Mr. RYAN: Committee on Claims. S. 1143. An act for the relief of G. L. Tarlton; with amendment (Rept. No. 1060). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. S. 1144. An act for the relief of the Frazier-Davis Construction Co.; with amendment (Rept. No. 1061). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. S. 1188. An act for the relief of J. E. Sammons; with amendment (Rept. No. 1062). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. S. 557. An act authorizing the naturalization of James Lincoln Hartley, and for other purposes; without amendment (Rept. No. 1067). Referred to the Committee of the Whole House.

Mr. LESINSKI: Committee on Immigration and Naturalization. H. R. 6468. A bill to authorize the cancelation of deportation proceedings in the case of John Grinwood Taylor; without amendment (Rept. No. 1068). 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. SHEPPARD: A bill (H. R. 7574) to authorize a preliminary examination and survey of Whitewater River, and the watersheds thereof in the counties of Riverside and San Bernardino in the State of California, for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. BOEHNE: A bill (H. R. 7575) to amend the Revenue Act of 1936 with respect to the surtax on undistributed profits; to the Committee on Ways and Means.

By Mr. DOUGHTON: A bill (H. R. 7576) to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes; to the Committee on Ways and Means.

By Mr. FLANNAGAN: A bill (H. R. 7577) to provide an adequate and balanced flow of the major agricultural commodities in interstate and foreign commerce, and for other purposes; to the Committee on Agriculture.

By Mr. GREEVER: A bill (H. R. 7578) to authorize the Secretary of the Interior to issue patents to States under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), subject to prior leases issued under section 15 of said act; to the Committee on the Public Lands.

By Mr. HILL of Oklahoma: A bill (H. R. 7579) to regulate apportionment of Federal employments, and for other purposes; to the Committee on the Civil Service.

By Mr. PACE: A bill (H. R. 7580) to provide that any veteran of the World War disabled or deceased prior to January 1, 1925, from lymphatic leukemia or pernicious anemia shall be presumed to have acquired such disability during the World War; to the Committee on World War Veterans' Legislation.

By Mr. VINSON of Georgia: Resolution (H. Res. 245) making H. R. 6547, a bill to authorize the Secretary of the Navy to proceed with the construction of certain public works in or in the vicinity of the District of Columbia, and for other purposes, a special order of business; to the Committee on Rules.

By Mr. KOPPLEMANN: Joint resolution (H. J. Res. 417) to provide for the printing of an article by M. W. Hazen entitled "Agriculture in Palestine and the Development of Jewish Colonization" as a House document; to the Committee on Printing.

By Mr. DOUGHTON: Joint resolution (H. J. Res. 418) making an appropriation for expenses of the Joint Committee on Tax Evasion and Avoidance; to the Committee on Appropriations.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

The SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing the President and the Congress of the United States with reference to House bill 5538, concerning pensions for blind persons; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CULKIN: A bill (H. R. 7581) granting a pension to Luta M. Ash; to the Committee on Invalid Pensions.

Also, a bill (H. R. 7582) granting an increase of pension to Sarah Zufelt; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 7583) for the relief of Howard P. Bryan; to the Committee on Military Affairs.

By Mr. HARLAN: A bill (H. R. 7584) granting a pension to William Lennox; to the Committee on Pensions.

By Mr. KNUTSON: A bill (H. R. 7585) for the relief of Lt. T. L. Bartlett; to the Committee on Claims.

By Mr. LORD: A bill (H. R. 7586) granting a pension to Clarinda E. Kenyon; to the Committee on Invalid Pensions.

By Mr. TARVER: A bill (H. R. 7587) for the relief of Lon D. Worsham Co.; to the Committee on Claims.

By Mr. TINKHAM (by request): A bill (H. R. 7588) for the relief of Wellington G. Richardson; to the Committee on Claims.

PETITIONS, ETC.

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

2669. By Mr. HAVENNER: Petition of the Chinese Young Woman's Christian Association and other citizens of San Francisco, endorsing the Wagner-Steagall bill; to the Committee on Banking and Currency.

2670. By Mr. HULL: Petition of the Wisconsin State Legislature, memorializing Congress to pass House bill 5538, relating to blind pensions, now pending before the Congress of the United States; to the Committee on Pensions.

2671. By Mr. KRAMER: Resolution of the Senate and Assembly of the State of California, relative to memorializing the President and the Congress to enact House bill 4009, which proposes to appropriate $50,000,000 to cooperate with the States of the United States in the eradication of noxious weeds, etc.; to the Committee on Agriculture.

2672. Also, resolution of the Assembly and Senate of the State of California, relative to Federal aid to State or Territorial veterans' homes; to the Committee on Appropriations.

2673. By Mr. LESINSKI: Resolution of the House of Representatives (the Senate concurring) of the Michigan Legislature, urging the Congress of the United States to adopt legislation providing for the granting of consent to the Mackinac Straits Bridge Authority of Michigan to construct a bridge across the Straits of Mackinac; to the Committee on Rivers and Harbors.

2674. By Mr. McLAUGHLIN: Resolution protesting against the amendment which would require sponsors of Works Progress Administration projects to furnish at least 40 percent of the cost of the project; to the Committee on Appropriations.

2675. By Mr. PFEIFER: Petition of the Waste Material Sorters, Trimmers, and Handlers' Union, Local No. 18445, A. F. of L., Brooklyn, N. Y., concerning the restriction of scrap exportation, Senate bill 2025 and House bill 6278; to the Committee on Military Affairs.

SENATE

MONDAY, JUNE 21, 1937

(Legislative day of Tuesday, June 15, 1937)

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

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, June 18, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

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

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum, and ask for a roll call.

The PRESIDENT pro tempore. The clerk will call the roll.

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

Adams	Chavez	Hughes	Pittman
Andrews	Clark	Johnson, Colo.	Pope
Ashurst	Connally	La Follette	Radcliffe
Austin	Copeland	Lee	Reynolds
Bailey	Davis	Lewis	Robinson
Bankhead	Dieterich	Lodge	Russell
Barkley	Duffy	Logan	Schwartz
Bilbo	Ellender	Lonergan	Schwellenbach
Black	Frazier	Lundeen	Smathers
Bone	George	McAdoo	Steiwer
Borah	Gerry	McGill	Thomas, Okla.
Bridges	Gibson	McKellar	Thomas, Utah
Brown, Mich.	Gillette	McNary	Townsend
Brown, N. H.	Glass	Minton	Truman
Bulkley	Guffey	Moore	Tydings
Bulow	Harrison	Murray	Vandenberg
Burke	Hatch	Neely	Van Nuys
Byrd	Hayden	Norris	Wagner
Byrnes	Herring	Nye	Walsh
Capper	Hitchcock	O'Mahoney	Wheeler
Caraway	Holt	Overton	White

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are absent because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Ohio [Mr. DONAHEY], the Senator from Rhode Island [Mr. GREEN], the Senator from Nevada [Mr. MCCARRAN], the Senator from Florida [Mr. PEPPER], the Senator from Texas [Mr. SHEPPARD], and the Senator from South Carolina [Mr. SMITH] are detained from the Senate upon important public business.

Mr. AUSTIN. I announce that the Senator from Minnesota is necessarily absent from the Senate.

The PRESIDENT pro tempore. Eighty-four Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had agreed to the amendment of the Senate to the amendment of the House to the bill (S. 713) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926.

The message also announced that the House had severally agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 937. An act for the relief of Goldie Durham;

H. R. 988. An act for the relief of Otis Cordle, a minor;

H. R. 1065. An act for the relief of Mrs. Louis Abner;

H. R. 1275. An act for the relief of Sarah L. Smith;

H. R. 2090. An act for the relief of John Knaack;

H. R. 2226. An act for the relief of Leah Levine;

H. R. 2781. An act for the relief of Rev. Harry J. Hill;

H. R. 2801. An act for the relief of Claude Curteman;

H. R. 2935. An act for the relief of Montrose Grimstead;

H. R. 3055. An act for the relief of the estate of John E. Callaway;

H. R. 3451. An act for the relief of F. M. Loeffler;

H. R. 3583. An act for the relief of Martin J. Blazevich;

H. R. 3812. An act for the relief of the estate of Rees Morgan;

H. R. 4023. An act for the relief of Lucy Jane Ayer;

H. R. 5146. An act for the relief of Sarah E. Palmer;

H. R. 5214. An act conferring jurisdiction upon the United States District Court for the Eastern District of Arkansas to hear, determine, and render judgment upon the claim of Charles W. Benton; and

H. R. 5456. An act for the relief of Harold Scott and Ellis Marks.

The message further announced that the House had severally agreed to the amendments of the Senate to each of the following bills of the House:

H. R. 703. An act for the relief of Elbert Arnold Jarrell;

H. R. 2108. An act for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White; and

H. R. 3575. An act for the relief of Albert Retellatto, a minor.

The message also announced that the House had insisted upon its amendments to the bill (S. 455) for the relief of J. R. Collie and Eleanor Y. Collie, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON were appointed managers on the part of the House at the conference.

The message further announced that the House had severally disagreed to the amendments of the Senate to each of the following bills of the House, asked conferences with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON were appointed managers on the part of the House at the several conferences:

H. R. 458. An act for the relief of Eva Markowitz;

H. R. 730. An act for the relief of Joseph M. Clagett, Jr.; and

H. R. 1377. An act conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane.

The message also announced that the House had severally disagreed to the amendment of the Senate to each of the following bills of the House, asked conferences with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. KENNEDY of Maryland, Mr. RYAN, and Mr. CARLSON were appointed managers on the part of the House at the several conferences:

H. R. 1945. An act for the relief of Venice La Prad;

H. R. 2332. An act for the relief of William Sulem;

H. R. 2562. An act for the relief of Mr. and Mrs. David Stoppel;

H. R. 2565. An act to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries; and

H. R. 3634. An act for the relief of Noah Spooner.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 7206. An act to permit the temporary entry into the United States under certain conditions of alien participants and officials of the World Association of Girl Guides and Girl Scouts Silver Jubilee Camp to be held in the United States in 1937;

H. R. 7472. An act to provide additional revenue for the District of Columbia, and for other purposes; and

H. J. Res. 415. Joint resolution making an appropriation to defray expenses incident to the dedication of chapels and other World War memorials erected in Europe, and for other purposes.

