, H. R. 8722, for the relief of the heirs of Lt. William Lee Clemmer, Coast Guard.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, a similar Senate bill (S. 3487) will be considered in lieu of the House bill.

There being no objection, the Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized to transfer to H. Adria Clemmer, widow, and to the legal guardian of Constance N. Clemmer and William L. Clemmer, minor children of Lt. William Lee Clemmer (deceased), United States Coast Guard, by means of an appropriate legal instrument, the right, title, and interest of the United States over and above the license rights to be reserved under the appended proviso, in and to a certain invention made by the said Lt. William Lee Clemmer and consisting of new and useful improvements in method and means for determining vertical angles of energy waves, for which application has been made to the Commissioner of Patents for the grant of letters patent of the United States under the act of March 3, 1883 (22 Stat. 625), as amended by the act of April 30, 1928 (45 Stat. 467; U. S. C., title 35, sec. 45), such application having been executed April 30, 1937, and filed May 26, 1937, being designated as Serial No. 144,871: *Provided, however*, That such legal instrument shall reserve to the Government of the United States, in all departments, independent establishments, and corporate and other agencies thereof, a nonexclusive, irrevocable, and nontransferable royalty-free license to make, to have made for it, to use, to practice, to maintain in repair, and to sell as surplus and condemned material, or otherwise as provided by law, any and all devices, methods, and inventions disclosed or claimed in the said application, or in any divisions or continuations thereof or substitutes therefor, under and for the full term or terms of any United States letters patent which may be granted on said application or on any divisions, extensions, continuations, or reissues thereof or substitutes therefor; and shall reserve to the Government of the United States as represented by the Secretary of the Treasury the irrevocable and exclusive right to prosecute any above referred to application, together with the full power of substitution and revocation of powers of attorney therein, including the right to make alterations and amendments to any said application, to transact all business in the Patent Office connected therewith, and to prosecute, conduct, and make adjustments and settlements of any interferences or other actions or proceedings that any such application may encounter or in which any such application may become involved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A House bill (H. R. 8722) was laid on the table.

LAMBORN & CO.

The Clerk called the next bill, H. R. 5937, to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn & Co.

Mr. SCHAFER of Wisconsin and Mr. THILL objected, and, under the rule, the bill was recommitted to the Committee on Claims.

Mr. COSTELLO. Mr. Speaker, I move to dispense with further proceedings under the call of the Private Calendar. The motion was agreed to.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 7543. An act to authorize the Secretary of the Navy to accept real estate granted to the United States by the city of Miami, Fla., and for other purposes;

H. R. 7737. An act to amend the Judicial Code by adding a new section thereto, designated as section 266a, to provide for intervention by States in certain cases involving the validity of the exercise of any power by the United States, or any agency thereof, or any officer or employee thereof, and for other purposes; and

H. R. 9140. An act to authorize the Secretary of the Navy to acquire land at Key West, Fla.

#### ADJOURNMENT

Mr. COSTELLO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 50 minutes p. m.) the House adjourned until tomorrow, Thursday, May 30, 1940, at 12 o'clock noon.

### COMMITTEE HEARINGS

#### COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce on Thursday, May 30, 1940, at 10 a. m.

Business to be considered: To continue hearings on S. 280 and H. R. 145, motion pictures. The opposition will continue.

#### COMMITTEE ON MINES AND MINING

The Subcommittee on Mines and Mining that was appointed to consider S. 2420 will continue hearings on Friday, May 31, 1940, at 10 a. m., in the committee rooms in the New House Office Building.

#### COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds Thursday, May 30, 1940, at 10:30 a. m., for the consideration of House Joint Resolution 472.

#### COMMITTEE ON THE JUDICIARY

On Monday, June 3, 1940, the Special Subcommittee on Bankruptcy and Reorganization of the Committee on the Judiciary will hold a hearing on the bill, H. R. 9864, amending the Bankruptcy Act with respect to the basis of property and excluding certain corporations from the provisions of chapter XI. The hearing will be held in the Judiciary Committee room, 346 House Office Building, and will begin at 10 a. m.

#### COMMITTEE ON INVALID PENSIONS

There will be a meeting of the Committee on Invalid Pensions on Monday, June 3, 1940, at 10:30 a. m., in room 247, House Office Building, for the purpose of considering H. R. 7899, entitled "A bill extending the provisions of pension laws relating to Indian War veterans to members of Companies E and F, Frontier Battalion, Texas Rangers, and for other purposes," and H. R. 8030, entitled "A bill granting pensions to certain former members of the organizations known as the Spring Creek Company of South Dakota Volunteers."

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1685. A letter from the Archivist of the United States, transmitting a list of papers recommended for disposition by the clerk, United States District Court of South Dakota; to the Committee on the Disposition of Executive Papers.