SUPPLEMENTAL ESTIMATES, NATIONAL BITUMINOUS COAL COMMISSION (S. DOC. NO. 85)

The PRESIDENT pro tempore laid before the Senate a communication from the President of the United States,

transmitting supplemental estimates of appropriations for the Department of the Interior, National Bituminous Coal Commission, for the fiscal year 1938, amounting to $3,300,000, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

RELIEF OF FLOOD SUFFERERS IN 1937 (S. DOC. NO. 84)

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Administrator of the Resettlement Administration, transmitting, in response to Senate Resolution 119 (agreed to Apr. 22, 1937), a statement with reference to the relief of flood sufferers in the floods of 1937, which, with the accompanying paper, was ordered to lie on the table and to be printed.

REPORT OF SECURITIES AND EXCHANGE COMMISSION—PART II, COMMITTEES AND CONFLICTS OF INTEREST

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, a further report on the study and investigation of the work, activities, personnel, and functions of protective and reorganization committees, being Part II, Committees and Conflicts of Interest, which, with the accompanying report, was referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the Legislature of the State of Michigan, which was ordered to lie on the table:

Concurrent resolution memorializing the Congress of the United States to continue their appropriations to the Public Works Administration for non-Federal public works

Whereas there is urgent necessity that the State of Michigan continue its building program for State institutions; and

Whereas the funds available for such appropriations in the State of Michigan are not adequate to immediately meet the situation; and

Whereas the Federal Public Works Administration has heretofore assisted the State of Michigan in a valuable and beneficial way in the construction of new buildings at State institutions; and

Whereas the Congress of the United States now has under consideration the question of further appropriations for the Public Works Administration; and

Whereas the State administrative board will be authorized to apply to the Federal Government for assistance in the furtherance of an institutional building program: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That the Congress of the United States continue their valuable assistance rendered through the Public Works Administration; and be it further

Resolved, That a copy of this resolution be sent to the President and Vice President of the United States and each United States Senator and Congressman from Michigan.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Commerce:

Assembly joint resolution relative to memorializing the President and Congress to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end

Whereas the bay of San Diego possesses one of the finest harbors in the world; and

Whereas the fleet of the United States of America makes extensive use of said bay; and

Whereas there is only one entrance to said bay, which condition would constitute an extreme hazard to said fleet in the event of war; and

Whereas the construction of a channel through the southerly end of the Coronado Silver Strand would permit of a segregation of the vessels of the United States from ordinary commerce, and thus facilitate the use of said bay by both classes of vessels, and also render the bay more valuable in time of war: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California jointly, That the Legislature of the State of California hereby memorializes and petitions the President and the Congress of the United States to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States, and that such Senators and Members from California are hereby respectfully requested to urge such action.

The PRESIDENT pro tempore laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Finance:

Assembly joint resolution relative to memorializing the President and the Congress of the United States to amend the Social Security Act so as to enable such States as may desire to do so to bring the employees of such State and the employees of its counties, cities, and other political subdivisions within the provisions of such act relating to old-age benefits

Whereas the Federal Social Security Act exempts from the old-age benefit provisions of such act persons performing service in the employ of a State or political subdivision thereof; and

Whereas thousands of employees of the State of California and of its counties, cities, and other political subdivisions are desirous of securing the old-age benefits provided for by the Federal Security Act now denied by them: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to enact legislation amending the Federal Social Security Act so as to enable any State that may desire to do so to bring the employees of such State, and the employees of its counties, cities, and other political subdivisions, within the beneficent provisions of said act relating to old-age benefits; further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States, and such Senators and Members of the House of Representatives from California are respectfully urged to support such legislation.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on the Judiciary:

Assembly joint resolution relative to memorializing the Congress of the United States to designate Armistice Day as a holiday

Whereas the 11th day of November is the day when all persons throughout the civilized world celebrate the return of peace at the end of the World War; and

Whereas it is desirable to keep alive in the hearts of the American people the memory of that joyous day; and

Whereas the pursuit of routine labor and business is inconsistent with the proper contemplation of the significance of that day: Now, therefore, be it

Resolved That the Assembly and the Senate of the State of California, jointly, respectfully urge the Congress of the United States to enact legislation to declare the 11th day of November a national holiday; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and the Vice President of the United States, and to the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California in the Congress of the United States, and that the Senators and Members from California are hereby respectfully urged to support such legislation.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Military Affairs.

Senate joint resolution relative to memorializing the President and Congress to enact legislation relative to the conscription of wealth and industry in wartime and the effective barring of war profits

Whereas it is the duty of the United States Government to protect the welfare of its people by doing every reasonable thing to avert war; and

Whereas the United States could, to a great extent, accomplish her part in the world's striving for peace by legislating against war profits: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the President and the Congress of the United States are hereby respectively urged to enact legislation that will provide for the conscription of wealth and industry used for war purposes upon a basis similar to that for the conscription of man power, and will effectively bar war profits from the use of property or wealth for war purposes; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House, and to the Senators and Representatives of the State of California in Congress.

The PRESIDENT pro tempore also laid before the Senate the following joint resolution of the Legislature of the State of California, which was ordered to lie on the table:

Senate joint resolution relative to memorializing the President of the United States and the Members of Congress to extend the life of the Federal Public Works Administration for a period of 2 years after next June 30, and further memorializing Congress to earmark the sum of $350,000,000 of the pending Federal relief appropriation for a continuance of loans and grants under P. W. A. to local communities

Whereas under existing law the life of the Federal Public Works Administration will expire by limitation on June 30, 1937; and

Wheras there has been achieved a remarkable record of accomplishment by this Federal agency in providing useful employment and the construction of needed and permanently useful public works in the form of school buildings, sewage-disposal plants, municipal utilities, and other forms of public projects in every community and to the extent of many thousand in number of such projects; and

Whereas, under the plan of local financial cooperation of the Federal Public Works Administration of loans and grants, hundreds of local communities in the State of California have proceeded in good faith with the voting of bonds, levying of special taxes, and other advance expenditures and commitments in anticipation of loans or grants of Federal P. W. A. funds; and

Whereas all these local communities will be deprived of these public works unless there is a continuance of P. W. A.; and

Whereas the record of performances of P. W. A. has demonstrated that it is the most successful and desirable of the Federal Public Works program in providing maximum relief employment both on the site of the work and in the mills, factories, and sources of production, the survey of the Federal Department of Labor showing that for every person directly employed, three more persons were engaged in producing materials and supplies; and

Whereas it is now thoroughly proven that the prosperity of the Nation depends upon the stimulation of the normal channels of business and trade, thereby increasing private employment in the heavy goods and construction industries rather than in any form of temporary direct relief; and

Whereas the most desirable form of relief is to keep our employables off relief rather than to take them off after they are on; and

Whereas the plan heretofore in effect in P. W. A. of allowing a grant of Federal funds up to a maximum of 45 percent has proven the most feasible, desirable, and practical of all plans in that it means the local community also bears its share of the load; and

Whereas the payment of prevailing wages as against a dole, and the pride and contentment of the worker engaged in useful work adds to the prosperity and comfort of the community as well as to its actual development as a part of our great State: Now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California hereby respectfully petition the President of the United States and the Members of the Congress to extend and continue the existence of the Federal Public Works Administration for an additional 2 years after June 30, 1937; and be it further

Resolved, That the sum of not less than $350,000,000 of the $1,500,000,000 carried in the pending Federal relief bill be specifically set aside and earmarked for the continuance of P. W. A. loans and grants on the percentage-of-cost basis which has proven so successful in the past; and be it further

Resolved, That we urge this legislation include a specific provision that artisans and workers may be employed through organized labor and local and Federal employment services without the necessity of first declaring themselves as indigents or relief clients; and be it further

Resolved, That we urge that the proven plan of grants on a percentage of cost ranging from a minimum of 30 percent to a maximum of 45 percent be also incorporated therein; and be it further

Resolved, That we respectfully urge the Congress to take prompt action thereon to the end that the many pending projects already approved and on which plans are fully prepared and all preliminary work fully completed may be placed under construction as quickly as possible; and be it further

Resolved, That the Governor of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House, to the members of the Committee on Appropriations of the House, to the members of the Committee on Finance of the Senate, and to the Senators and Representatives of the State of California in the Congress.

The PRESIDENT pro tempore also laid before the Senate a resolution adopted by the Board of Aldermen of the City of Chelsea, Mass., protesting against the laying off by the Federal Government of a certain percentage of W. P. A. workers, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Board of Aldermen of the City of Chelsea, Mass., favoring the abrogation of reciprocity treaties permitting the importation of shoes of foreign manufacture into the United States, which was referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the Thirty-ninth Annual Encampment, Department of the District of Columbia, United Spanish War Veterans, favoring the prompt enactment of legislation reducing the age limit under which Spanish War veterans may receive increased pensions, which was referred to the Committee on Pensions.

He also laid before the Senate a resolution adopted by Revere Post, No. 61, American Legion, of Revere, Mass., favoring the prompt enactment of special legislation to provide a lifetime annuity for the benefit of Marie Antoinette Connery, widow of Hon. William P. Connery, Jr., late a Representative of the State of Massachusetts, which was referred to the Committee on Pensions.

He also laid before the Senate a telegram from the chairman of the national advisory committee, eighteenth annual convention of the United States Junior Chamber of Commerce, Denver, Colo., endorsing in behalf of the convention the enactment of the bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate commerce, and for other purposes, which was ordered to lie on the table.

He also laid before the Senate a telegram in the nature of a petition from Daniel M. Zimmermann, supervisor of Saluda County and president of the South Carolina Association of County Road Officials, Chappell, S. C., praying that all W. P. A. work sponsors contribute at least one-third of W. P. A. project costs, that county supervisors be allowed complete authority to supervise W. P. A. road projects in their respective counties, and to discharge any W. P. A. employee whose work is unsatisfactory, which was ordered to lie on the table.