1686. A letter from the Archivist of the United States, transmitting a list of still photographic film recommended for disposition; to the Committee on the Disposition of Executive Papers.

1687. A letter from the Archivist of the United States, transmitting a list of papers recommended for disposition by the Civil Aeronautics Authority; to the Committee on the Disposition of Executive Papers.

1688. A letter from the Archivist of the United States, transmitting a list of papers recommended for disposition by the Panama Canal; to the Committee on the Disposition of Executive Papers.

1689. A letter from the Archivist of the United States, transmitting a list of papers recommended for disposition by the Interstate Commerce Commission; to the Committee on the Disposition of Executive Papers.

1690. A letter from the Archivist of the United States, transmitting a list of papers recommended for disposition by the General Accounting Office; to the Committee on the Disposition of Executive Papers.

1691. A letter from the Archivist of the United States, transmitting a list of papers recommended for disposition by the Department of Commerce; to the Committee on the Disposition of Executive Papers.

1692. A letter from the Archivist of the United States, transmitting lists of papers recommended for disposition by the Department of Agriculture; to the Committee on the Disposition of Executive Papers.

1693. A letter from the Archivist of the United States, transmitting a list of papers recommended for disposition by the Department of the Interior; to the Committee on the Disposition of Executive Papers.

1694. A letter from the Archivist of the United States, transmitting a list of papers recommended for disposition by the Department of the Navy; to the Committee on the Disposition of Executive Papers.

1695. A letter from the Archivist of the United States, transmitting a list of papers recommended for disposition by the United States attorney for the northern district of Illinois, with the approval of the Department of Justice; to the Committee on the Disposition of Executive Papers.

1696. A letter from the Secretary of War, transmitting a draft of a proposed bill to authorize the transfer of the Arlington Farm, Va., from the jurisdiction of the Department of Agriculture to the Department of the Interior and the War Department, and for other purposes; to the Committee on Agriculture.

1697. A letter from the Attorney General, transmitting a draft of a proposed bill to require registration of all firearms in the United States and a record of their transfers, accompanied by the imposition of a nominal tax on each transfer; to the Committee on Ways and Means.

1698. A letter from the Attorney General, transmitting a draft of a proposed bill for the relief of Ray C. McMillen with accompanying papers; to the Committee on Claims.

1699. A communication from the President of the United States, transmitting deficiency estimates of appropriations for the District of Columbia for the fiscal year 1939 and prior fiscal years in the amount of \$74,990.16, and supplemental estimates of appropriations for the fiscal years 1940 and 1941 in the amount of \$400,740.47; in all, \$475,730.63 (H. Doc. No. 791); to the Committee on Appropriations and ordered to be printed.

1700. A communication from the President of the United States, transmitting an estimate of appropriation, submitted by the Commissioners of the District of Columbia, to settle claims and suits against the District of Columbia amounting to \$400 (H. Doc. No. 792); to the Committee on Appropriations and ordered to be printed.

1701. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year ending June 30, 1940, to remain available until expended, for the War Department, for acquisition of land, amounting to \$76,750 (H. Doc. No. 793); to the Committee on Appropriations and ordered to be printed.

1702. A communication from the President of the United States, transmitting a draft of a proposed provision pertaining to the existing appropriations of the War Department for construction of buildings, utilities, and appurtenances at



military posts (H. Doc. No. 794); to the Committee on Appropriations and ordered to be printed.

1703. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the National Advisory Committee for Aeronautics for the fiscal year 1941, amounting to \$1,200,000, to be available immediately (H. Doc. No. 795); to the Committee on Appropriations and ordered to be printed.

1704. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Council of National Defense in the amount of \$1,000,000 to be immediately available and to remain available until expended in accordance with the provisions of section 2 of the act of August 29, 1916 (H. Doc. No. 790); to the Committee on Appropriations and ordered to be printed.

1705. A letter from the Chairman, Reconstruction Finance Corporation, transmitting a report on the activities and expenditures of the Reconstruction Finance Corporation for the month of April 1940 (H. Doc. No. 796); to the Committee on Banking and Currency and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. DEMPSEY: Committee on Rules. House Resolution 502. Resolution to amend rule XXXV of the Rules of the House of Representatives; without amendment (Rept. No. 2334). Referred to the House Calendar.