Mr. CAPPER presented a resolution adopted by the Labette County Bankers Association, Parsons, Kans., protesting against the enactment of legislation providing for the establishment of branch banks within the various Federal Reserve districts, which was referred to the Committee on Banking and Currency.

Mr. COPELAND presented a resolution adopted by Local Union No. 10, Amalgamated Ladies' Garment Cutters' Union, of New York City, favoring the prompt enactment of the pending low-cost housing bill, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Brooklyn (N. Y.) Chapter of the American Institute of Architects, endorsing the basic features of the so-called Wagner-Steagall low-cost housing bill, and favoring the prompt enactment thereof, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by members of the directing committee of the Mount Vernon (N. Y.) Peace Council and the district leaders and block workers of that council, in joint meeting assembled, favoring the prompt enactment of pending legislation to stop the sale of arms to foreign countries in peacetime and to control or prohibit the export of scrap products and pig iron except as licensed by the Secretary of Commerce, which was referred to the Committee on Foreign Relations.

Mr. WALSH presented a resolution adopted by the Massachusetts State Planning Board, endorsing in principle the so-called Wagner-Steagall low-cost housing bill, which was referred to the Committee on Education and Labor.

He also presented a letter from Henry R. Shepley, president of the Boston Society of Architects, embodying a resolution adopted by the Sixty-ninth Convention of the American Institute of Architects held at Boston, Mass., endorsing the basic features of the so-called Wagner-Steagall low-cost housing bill and favoring the prompt enactment thereof, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Board of the Board of Aldermen of the City of Chelsea, Mass., favor-

the laying off by the Federal Government of a certain percentage of W. P. A. workers, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Board of Aldermen of the City of Chelsea, Mass., favoring the abrogation of reciprocity treaties permitting the importation of shoes of foreign manufacture into the United States, which was referred to the Committee on Finance.

He also presented a resolution adopted by the executive committee of the Massachusetts Bar Association, endorsing the adverse report of the Senate Committee on the Judiciary on the reorganization of the Federal judiciary, and protesting against the enactment of the bill (S. 1392) to reorganize the judicial branch of the Government, which was ordered to lie on the table.

REPORTS OF COMMITTEES

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (S. 1882) for the relief of the Consolidated Aircraft Corporation, reported it with amendments and submitted a report (No. 770) thereon.

Mr. FRAZIER, from the Committee on Indian Affairs, to which was referred the bill (S. 642) for the relief of the Indians of the Fort Berthold Reservation in North Dakota, reported it without amendment and submitted a report (No. 771) thereon.

Mr. HATCH, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 2086) to authorize appropriations for the construction of the Arch Hurley conservancy district in New Mexico, reported it with amendments and submitted a report (No. 772) thereon.

He also, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 1759) to amend an act entitled "An act to eliminate the requirements of cultivation in connection with certain homestead entries", approved August 19, 1935, reported it without amendment and submitted a report (No. 773) thereon.

Mr. BULOW, from the Committee on Civil Service, to which was referred the bill (S. 714) relating to the eligibility of certain persons for admission to the civil service, reported it with an amendment and submitted a report (No. 774) thereon.

Mr. ADAMS, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 2681) to authorize the construction of the Grand Lake-Big Thompson transmountain water-diversion project as a Federal reclamation project, reported it with amendments and submitted a report (No. 775) thereon.

Mr. DIETERICH, from the Committee on the Judiciary, to which was referred the bill (H. R. 3284) to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa, reported it without amendment and submitted a report (No. 776) thereon.

Mr. LODGE, from the Committee on Military Affairs, to which was referred the bill (S. 2093) for the relief of George H. Stahl, reported it with amendments and submitted a report (No. 777) thereon.

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which was referred the bill (S. 2620) to amend the Hawaiian Homes Commission Act, 1920, reported it with amendments and submitted a report (No. 778) thereon.

Mr. WHEELER, from the Committee on Interstate Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 2410. A bill to amend the Judicial Code, as amended (Rept. No. 779); and

H. R. 6049. A bill to amend the Interstate Commerce Act (Rept. No. 783).

Mr. BURKE, from the Committee on the Judiciary, to which was referred the bill (H. R. 4795) to provide for a term of court at Livingston, Mont., reported it without amendment and submitted a report (No. 780) thereon.

Mr. PITTMAN, from the Committee on Foreign Relations, to which were referred the following bill and joint resolution, reported them each without amendment and submitted reports thereon:

S. 2497. A bill authorizing John Monroe Johnson, Assistant Secretary of Commerce, to accept the decoration tendered him by the Belgian Government (Rept. No. 781); and

H. J. Res. 349. Joint resolution authorizing certain retired officers or employees of the United States to accept such decorations, orders, medals, or presents as have been tendered them by foreign governments (Rept. No. 782).

BILL RECOMMITTED TO COMMITTEE ON PENSIONS AND REPORT FROM COMMITTEE ON IMMIGRATION

Mr. McGILL. Mr. President, on last Friday I intended to submit a report from the Committee on Immigration on the bill (H. R. 1731) for the relief of Angelo and Auro Cattaneo. Inadvertently the report was filed by me on the bill (S. 1731) for the relief of Elizabeth Hanford. I ask unanimous consent that Senate bill 1731 be recommitted to the Committee on Pensions and that I be permitted to report back from the Committee on Immigration without amendment the bill (H. R. 1731) for the relief of Angelo and Auro Cattaneo and to submit a report (No. 769) thereon.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. BONE:

A bill (S. 2683) to amend subsection (c) of section 8 of the act entitled "An act to amend the Judicial Code, and to further define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes", approved February 13, 1925, as amended; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado:

A bill (S. 2684) for the relief of Frederick Stuart Warren; to the Committee on Military Affairs.

A bill (S. 2685) to provide for observing on Monday certain legal public holidays; to the Committee on Education and Labor.

By Mrs. CARAWAY:

A bill (S. 2686) for the relief of Guss Berry and Ernest Dewberry; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 2687) to except yachts, tugs, towboats, and unrigged vessels from certain provisions of the act of June 25, 1936, as amended; to the Committee on Commerce.

By Mr. CHAVEZ:

A bill (S. 2688) to provide for preliminary examinations and surveys for run-off and waterflow retardation and soil-erosion prevention on the watersheds of the Rio Grande and Pecos Rivers; to the Committee on Agriculture and Forestry.

By Mr. THOMAS of Oklahoma (by request):

A bill (S. 2689) to regulate the leasing of certain Indian lands for mining purposes; to the Committee on Indian Affairs.

By Mr. REYNOLDS:

A bill (S. 2690) to amend the military record of John C. Graham, Jr., and for other purposes; to the Committee on Military Affairs.

A bill (S. 2691) granting the consent of the United States to the exercise of the power of eminent domain with respect to certain Indian lands in Graham County, N. C.; to the Committee on Indian Affairs.

By Mr. CAPPER:

A bill (S. 2692) to provide funds for the initiation of a mapping program in the State of Kansas; to the Committee on Appropriations.

By Mr. NYE:

A joint resolution (S. J. Res. 170) authorizing and directing the Comptroller General of the United States to certify for payment certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920 as per a certain contract authorized by the President; to the Committee on Agriculture and Forestry.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 7206. An act to permit the temporary entry into the United States under certain conditions of alien participants and officials of the World Association of Girl Guides and Girl Scouts Silver Jubilee Camp to be held in the United States in 1937; to the Committee on Immigration.

H. R. 7472. An act to provide additional revenue for the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

H. J. Res. 415. Joint resolution making an appropriation to defray expenses incident to the dedication of chapels and other World War memorials erected in Europe, and for other purposes; to the Committee on Appropriations.

CHANGE OF REFERENCE

On motion by Mr. TRUMAN, the Committee on the District of Columbia was discharged from the further consideration of the bill (S. 2571) to incorporate The Bible Foundation, and it was referred to the Committee on the Judiciary.

EXTENSION OF CERTAIN TAXES—AMENDMENT

Mr. COPELAND submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 375) to provide revenue, and for other purposes, which was ordered to lie on the table and to be printed.

EVA MARKOWITZ

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 458) for the relief of Eva Markowitz, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. ELLENDER, and Mr. CAPPER conferees on the part of the Senate.

JOSEPH M. CLAGETT, JR.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 730) for the relief of Joseph M. Clagett, Jr., and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. HUGHES, and Mr. CAPPER conferees on the part of the Senate.

WALTER T. KARSHNER ET AL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 1377) conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. BROWN of Michigan, and Mr. CAPPER conferees on the part of the Senate.

VENICE LA PRAD

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 1945) for the relief of Venice La Prad, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. ELLENDER, and Mr. CAPPER conferees on the part of the Senate.

NOAH SPOONER

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 3634) for the relief of Noah Spooner, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. ELLENDER, and Mr. CAPPER conferees on the part of the Senate.

CLAIMS FOR EXCESS COSTS ON MISSISSIPPI DAMS AND LOCKS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 2565) to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. BROWN of Michigan, and Mr. CAPPER conferees on the part of the Senate.

WILLIAM SULEM

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 2332) for the relief of William Sulem, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. LOGAN, and Mr. CAPPER conferees on the part of the Senate.

MR. AND MRS. DAVID STOPPEL

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 2562) for the relief of Mr. and Mrs. David Stoppel, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BAILEY. I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BAILEY, Mr. LOGAN, and Mr. CAPPER conferees on the part of the Senate.

THE ALIEN IN AMERICA—ADDRESS BY SENATOR REYNOLDS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a radio address on the subject of The Alien in America, delivered by him on the evening of June 18, instant, which appears in the Appendix.]

ADDRESS OF COMPTROLLER OF CURRENCY BEFORE WASHINGTON STATE BANKERS' ASSOCIATION

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD the address delivered by Hon. J. F. T. O'Connor, Comptroller of the Currency, at the annual convention of the Washington Bankers' Association, at Bellingham, Wash., on June 17, instant, which appears in the Appendix.]

FAIR LABOR STANDARDS—STATEMENT OF SIDNEY HILLMAN

[Mr. BLACK asked and obtained leave to have printed in the RECORD a statement of Sidney Hillman on June 15, 1937, before the joint session of the Committee on Labor of the Senate and House of Representatives with regard to the bill for the establishment of fair labor standards, which appears in the Appendix.]

RELIEF APPROPRIATIONS

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate resumed the consideration of the joint resolution (H. J. Res. 361) making appropriations for relief purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Arkansas [Mr. ROBINSON] to the amendment reported by the committee.

The amendment of Mr. ROBINSON to the amendment of the committee is, on page 4, line 17, to strike out "40" and insert in lieu thereof "25"; after the word "services", in line 18, page 4, to insert a period and strike out the remainder of the amendment down to and including the word "supply", in line 23, page 4, and insert in lieu thereof the following:

Provided, That if the President shall find any project to be necessary in order to provide work relief in the community where the project is to be located, and that the applicant is unable to supply 25 percent of the cost as herein required, he may authorize the project upon such contribution or assurance of contribution as he finds that the applicant is able to make.

Mr. McKELLAR. Mr. President, before a vote is taken on the amendment of the Senator from Arkansas [Mr. ROBINSON] to the amendment reported by the committee, I have a short statement that I wish to make.

Mr. President, whatever may have been our former notions, no one now disputes that unemployment relief is a national question as well as a State and local question, and the Federal Government has a duty to perform in regard to it.

Work and work relief must go to those individuals who are without work and who need relief, regardless of where they live in the Nation and, therefore, any arbitrary plan which would afford such relief to the wealthier States and the wealthier communities and deny it to the poorer States and the poorer communities would defeat the purpose of national work relief.

The requirement as to 25 percent sponsoring contributions would permit only those States and communities which put up the 25 percent to receive Federal work relief, regardless of how many persons in nonsponsoring States need work relief. This would not be fair or just or equitable.

From the evidence before the committee, it is perfectly clear that many States and cities will be unable to put up the 25 percent required by this amendment. Therefore, this arbitrary requirement for such sponsors, contribution will prevent such States and cities from obtaining Federal work relief. In like manner, if this amendment should be adopted, it would provide the needy in the rich cities with work-relief aid, while largely denying the needy in the poorer cities and poorer States all work relief. It would make the national work-relief plan a one-sided, lopsided affair. It would be partial legislation, if not class legislation.

The Senator from Arkansas [Mr. ROBINSON], however, says his amendment will give the President full power to alter and ignore the 25-percent sponsorship requirement. If he is correct in this, why adopt the amendment? The whole subject of the work relief is and has been in the President's hands all the time. Then, why hamper and hamstring him at this late date? It is admitted that the President does not want this amendment; that he thinks it will hamper him in the administration of relief to the best interests of those who need work relief. It is admitted that time and effort and expense will be required to put the program in force. Why place this additional burden on the President? Why place this additional hardship on him? If the amendment takes away no power from the President, as has been stated, why enact it? Why enact a meaningless amendment?

It is admitted that the amendment will change the plan of work relief as it now exists and as it has existed from the beginning of Federal work relief. We all admit that work relief is a national question, we all admit that it has been of great aid to those who were without employment and without hope of getting employment, and that it has greatly aided in restoring better conditions to our country.

Mr. President, we Democrats, I think, practically without exception, in the campaign last fall boasted about the President's administration of work relief. That was one of the issues on which the Democratic Party was returned to power. We all boasted that the President had done a masterly job in work relief. What has happened to change our minds at this late date? What has the President done to make us now have less faith in him in the administration of work relief? What has Mr. Hopkins done in 1937, in his management of work relief, that he did not do in 1936?

Mr. President, the President and Mr. Hopkins, in my opinion, have done a splendid job. Mr. Hopkins and his assistants are experts in work relief. What Member of the Senate feels that he knows more about work relief than do the President and Mr. Hopkins, who have had it in hand all these months and years? Why change an admittedly successful plan for one that no one has tried out? Why should we not continue to create work for the needy unemployed along lines which have been tried and found good?

We have greatly reduced the appropriation for work relief. Our largest appropriation was $4,800,000,000. That was greatly reduced the next year, and the next year, and this year, including the unexpended balances, the appropriation will not be over $1,700,000,000. We are reducing relief expenditures steadily and tremendously every year. Why not let the President make the best use of the funds appropriated by Congress in the same manner that we have been doing?

But it is claimed that under the present system the New York needy get more than do the North Carolina needy. The testimony before the committee is both ways. It is difficult to say which is correct. The funds have not been distributed with absolute equality. Idaho gave the highest sponsoring fund, 28.3 percent; Wyoming came next with 26.7 percent; Tennessee was third with 26.6 percent. North Carolina gave as a sponsoring fund 18.8 percent. I am not complaining because my State contributed a larger proportion than did North Carolina or New York or South Carolina. I think the needy have been taken care of in proportion to their needs, and that is the purpose of the law.

But it is claimed that the Budget must be balanced and at once. Mr. President, no one in the Senate wants to see the Budget balanced more than do I, and I want to see it balanced at the earliest possible moment; but I do not want to balance it at the expense of the needy unemployed of the country.

Mr. President, the Budget can be easily balanced. The President, in the newspapers of this morning, has pointed out one way, and that is to require the heads of the departments to cut down their expenditures. It can be balanced by July 1938 by giving the President power to reduce any and all expenditures 10 percent in all cases where he deems it wise to do so. It can be balanced by cutting down appropriations for war purposes, for the building of larger and larger armies. It can be balanced by cutting down the subsidies we are paying to the suppliant rich for the building of larger vessels. It can be balanced by cutting down the many other subsidies we are paying the rich organizations of this country.

It can be balanced by stopping in the various departments the expensive investigations and studies that are being made and are of very little value to the American people. There are a hundred ways of balancing the Budget if we have the courage to do it. But for one, Mr. President, I am unwilling to cast my vote to balance that Budget by taking away work relief from the needy unemployed. It is through no fault of theirs that they are unemployed; it was through no fault of theirs that they were deprived of work; and I am unalterably opposed to singling out the most unfortunate, the poorest, the most needy class of all our citizens and requiring them to bear the burden of balancing the Budget.

I believe that the abolition of the rich subsidies that we are paying to people who need no subsidies should be the first step to be taken in cutting down expenditures. I believe we should reduce our expenditures for war purposes rather than take away work relief from the suffering unemployed of our land.

Yes, we can balance the Budget by next January if we defeat this bill entirely. Let the poor and unemployed then go hungry and starve if it is wished to do so, but vote against the whole bill if that is the purpose. Do not vote to strangle the bill, to strangle the entire enterprise, by an amendment which, in my opinion, is unfair and unjust and impossible of fulfillment.

Mr. BORAH. Mr. President, the immediate question before the Senate is that of providing a sufficient appropriation to take care of the unemployed and the needy during the coming year. That is the practical problem. In my opinion, the Congress has no very wide discretion in regard to the matter. It is our duty to ascertain, as nearly as we may, the actual amount necessary to take care of the unemployed, and then to provide that amount.

There are some places and in some matters where undoubtedly we can and should cut down expenditures, but the only place where we can have any effect in saving taxes in connection with the pending joint resolution is in the manner of expending the fund. There can be, in my opinion, greater economy in the expenditure of this fund. I do not think that economy in expenditure has been the outstanding characteristic of the administration of this fund, but it has not all been the fault of Mr. Hopkins by any means. Governors and mayors and Members of Congress and everyone seemed willing to call for more and more, and not always measured by the matter of unemployment in their respective places. Nevertheless we have a certain amount of unemployed in the country and we want to take care of them, and we intend to do so. The only question is how we can provide for their relief with as little expenditure as possible in the way of administering the fund.

The Robinson and Byrnes amendments were designed, in my opinion, to urge economy upon the part of the administrators of the fund. Whether they will accomplish that object or not I do not know. It is a little difficult to say. The amendment offered by the Senator from Arkansas [Mr. ROBINSON] provides that those in the States shall contribute 25 percent where they are able to do so. An arbitrary amount would undoubtedly work a hardship, because, as said by the Senator from Nebraska [Mr. NORRIS], it would withhold help from those who might need it most.

However, the Senator from Arkansas has provided in his amendment that where the necessity is made to appear that the applicants be taken care of and that they are unable to contribute, the President may release the effect of the law, as it would then be if the joint resolution is passed. Of course, when we speak of the President we necessarily mean Mr. Hopkins, because he would administer the fund. The effect of the amendment would be to provide that those who are able to do so should contribute 25 percent and those who are not able to do so may be exempted from the operation of the law by the action of Mr. Hopkins. It is undoubtedly the hope of the authors that it will work some economy in administering the fund. It is not designed to take from the unemployed, but rather to help in making the administration less expensive. It may do so. It is worth the effort, it seems to me.

The only question with reference to the amendment, so far as I am concerned, is whether it would change the program in any respect whatever. If it would meet the objective which the authors have in mind it would undoubtedly be helpful, but if Mr. Hopkins will be the person who will pass upon it, will it change the real program of the administration of the fund in any respect whatever? I should have liked to have the view of some of those who have been in the habit of administering this fund, or were near to it, as to how it would aid in the economy of expenditure of the fund, because that is its real merit if it has any. I am hoping it will be of some value.

Mr. President, whether it has any effect on the pending measure or not, the statement of the Senator from Arkansas [Mr. ROBINSON] last Friday with reference to the question of expenditures needed to be made. I observed the other day, from a high authority who is supposed to know, that in 1850 we took 1 cent out of every income dollar for taxes, local, State, and National; that in 1890 we took 5 cents out of every income dollar; that in 1914 we took 16 cents; and in 1936 we took 35 cents out of every income dollar for taxes.