Mr. WEAVER: Committee on the Judiciary. S. 2262. An act to provide for a change in the time for holding court at Rock Hill and Spartanburg, S. C.; without amendment (Rept. No. 2335). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee on Public Buildings and Grounds. H. R. 9063. A bill authorizing the Secretary of the Treasury to transfer certain property in San Francisco, Calif., to the city and county of San Francisco for street purposes; with amendment (Rept. No. 2337). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. H. R. 9896. A bill to authorize appropriations for construction at military posts, and for other purposes; without amendment (Rept. No. 2338). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. H. R. 9897. A bill to authorize the acquisition of additional land for military purposes; without amendment (Rept. No. 2339). Referred to the Committee of the Whole House on the state of the Union.

Mr. LESINSKI: Committee on Invalid Pensions. H. R. 9149. A bill to amend the act of March 3 1927, entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes"; without amendment (Rept. No. 2340). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEAGALL: Committee on Banking and Currency. S. 1964. An act to amend section 5136 of the Revised Statutes, as amended, to authorize charitable contributions by national banking associations; without amendment (Rept. No. 2341). Referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MASON: Committee on Immigration and Naturalization. H. R. 4357. A bill for the relief of Felix Frank, his wife, Sarah, and children, Jacob and Pauline; with amendment (Rept. No. 2331). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 5218. A bill for the relief of Giacoma Cicila;

without amendment (Rept. No. 2332). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. H. R. 6333. A bill for the relief of Mary Alexina McKinnon; without amendment (Rept. No. 2333). Referred to the Committee of the Whole House.

Mr. TALLE: Committee on Immigration and Naturalization. H. R. 8304. A bill for the relief of Mrs. O. A. Danneberger; without amendment (Rept. No. 2336). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Missouri:

H. R. 9944. A bill to establish a national home defense force, and for other purposes; to the Committee on Military Affairs.

By Mr. BLOOM:

H. R. 9945. A bill to amend section 2 of the act of April 13, 1938, entitled "An act to provide for a flowage easement on certain ceded Chippewa Indian lands bordering Lake of the Woods, Warroad River, and Rainy River, Minn., and for other purposes"; to the Committee on Foreign Affairs.

By Mr. CREAL:

H. R. 9946. A bill to permit the reappointment of postmasters on military reservations; to the Committee on the Post Office and Post Roads.

By Mr. KEOGH:

H. R. 9947. A bill to repeal obsolete statutes and to improve the United States Code; to the Committee on Revision of the Laws.

By Mrs. CLARA G. McMILLAN:

H. R. 9948. A bill to provide for the designation of an individual domicile and residence when making income-tax returns; to the Committee on Ways and Means.

By Mr. SMITH of Washington:

H. R. 9949. A bill authorizing an appropriation for the establishment and development of a naval air and seaplane base at Grays Harbor, Wash.; to the Committee on Naval Affairs.

H. R. 9950. A bill authorizing an appropriation for the establishment and development of a naval air and seaplane base at Willapa Harbor, Wash.; to the Committee on Naval Affairs.

By Mr. EDELSTEIN:

H. R. 9951. A bill to provide workmen's compensation for employees of carriers engaged in interstate transportation by motor vehicles, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BOEHNE:

H. R. 9952. A bill authorizing the Indiana State Toll Bridge Commission to construct, maintain, and operate a toll bridge across the Wabash River at or near Mount Vernon, Posey County, Ind.; to the Committee on Interstate and Foreign Commerce.

By Mr. CELLER:

H. R. 9953. A bill to establish certain rights for combat veterans of wars of the United States; to the Committee on World War Veterans' Legislation.

H. R. 9954. A bill to amend section 7 of the act of May 14, 1930 (46 Stat. 326; U. S. C., title 18, sec. 753f); relating to places of confinement and transfers of persons convicted of an offense against the United States; to the Committee on the Judiciary.

By Mr. LEA:

H. R. 9955. A bill to provide for the more uniform coverage of certain persons employed in coal-mining operations with respect to insurance benefits provided for by certain Federal acts, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Oklahoma:

H. R. 9956. A bill to provide an old-age pension for the citizens of the United States; to the Committee on Ways and Means.

By Mr. COOLEY:

H. R. 9957. A bill relating to the reconcentration of cotton by the Commodity Credit Corporation; to the Committee on Agriculture.

By Mr. STEAGALL:

H. R. 9958. A bill to authorize the purchase by the Reconstruction Finance Corporation of stock of Federal home-loan banks; to amend the Reconstruction Finance Corporation Act, as amended; and for other purposes; to the Committee on Banking and Currency.

By Mr. VINCENT of Kentucky:

H. R. 9959. A bill to provide for the completion of the Mammoth Cave National Park in the State of Kentucky, and for other purposes; to the Committee on the Public Lands.

By Mr. DINGELL:

H. J. Res. 554. Joint resolution making appropriations for improvement of airports; to the Committee on Appropriations.

#### MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of New Jersey, memorializing the President and the Congress of the United States to consider their Assembly Concurrent Resolution No. 19, with reference to national-defense program; to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EBERHARTER:

H. R. 9960. A bill to record the lawful admission to the United States for permanent residence of Anton Seles; to the Committee on Immigration and Naturalization.