Over these long years, including war and emergency, including peacetime and prosperity, there has been a constant growth of expenditure and a constant increase of the tax burden. We have reached the point, as indicated by the Senator from Arkansas, where this creeping paralysis is reaching near the heart. There must be a reduction because we have not only reached the huge sum which we are now expending, but we have reached the point practically where we are face to face with diminishing tax returns from the taxpayers.

Not much has been said and very little debate has taken place on the great change which has occurred in recent months with reference to the taxing power in the United States. The responsibility now, under the decision of the Supreme Court, is entirely or almost entirely with Congress. The Court has said, and by the unanimous support of all parties and all divisions of the Government, that the Congress may now lay taxes, impose duties and excises, to provide for the common defense and the general welfare of the country. It has further said that the discretion as to what is the general welfare is practically in the hands of Congress.

We have not as yet felt the effect of that policy; but to have established as the policy of this Government, by the consent of all departments of the Government and by the consent of all political parties, that the Congress may lay taxes to take care of anything that Congress regards as the general welfare, constitutes the most serious change in the economic situation of this country of which I can conceive. The unlimited power to tax the people is the unlimited power to bring about economic destitution.

Mr. President, let me read what Mr. Justice Cardozo said on this subject:

> Congress may spend money in aid of the "general welfare." There have been great statesmen in our history who have stood for other views. We will not resurrect the contest. It is now settled by decision. The conception of the spending power advocated by Hamilton and strongly reinforced by Story has prevailed over that of Madison, which has not been lacking in adherents. Yet difficulties are left when the power is conceded. The line must still be drawn between one welfare and another, between particular and general. Where this shall be placed cannot be known through a formula in advance of the event. There is a middle ground or certainly a penumbra in which discretion is at large. The discretion, however, is not confided to the courts. The discretion belongs to Congress, unless the choice is clearly wrong, a display of arbitrary power.

What limitation is there upon the power of Congress to lay taxes and expend money? As a practical question, where is there any limitation? Under that rule, as Hamilton contended, Congress is practically the judge of what constitutes the general welfare. Unless it is unmistakably shown to be arbitrary or capricious, the judgment of Congress prevails.

Of late there has been much contention in this country that Congress should be without restraint; that it represents the people, and therefore that it should not be restricted by other departments of the Government. Now Congress has the entire power on taxes and expenditures.

We are the sole guardian of the taxpayers of the United States, as a practical proposition. We can either make or ruin the great masses of the people of the United States by our expenditures. When the Senator from Arkansas [Mr. ROBINSON] spoke, I thought he must have been speaking in the wake of this tremendous power which has now been assured to the Congress of the United States. As this power fattens by what it feeds upon it will have its effect upon the whole people. Only the utmost vigilance upon the part of voters and the utmost self-restraint in Congress will prevent incalculable burdens being placed upon the taxpayers.

It will be recalled that when the Constitutional Convention was in session at Philadelphia, Mr. Hamilton, as one of the delegates from New York, attended and made his proposal as to the form of government which we should adopt. Among other things, he proposed that the President should hold office for life, and that the Members of the Senate should hold office for life or during good behavior; and these are generally regarded as the distinguishing characteristics of the Hamilton plan. As a matter of fact, however, the distinguishing feature of the Hamilton plan was that the Congress should have power to enact all laws whatsoever, subject to certain minor negations. That was the distinguishing feature of the Hamilton plan, especially as it applies to our conditions today.

The Hamilton plan received little approval. Hamilton therefore returned to New York either disgruntled or discouraged, and took little part in the Convention thereafter. But 6 days before the Convention adjourned this clause, the first clause of section 8 of article I, was inserted in the Constitution, providing that Congress should have power to lay and collect taxes to provide for the general welfare. Whether it was a coincidence or whether the genius of Hamilton saw that his principle had been practically adopted, he returned to the Convention and became, with the possible exception of Madison, the most earnest and enthusiastic advocate of the adoption of the Constitution. When the Constitution was adopted and Hamilton was made Secretary of the Treasury, he did not wait long to place his construction upon the general-welfare clause. It was to the effect that Congress had the power, in its own discretion, to levy taxes and make expenditures for any purpose which Congress thought came within the general-welfare clause.

One hundred and forty-seven years after the Report on Manufacturers was written, the Supreme Court of the United States unanimously, upon the urging of the successor of Madison in administration, adopted the Hamiltonian view. We now have in this country, so far as the economic welfare of the country is concerned, so far as the interests of the taxpayer are concerned, a Congress with practically unlimited power. If the brakes are not put on here, there is no place where they can be put on.

We now have a debt of $36,000,000,000. The States and the counties and the cities have a debt of some $25,000,000,000. For what we shall do in the future with reference to taxes and debts the responsibility is here, upon this Congress and the ones which shall succeed it.

Let us not forget that after all is said and done, and after all the talk that we indulge in about taxes in high brackets and about gift taxes, the great burden of taxation in this country falls upon the masses. Analyze the gift taxes, analyze the income taxes in the higher brackets, set the two sums down beside the other taxes which are passed on and on and on, most of them until they reach the man who cannot pass them on, and we find that the burden falls upon the great mass of the people of this country.

It is sometimes said that we ought to create a tax consciousness among the people, and that if that were done they would be more desirous of economy. Tax consciousness? Is there a man or a woman outside of the insane asylum or the penitentiary who is not tax conscious in the United States today? Are they not conscious of the fact that they are paying heavy taxes, if not in this one way, then in another way; if not in rent, if not by the increased price of their goods, if not by having them passed on, then in some other way? We never can get sufficient taxes in this country from any source to relieve the common people greatly of the unfair burden which falls upon them in the matter of taxation.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired. He has 20 minutes on the joint resolution.

Mr. BORAH. Mr. President, I had about concluded what I had to say.

I suggested in the opening that our immediate problem is to provide for the unemployed and that we have not a very wide discretion in regard to the matter; for the condition in which the country now is, and will be for some time, would make it highly unsafe for anything in the nature of hunger riots to start in this country. We have not, therefore, any considerable discretion to exercise in this matter; but we have discretion with reference to a multitude of things which are coming before us, and which will continue to come before us in time to come. My purpose today was to say that the responsibility is upon the Congress of the United States. As a practical matter we are now the sole guardians of the interests of the taxpayers of the United States. If we fully realize our power, certainly we must realize our stupendous responsibility. The greatest menace to the capitalistic system, the greatest threat to the economic health and welfare of the people is the power of taxation. The responsibility cannot be evaded; and the consequences, whatever they may be, will be the fruits of our action and that of succeeding Congresses.

Mr. BARKLEY. Mr. President, I hesitate to detain the Senate even for a moment; but there are one or two things which I wish to say in connection with the pending amendment and one or two things which I think we ought to keep in mind before we vote upon it.

I am extremely sorry to find myself in disagreement on this matter with my good friend the Senator from Arkansas [Mr. ROBINSON] and my good friend the Senator from South Carolina [Mr. BYRNES]; but in matters of this sort, where we have deep convictions, the only guide we have is our own individual consciences, and unless we follow that light I suppose we shall fail in our duty.

The Senator from North Carolina [Mr. BAILEY] the other day read from two or three speeches made by the President in 1932 when he was Governor of New York, while he was a candidate for the high office which he now holds, in which he stressed the fact that relief was primarily a local matter. We all entertained those views in 1932; but the world has learned a great deal since 1932; the President of the United States has learned a great deal; the Senate of the United States has learned a great deal in the past 5 years. We learned soon after 1932 that relief could not be regarded strictly as a local matter, because there was not a community in the United States, there was not a local government in the United States that was responsible for the conditions which made relief necessary.

Years ago I was a county officer in the State of Kentucky. I was the executive head of the government of the county in which I lived, and in which I still live. We levied a tax which we called the "poor fund tax", by reason of which we created a poor fund for the support of the aged and the indigent, and that fund was inviolable; it could not be expended for any other purpose except to support the poor. Many a winter's day did I spend the entire day writing orders for groceries and clothing and for shelter for those who were unable, by reason of age or by reason of disease, to support themselves. But no one ever contemplated that a great disaster, for which that county was not responsible, that a great national debacle such as we have been going through for the last 5 or 6 years, would make it necessary or make that county able to care for the overwhelming number of those who were unable to care for themselves because of this national depression. That was only typical of every county and city and local community in the United States. While counties and cities and local districts attempted to look after their normal poor and unemployed, neither their financial nor their budgetary arrangements nor their powers were geared to contend with such a condition as we have witnessed in this country for the last 7 years.

Even after the present administration came into power we entertained the delusion that, after all, relief was local. We started out by undertaking to lend money to the States. We deluded ourselves with the belief that it would be repaid, although many of the States and their executive authorities had no constitutional power to borrow money from the Federal Government or from any other source. We soon got away from that delusion, and we accepted relief as a national responsibility, just as we accepted flood control in the Mississippi Valley as a national responsibility, because the waters of 31 States poured down into the Mississippi Valley and we recognized that not a State or a city or a county in that great valley could protect itself against the waters of 31 States.

We soon began to realize the fact that no county or city in the United States could protect itself against the great flood of unemployment, which was brought upon our country without the responsibility of a single mayor, or a single city council, or a single city manager, or a single governor, or school district anywhere in the United States of America. There is not a mayor of any city or council in any city or a city manager or a governor who was responsible, by reason of laws enacted, or through any executive policy that was inaugurated, for the Nation-wide depression which has so devastated the ranks of employment in the United States.

If it be true, therefore, that our cities and our counties and our States may go acquit of any responsibility for this national depression or this national catastrophe, are we ready now to throw back upon these local communities responsibility for caring for those millions of people who have suffered because of this national disaster?

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

Mr. BARKLEY. I yield.

Mr. DIETERICH. May I further call the Senator's attention to the fact that in a great many of these cities which have taken care of their poor there has been an influx of unemployed, until the burden has been so increased that it is far beyond the normal number they would have to take care of; and it would be a burden to ask those local communities, which have been fair to the unemployed and have attracted unemployed who do not necessarily belong to them within their borders, to take care of that increased population not their own?

Mr. BARKLEY. The Senator is absolutely correct. I recall that a few years ago in the great city of Chicago, the second city in the United States, one of the great progressive and beautiful cities of the United States and of the world, as I have walked along Michigan Boulevard and have seen the indirect lighting that was playing upon the skyline of that great city, it presented a picture of fairyland. Yet 3 or 4 years ago that city, without any responsibility for it, was unable to pay its school teachers, not because of any act of the mayor of that city, not because of any shortcoming on the part of the city council, but because either of world conditions or because of the policy of folly inaugurated by our National Government, the city of Chicago was unable to collect the taxes which it levied upon its own people in order to conduct its own government.

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

Mr. BARKLEY. I yield.

Mr. BURKE. Does the Senator have any objection to local communities which are able paying 25 percent of the cost of their work relief?

Mr. BARKLEY. No.

Mr. BURKE. Then what objection is there to Congress setting up this standard, and saying, "We think that if you are able you ought to pay 25 percent; if you are not able, you do not have to pay anything"?

Mr. BARKLEY. I am not required to answer the Senator categorically. I intend to discuss that question in its various ramifications in a moment.

Mr. BURKE. Very well.

Mr. BARKLEY. One objection now is that there are many communities which pay more under the present arrangement, but whenever we set the standard at 25 percent there will not be a community in the United States which will not seek to reduce its contribution to 25 percent, although it might be able to pay 30 or 40 or 50 percent. Under the present arrangement, where they sit down around a table and confer informally, I happen to know that some communities are paying 50 percent. In my own State I have participated in services dedicating great public buildings, where the local community contributed 40 percent of the cost of the building, and the Federal Government 60 percent. But if there had been a requirement, or a standard, or a yardstick, of 25 percent, enacted by Congress, is it to be supposed that the community to which I have referred would have been satisfied to put up 40 percent? They would have tried to reduce their contribution to 25 percent, whereas they were willing, under the present plan, to put up 40 percent.

Not only that, but whenever 25 percent is set as the standard, and the President, under the authority given him here, reduces it in any community to 20, or 15, or 10, there will be a cry and combined pressure from every other community in the United States to induce him to reduce their contribution to 20, or 15, or 10, or 5, notwithstanding the fact that they might be able to contribute 25 percent, or even 50 percent. The President will thus become involved in the pulling and hauling between communities to determine their legal and financial ability to contribute at least 25 percent of any project before they can share in this appropriation.

Mr. BURKE. Mr. President, will the Senator yield for just one more question?

Mr. BARKLEY. I yield, but my time is limited, and I have some things I desire to say.

Mr. BURKE. If we set up this 25-percent limit, then, the Senator says, we may discourage some communities which are contributing larger percentages. Does the Senator have any figures to show what percentage of communities contributed over 25 percent last year?

Mr. BARKLEY. No; I have not those figures.

Mr. BURKE. I think that if the Senator will examine the figures he will find it was a mere bagatelle, amounting to nothing.

Mr. BARKLEY. When we find that the average throughout the United States for last year was 13 percent, and now amounts to over 16, we must concede that there must have been a good many paying more than 25 in order to make the average 16.

Mr. President, for the last year we have been throwing back upon the local communities what we call direct relief, and when we threw that burden back upon the communities we threw back more than they had borne in normal times. We threw back more upon them than they had borne prior to 1929. We threw twice as much back upon them as they had ever borne before, and in many communities we threw three times as much back as they had ever borne before.

We entered into a sort of gentlemen's agreement between the Federal Government and the States and communities that if they would take care of direct relief and feed and clothe and shelter the unemployables, the United States Government, through the work-relief program, would take care of those capable of employment, and I contend that the States and local communities have carried out their part of that understanding with generosity and in good faith.

Mr. CONNALLY. Mr. President, I have not been in the Chamber throughout the debate. May I ask the Senator a question?

Mr. BARKLEY. Certainly.

Mr. CONNALLY. To what agreement does the Senator refer? I did not know there was any agreement.

Mr. BARKLEY. I said it was an informal understanding that the Federal Government would withdraw from direct relief; and that was done. The Relief Administration has not been administering direct relief for the past year. We threw that back on the local communities. For the past year we have only been carrying out works projects, administration projects, by employing people who were employable and requesting the States and cities and counties and local communities to feed and clothe and house those who were incapable of employment.

The PRESIDENT pro tempore. The Senator's time on the amendment is about to expire.

Mr. BARKLEY. I will proceed with my 20 minutes on the bill.

In order to prove that the States and the local communities have done their share under this arrangement, I desire to put into the RECORD a few figures showing what the States have done in the last 4 years, and particularly during the last year, since this understanding was entered into.

In 1933 the State of Alabama and all its subdivisions contributed $709,000 for local relief. In 1936 Alabama contributed over $10,000,000 to local relief.

In 1933 Arizona contributed $734,000 for local relief. In 1936 Arizona contributed five and one-half million dollars.

In 1933 Arkansas contributed $322,000 for local relief, while in 1936 it contributed over $8,000,000.

In 1933 California contributed $22,000,000, and in 1936 contributed $80,000,000—an increase of nearly 400 percent.

The State of Delaware is one of two or three States that decreased its contributions in 1936 below what they were in 1933.

Florida in 1933 contributed $1,000,000 for local relief, while in 1936 Florida contributed over $9,000,000.

In 1933 Georgia contributed $743,000, and in 1936 over $10,000,000 for local relief.

Idaho contributed in 1933 for local relief $669,000. In 1936 Idaho contributed $3,600,000.

In 1933 Illinois contributed $19,000,000 to local relief. In 1936 Illinois gave $110,000,000 out of the pockets of her people to feed and clothe and house needy people in Illinois.

Indiana in 1933 gave $7,000,000 for local relief; in 1935 it gave $15,000,000, but in 1936 it gave $27,000,000.

The State of Michigan in 1933 contributed $10,000,000, and in 1936 contributed $48,000,000 for local relief.

In 1933 Massachusetts gave $34,000,000 to local relief, and in 1936 contributed $48,000,000.

Minnesota in 1933 gave $5,000,000, but in 1936 gave $26,000,000 for local relief.

Missouri gave $3,000,000 in 1933, and in 1936 gave $29,000,000.

Nebraska in 1933 gave $2,150,000, but last year Nebraska contributed locally more than $16,000,000 to help feed and clothe and house her unemployed.

In 1933 the State of New Jersey contributed $20,000,000 but last year New Jersey gave $36,000,000.

In 1933 New York contributed $84,000,000 to feed and clothe and house the unemployed, but last year New York gave $282,000,000 for local relief.

The State of Ohio in 1933 gave $18,000,000 for local relief. In 1936 Ohio gave $64,000,000. Ohio increased her contribution from $20,000,000 in 1935 to $64,000,000 in 1936.

The State of Oklahoma gave $2,000,000 in 1933 and $15,000,000 in 1936.

Pennsylvania gave in 1933 $40,000,000. In 1936 Pennsylvania gave $107,000,000 for local relief.

Rhode Island in 1933 gave $2,000,000 for local relief. In 1936 she gave $11,000,000.

Tennessee gave $429,000 in 1933, but in 1936 gave $16,000,000 for local relief.

In 1933 the State of Texas contributed locally $1,140,000, but in 1936 gave $43,000,000 for local relief.

The State of Wisconsin gave $8,000,000 in 1933, $28,000,000 in 1936.

So, Mr. President, these figures show that already the States and counties and cities are doing their share to bear this load. Already they are carrying infinitely more of it than they carried in 1929, or 1931, or 1932, or 1933. They are carrying more than twice as much of it as they carried in 1935, and now, when we may be making the final appropriation by the Congress of the United States for work relief, we are asked to set up a standard of 25 percent contribution for every community in the United States.

Mr. President, when we gave the President $3,300,000,000 we did not set any such standard as that. We were willing to trust him then. When we gave him $4,800,000,000 we did not require that he assess every local community 25 percent. When we gave him $2,500,000,000 we did not set up any such yardstick as this. When in January or February of this year we gave him an additional $789,000,000 for the remainder of this fiscal year we did not say, "You must require 25-percent local contribution unless, by converting yourself into a Moody's Manual, you find that these communities cannot contribute that amount of money."

We have given the President more than $10,000,000,000 with which to relieve unemployment and relieve suffering in the United States. Has any of it been wasted? I dare say some of it has. You cannot build a smokehouse, you cannot build a sidewalk or a highway or a street, you cannot build a cottage in your own home town to house and shelter your own family without taking the chance that somewhere down the line some dollar will stick to fingers that do not deserve it. But I am not afraid to make the statement that no government in all the history of mankind ever expended $10,000,000,000 to relieve human suffering where there was so little waste or graft as has been experienced in the expenditure of the $10,000,000,000 we have given out of the Treasury of the United States to relieve suffering and to start the wheels of industry and start our Nation upon the road back to the crest of prosperity and happiness for 130,000,000 people during the past 4 years.

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

Mr. BARKLEY. I yield.

Mr. BONE. The Senator will recall some discussion on the floor last Friday about tax delinquencies. I will ask the Senator if that could occur under the Kentucky statute? In a newspaper I received this morning from my own State there is contained a story pointing out that tax delinquency in King County, which is the richest county in the State, on the first day of 1937 stood at more than eleven and one-half million dollars. The total tax delinquency in the State of Washington at that time was $37,157,476. If the State of Washington, which is a small State, not thickly populated, had over $37,000,000 of defaulted taxes, I do not think they can do a whole lot toward carrying this burden. But the people out there, simply through poverty, have been unable to pay their taxes.

Mr. BARKLEY. The Senator is correct, and that is a picture of conditions which exist in many sections of the United States. We all realize that we have turned up the hill of prosperity. Our annual income as a Nation descended from over $80,000,000,000 in 1929 to about $47,000,000,000 at the depth of the depression in 1932. We have turned up the hill, and last year our annual income was over $62,000,000,000, and it is estimated that the annual income for 1937 will be $70,000,000,000. But, Mr. President, there are more than 7,000,000 unemployed men in the United States, and if each one of them represents a family of four there are nearly 30,000,000 people in this Nation of ours to whom so far that increase in income means nothing.