By Mr. LARRABEE:

H. R. 9961. A bill granting a pension to Martha E. Wilburn; to the Committee on Invalid Pensions.

By Mr. POWERS:

H. R. 9962. A bill for the relief of Rudolph Oliver Eppler; to the Committee on Naval Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8493. By Mr. BREWSTER: Petition of members of Penobscot Tribe of Indians of Indian Island, signed by 375 urging construction of a bridge between Indian Island and Old Town; to the Committee on Military Affairs.

8494. By Mr. LUTHER A. JOHNSON: Petition of Tom J. Anderson, post commander; J. M. Flanagan, adjutant; Llewellyn Notley, service officer of the W. A. Harrison Post, No. 238, American Legion, Teague, Tex., favoring the administration's defense program, also repeal of legislation preventing shipment of material to the Allies, etc.; to the Committee on Military Affairs.

8495. By Mr. MARTIN J. KENNEDY: Petition of the Metropolitan League of Savings and Loan Associations, New York City, urging support of House bill 6971, concerning the thrift and home-financing needs of the citizens of this country; to the Committee on Banking and Currency.

8496. Also, petition of Robert Gair Co., Inc., New York City, expressing opposition to Senate bill 1970 which, in their opinion, is in direct opposition to the President's "anti-fifth column" program; to the Committee on Labor.

8497. By Mr. PFEIFER: Petition of the International Association of Machinists, National Lodge No. 556, Government employees, Brooklyn, N. Y., opposing any change in the Walsh-Healey Act; to the Committee on Labor.

8498. By Mr. SCHWERT: Resolution of the executive committee of Association of State Civil Service Employees, pertaining to national defense and other matters relating to the war abroad; to the Committee on Foreign Affairs.

8499. By Mr. TOLAN: Joint resolution of the Senate and the Assembly of the State of California, protesting the proposed attack upon the title of the State of California to its tide, submerged, and overflowed lands; to the Committee on the Judiciary.

8500. By Mr. VREELAND: Petition of the State of New Jersey; to the Committee on Military Affairs.

8501. By the SPEAKER: Petition of the Club Femina, San Mateo, Calif., petitioning consideration of their resolution with reference to aid to Europe; to the Committee on Foreign Affairs.

8502. Also, petition of the International Workers Order, San Diego, Calif., petitioning consideration of their resolution with reference to the Dies committee; to the Committee on Rules.

8503. Also, petition of the Warehouse Union, District 1, Local 6, International Longshoremen and Warehousemen's Union, San Francisco, Calif., petitioning consideration of their resolution with reference to a bill to deport Harry Bridges; to the Committee on Immigration and Naturalization.

8504. Also, petition of the United Construction Workers, Local 66, Sacramento, Calif., petitioning consideration of their resolution with reference to a bill to deport Harry Bridges; to the Committee on Immigration and Naturalization.

8505. Also, petition of the International Union, United Automobile Workers of America, Saginaw, Mich., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

8506. Also, petition of the Washington Industrial Union Council, Congress of Industrial Organizations, Washington, D. C., petitioning consideration of their resolution with reference to Senate bill 591, United States Housing Authority program; to the Committee on Banking and Currency.

8507. Also, petition of the Women's Auxiliary, No. 11, United Automobile Workers of America, Congress of Industrial Organizations, Local 157, West Side Tool and Die, petitioning consideration of their resolution with reference to antialien bills; to the Committee on Immigration and Naturalization.

8508. Also, petition of the United Rubber Workers of America, Local 100, Los Angeles, Calif., petitioning consideration of their resolution with reference to a bill to deport Harry Bridges; to the Committee on Immigration and Naturalization.

8509. Also, petition of the National Aviation Day Association, Inc., Washington, D. C., petitioning consideration of their resolution with reference to aircraft and national defense; to the Committee on Military Affairs.

8510. Also, petition of the City Council of Baltimore, Baltimore, Md., petitioning consideration of their resolution with reference to the national-defense program; to the Committee on Military Affairs.

## SENATE

THURSDAY, MAY 30, 1940

(Legislative day of Tuesday, May 28, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Thou God of all the ages, who art the God not of the dead but of the living, we thank Thee for all those who, having finished their course in faith, do now rest from their labors, especially those by whose spirits we are challenged to rededicate ourselves to the service, honor, and welfare of our country. May we never forget that, though the wildest strains of martial music are carried away on the wings of the wind, the wordless courage of the fallen hero will mark the spot, so long as time shall last, where pilgrims of every race and