Mr. President, we were willing to trust the President with over $10,000,000,000, but now that we are marching up the hill, though we have not yet reached the crest, now that we are on our way because the policies that he inaugurated have led us out of the depression and out of the valley of tears, now that we are marching toward the top we are asked to hobble him, handcuff him, and put a ring in his nose in the expenditure of a billion and a half dollars, which is a paltry sum compared to the more than $10,000,000,000 we have entrusted to him within the last 4 years.

Having trusted him to spend over $10,000,000,000, I am going to trust him to spend a billion and a half dollars, or I am going to vote not to give it to him at all. Having trusted him thus far, if I am not willing to trust him with another billion and a half dollars I ought to be consistent and take it away from him.

We are told that he can obviate the proposed 25-percent requirement by finding that any community is unable to make the contribution and that, therefore, it does not make any difference whether this amendment is adopted. Well, if it makes no difference, why offer it; why inject it in here

if the President can avoid it by ignoring it? It was not injected here for that purpose, Mr. President.

The first effort was to reduce all appropriations 10 percent after the President sent his message here asking us to observe some rules of economy and in the same message saying that he needed a minimum of a billion and a half dollars for next year for relief. Of course, the effort was abortive. Then it was substituted by an effort to reduce the billion-and-a-half-dollar appropriation to $1,000,000,000, which also proved abortive; and now the 40-percent requirement was introduced as a substitute for the reduction of a half billion dollars. There is no use to deny that. When it was found impossible to reduce the minimum that the President requested from a billion and a half dollars to $1,000,000,000, the 40-percent requirement was injected here in the hope, as the author of the proposal suggested and admitted, that it might reduce the Federal contribution to at least a billion dollars if not to $750,000,000; and when it was found that the 40 percent would not prevail the proposal is whittled down to 25 percent; and it is all with the hope that the United States Government may load still more of this burden upon every town and school district in the United States.

Mr. President, I am as anxious as is any other man on this floor to balance our Budget, and I regret as much as any Member of this body that we ever had to assume the obligation of feeding the hungry; that we ever had to reach the arm of the United States out into the States, the counties, and the cities in order to feed and clothe and house the needy. I regret that it ever became necessary for us to embark in that field, and I will welcome as cordially as will any other Senator our withdrawal from that field at as early a date as may be possible. But, Mr. President, I hope that the floor of the United States Senate is not to be converted into a theater where shall be reenacted the scenes of the Merchant of Venice with Uncle Sam playing the role of Shylock and demanding his pound of flesh from every school district and every city hall and every courthouse and every home in the United States of America.

This is a national problem. It was made so not by the act of any county, city, town, or school district; and, while it may be that in the expenditure of this enormous sum, a few dollars have stuck to fingers that did not deserve them, on the whole, it has been possible through the expenditure of this money to renew the faith of our people in the Government of the United States. They have learned that our Nation and our Government and our politics are not institutions inaugurated in order that men may run for office and draw salaries, and that taxes may be levied in order that officeholders may draw their salaries; but that our Government is the agency and instrumentality of the people to guide and lead them in the solution of their problems.

I am thankful to God Almighty that in this great crisis our Nation has led our people out of the wilderness and that we have a leader who is sufficiently venturesome not to be afraid to plow through new ground in the solution of the difficult economic and social problems that beset our great people.

I hope this amendment, and all other amendments of its type and nature, will be defeated, and that the pending joint resolution will be passed without any such encumbrances upon it.

Mr. GLASS. Mr. President, I do not think we have yet gotten out of the "vale of tears", although it seems to me the Senate has been treated to more lachrymose rhetoric than ever before in the history of the Republic. I individually think that more economic blunders, if not in some instances economic crimes, have been perpetrated by Congress in the name of starving people who never starved and freezing people not one of whom has ever frozen than the imagination can conjure up.

I shall vote for the amendment of the Senator from Arkansas [Mr. ROBINSON] to the amendment reported by the committee. Preferably, I would vote for the amendment proposed by the Senator from South Carolina [Mr. BYRNES], not because I believe it is going to make any amazing difference in the amount of money expended but because I do not agree with the Senator from Idaho [Mr. BORAH] that the people are "tax-conscious", and I believe, in some small measure, the amendment of the Senator from Arkansas would make the people tax-conscious. I do not believe the Governors of the States or the lobby of the mayors of the various cities are in any degree tax-conscious.

The talk about the cities and communities being unable to pay a certain percentage of the cost they incur for the Nation raises the question as to who is to pay the nearly $40,000,000,000 of indebtedness already incurred—not nearly thirty-six billion, but nearly forty billion, if not over that sum, when we count the contingent indebtedness of the United States. Who is to pay it? Are we to repudiate the national debt, or are we to pay the national debt at maturity and as it matures?

Who constitute the States and the communities of the States? The people of the States and of the communities constitute the States and communities, and every man in every community and every State has not only got to pay the percentage that we are talking about but, in the last analysis, he has got to pay the entire indebtedness of this Nation, together with the accrued interest on that indebtedness.

The suggestion was made here the other day that the greater portion of the revenues of the Government was derived from income taxes. That is far from the truth. The greater portion of the revenues of the Government is derived from miscellaneous taxes upon all the people of the country. If we were to take every dollar that the wealthy classes derive in income, if we were to take their very principal, we could not begin to pay a measurable part of the indebtedness that this Nation has already incurred; and if gentlemen think that this indebtedness is not a menace to the Nation itself, they are very much mistaken.

We boast of the credit of the Government; we see it announced in the newspapers that subscriptions to Treasury issues are tremendously oversubscribed. As a matter of fact, they are not subscriptions at all; they are allocations. The Treasury certificates are allocated to the banks, and the banks are compelled to take the bonds, for they have been maneuvered into a position where they cannot refuse to take future issues because they must protect the enormous amount of Federal securities which they already hold; and a reduction of 10 percent under the par value of Federal securities would practically bankrupt 90 percent of the banks of the country. If we keep on constituting ourselves legislative spendthrifts for the Government, pretty soon such a depreciation in Government securities is going to occur, and when it does occur and when the banks with their millions of depositors and stockholders have to meet that issue, we are going to have precipitated upon us a disaster of which none of us can conceive.

As a matter of fact, we are not tax-minded. In nearly every community in this country public officials are taxing their ingenuity to think of and devise projects, a large proportion of which are of no use on earth. The idea of my community, one of the richest towns in the State of Virginia, whose bonds sell away above par, borrowing money from the Federal Government to construct sewers and sidewalks! I think it is a disgrace to the community, and it is not very creditable to the State of Virginia, whose bonds rank above those of the United States Government, that it should come here and borrow Federal money.

Federal money? Where does the Government get any money that it does not first pick from the pockets of the taxpayers of the various States and subdivisions thereof? That is the only way the Federal Government gets any money, and it is going down deeper and deeper into the pockets of every taxpayer in the communities and in the States in order to meet the maturities of the enormous national debt.

For that reason and others I intend to vote for the amendment of the Senator from Arkansas.

Moreover, I never intend so long as I live to vote for lump-sum appropriations to be turned over to minor irresponsible officials, unbonded men, not elected by the people

but appointed, to spend fabulous sums. Seven billion dollars are turned over to a man who never had any real business connection in his life to distribute as he may please at his discretion. I have voted against these lump-sum appropriations every time they have been proposed, and I am going to continue to vote against them at this time and whenever they may be projected here. It is an unbusinesslike way to make appropriations, and it results in ruinous extravagance.

Therefore I shall vote for the pending amendment in order to make the people at least somewhat tax-conscious, and in order that they may understand the implications when their Governors and mayors exhaust their ingenuity in the effort to secure projects for the purpose, in some cases, of teaching people art, of teaching them music, of teaching them how to play golf, and a multitude of other silly things, all at the expense of the taxpayers of the country. Talk about people starving! It would be better to take the money and feed the hungry, if there be any, instead of engaging in all of this foolishness.

Mr. President, I feel so intensely that the Congress of the United States is precipitating this country into actual bankruptcy with its extravagance that I am utterly opposed to the whole business and shall vote against it.

Mr. NEELY. Mr. President, the adoption of the pending amendment or any other similar amendment would impose upon the President labors greater than Hercules ever performed, and subject him to afflictions more intolerable than the boils that covered the man of Uz from the top of his head to the soles of his feet.

He would be obliged to become a more efficient and unerring sleuth than Sherlock Homes, and ascertain the financial sufficiency of every State, every county, every city, every town, and every village in the land.

The acquisition of the information contemplated by the amendment would require an army of investigators, inquisitors, and informers as numerous as the combined hosts that followed Xerxes, Alexander, and the old Napoleon.

The cost of accomplishing the purposes of the amendment would be out of all reasonable proportion to the contributions which it seeks to compel the sponsors of projects to make to the cause of relief.

And after all necessary information had been collected, classified, and considered the President would be required to certify that many of the States are irremediable bankrupts, many of our cities are helpless beggars, and many of our towns are hopeless paupers.

A more undesirable or embarrassing relief situation than that which would result from the adoption of the amendment can scarcely be conceived.

A vote for the amendment will be a vote against the initiation of a single additional Works Progress project in more than 40 States of the Union.

A vote for the amendment will be a vote for the cessation of civic improvement in more than four-fifths of the counties, cities, towns, and villages throughout the Nation.

A vote for the amendment will be a vote for the relief of flourishing American finance and against relief for the languishing American family.

A vote for the amendment will be a vote against the employment, at lifesaving wages, of innumerable faultless, jobless, poverty-stricken men and women.

A vote against the amendment will be a vote to continue the construction of necessary schoolhouses and other public buildings; the improvement of streets and alleys and sewers, and the sanitary conditions of all our centers of population, and the multiplication of the conveniences and comforts of daily life for millions of people.

A vote against the pending amendment will be a vote for the employment of a countless throng of those who are idle, not by choice but because it is impossible for them to find anything to do.

A vote against the amendment will be a vote for roofs over the heads of the homeless, clothes for the backs of the naked, bread for the mouths of the hungry, and blessings for the sick and suffering poor.

It never has been possible, may it never be possible, for me to vote to make deserving men and women idle; to make them homeless; to make them ragged; to make them hungry; to make their innocent little children cry for bread. In the circumstances, I shall, on the pending amendment, plant my feet securely in the tracks of the peerless President and Harry Hopkins, his peerless, patriotic, humanitarian administrator of relief. In this case I shall confidently and enthusiastically follow these two illustrious men who, during the last 4 years, have gone further than any other two men in the entire history of civilization in the matter of making earthly existence not only endurable, but worth while for those who inspired the utterance:

> Knowledge to their eyes her ample page,
> Rich with the spoils of time, did ne'er unroll;
> Chill penury repress'd their noble rage,
> And froze the genial current of the soul.

On the approaching roll call, let us vote instant death to the amendment and more abundant life for God's poor, whose only prospect, until recently, was that of ceaseless suffering on earth, and whose only gleam of hope was that of happiness in the kingdom of heaven.

Mr. ASHURST. Mr. President, history is often very impish in dealing with events. Sometimes circumstances and transactions, apparently unnoticed at the time they occur, later loom large in history when the accurate and painstaking historian estimates and appraises their effect.

The speech of the able Senator from Idaho [Mr. BORAH] caused me to recall that the general-welfare clause of the Constitution was agreed to in the Convention, as the lawyers say, "nemine contradicente"—without contradiction. Yet after 147 years, as the able Senator from Idaho points out, that phrase in the Constitution, "general welfare", is settled in the view that Mr. Hamilton took, and the effect of the Supreme Court's decision lays upon Congress the responsibility for appropriations and taxes.

That decision of the Supreme Court—Commissioner of Internal Revenue against Davis, decided May 24, 1937—is an important event in history, because under it the question of appropriations and taxes is now almost exclusively for Congress to decide.

Another thing as to which history to date has been somewhat impish is Presidential vetoes—that is to say, by failing to reveal their importance. Last summer, after Congress adjourned, I made an investigation of the vetoes of President Franklin Roosevelt. He has vetoed more bills than any other President except President Cleveland; and after my analysis, which required 2 weeks, I assert that President Roosevelt by his vetoes has saved to this country hundreds of millions of dollars. Are Senators aware that he vetoed one bill which alone would have resulted in paying a stale claim approximating $90,000,000?

I was so impressed by the transcendent importance of the services President Roosevelt had rendered to his country by his vetoes that I wrote a statement for the New York Times concerning these vetoes.

I shall read to the Senate the statement I wrote for the Times on July 9, 1936:

> If it be true that Congress loves the people for their votes, it is likewise true that Congress loves President Roosevelt for his vetoes.
>
> President Roosevelt has vetoed more bills than any other Chief Executive except President Cleveland. In Congress bravery is not required to vote for a bill, but when a Member of Congress votes against a bill he exhibits fortitude.
>
> I have just completed a thorough examination of the various bills vetoed by President Roosevelt, and candid men must declare that the Franklin Roosevelt vetoes are courageous and in the interests of economy and retrenchment.
>
> Regarding many, if not most, of the vetoed bills, had President Roosevelt approved them, he would have laid incalculable burdens upon the people; and in not a few instances he would have injected vitality into stale claims of doubtful merit against the Government; indeed, in some cases the bills as to which he withheld approval were not only wholly lacking in merit but called for enormous and wrongful drains upon the Treasury.
>
> President Roosevelt should receive praise and approbation for the superb service to the people he has quietly rendered in protecting the public revenues by his vetoes.

I invite Senators to examine, for example, the batch of bills that President Roosevelt vetoed at the end of the last

session, and they will see that they may safely trust the President. They will perceive that he stood guard over the revenues of the people.

I am content to trust the President, and would rather trust the President than trust Congress on appropriations.

Mr. LEWIS. Mr. President, I ask the attention of the Senator from Idaho [Mr. BORAH] and the Senator from Arizona [Mr. ASHURST].

In pursuit of what we all want—correct history—I am anxious to know if my able friend from Idaho and the eminent chairman of the Judiciary Committee have not both fallen into error in the assertion made respecting the relationship to the Constitution and the respective contributions of effort of Mr. Hamilton and Mr. Madison. The Senators, I fear, have left upon the present Congress the idea that the Supreme Court of the United States, speaking through Mr. Justice Cardozo, has left the conclusion that it was Hamilton who favored the general-welfare clause for general-welfare demands, and that the clause which prescribes that the general welfare of the country is to be guarded by the limitation of taxation was the expression and the creed of Alexander Hamilton.

I ask my able friend from Idaho if he meant to say that Hamilton presented to the Constitutional Convention the idea that the general-welfare clause meant to give to the country the right of taxation for the general welfare, while Mr. Madison represented the thought of limiting it to the mere matter of the national defense. I have understood that the fact was just the reverse. I ask my able friend from Idaho and the chairman of the Judiciary Committee if they do not recall that history is something as follows:

Did not Mr. Hamilton insist that the general-welfare clause, following the clause with reference to the right to tax, levy imposts, and so forth, was to be defined as relating solely to the power of taxation for the national defense, and that it did not carry with it the privilege of going further than the defense of the country required, military or otherwise? Is it not true that Mr. Madison represented the opposite school, and that which we on the Democratic side still today contend for—that the words "general welfare" in the Constitution meant that that which was essential for the welfare of the country, wherever that welfare called for service, was to be taken care of?

It is my viewpoint that the present position as announced by the Supreme Court of the United States in the expression from Mr. Justice Cardozo is directly opposed to what the Supreme Court of the United States in its rulings had previously held in the very case we speak of as the A. A. A.; and that the Security case decision was a deliberate reversal, as I construe it, of the construction that the very same Court had made in the Security case under the general-welfare clause.

Mr. BORAH rose.

Mr. LEWIS. The Senator from Idaho rises. May I yield to him?

Mr. BORAH. Mr. President, my understanding is that neither Madison nor Hamilton in the Convention offered the particular clause which we are discussing. My recollection is that that clause came from the Committee on Redrafting, or the Committee on Style, as it is sometimes called. Hamilton did not offer it, nor did Madison, but they both construed it. Hamilton construed it as including the power to lay and collect taxes for the purpose of providing for the general welfare. Madison construed it as providing for laying and collecting taxes to cover the specific grants which were made in the Constitution to Congress for other purposes, Madison's theory being that it was limited to the specific grants; Hamilton's theory being that the general-welfare clause was a substantive grant, aside from the other specific grants of the Constitution.

Mr. LEWIS. I beg to say to my able friend that upon examination of the debates, and more acquaintance with the details, it will be disclosed that Hamilton contended that the clause brought in by the committee, which the able Senator designates, must be limited in its construction to the right to lay taxes for the general welfare, meaning purely for the welfare of that which had been described, to wit, the national defense; that Mr. Madison, as I understand, insisted upon the doctrine we speak of as a liberal doctrine, directly opposed to the former, and the one for which the Democrats have contended for 50 years, that the right to levy taxes for the general welfare was to be applied wherever it was essential for the control and the protection of the welfare of the land and its people. There did arise the issue, and in the past 15 years it has received various constructions; but not until lately has the Supreme Court of the United States, reversing itself, conceded that the words "general welfare" must now be construed as referring to such action as would be regarded as necessary to the welfare of the Republic.

Mr. BORAH. Mr. President——

Mr. GLASS. Mr. President, may I ask the Senator from Illinois a question?

Mr. BORAH. I defer my question.

Mr. GLASS. I was about to suggest that Mr. Madison, in his review of the Virginia and Kentucky resolutions, clearly pointed out, if I understand the English language, that the levying of taxes for the benefit of any particular group of people was not what was meant by the general-welfare clause.

Mr. LEWIS. It may be, Mr. President, that on that phase, which is not the one on which I assume to express myself at this time, Mr. Madison may have appropriately stated that the right to levy taxes under the general-welfare clause did not give a general privilege to levy general taxes upon all subjects, but was wholly limited to the particular subject then in hand. Where I differ from my able friend from Idaho, if I be not wrong—and, of course, I wish to concede whatever is the truth—is that Mr. Hamilton did not at any time adopt the theory that the general-welfare clause gave the Government any right to take such action, in levying taxes or otherwise, as would justify the view of the Supreme Court of the United States as now given by Mr. Justice Cardozo, but went directly to the opposite. It was Mr. Madison's broad conception which gave us the viewpoint that the words "general welfare" must be construed to mean the general welfare wherever circumstances arise that really concern necessarily the welfare of the Republic.

Mr. BORAH. Mr. President, will the Senator from Illinois yield?

Mr. LEWIS. I yield.

Mr. BORAH. Let me read a paragraph from Hamilton's Report on Manufactures:

> The term "general welfare" was doubtless intended to signify more than was expressed or imported in those which preceded; otherwise numerous exigencies incident to the affairs of a nation would have been left without a provision. The phrase is as comprehensive as any that could have been used, because it was not fit that the constitutional authority of the Union to appropriate its revenues should have been restricted within narrower limits than the general welfare, and because this necessarily embraces a vast variety of particulars, which are susceptible neither of specification nor of definition. * * * The only qualification of the generality of the phrase in question which seems to be admissible is this: That the object to which an appropriation of money is to be made be general and not local, its operation extending in fact or by possibility throughout the Union, and not being confined to a particular spot.

That is quoted from the Government's brief in the A. A. A. case. The Senator was of the opinion, as I understood his statement, that the Court modified its views in the A. A. A. case by the security case.

Mr. LEWIS. I so adopt.

Mr. BORAH. The Court first announced the doctrine of Hamilton in the A. A. A. case and reaffirmed it in the Security case. This brief on the part of the Government was filed in the A. A. A. case, and the unanimous court held to the Hamilton theory in the A. A. A. case, but, if I may be permitted to say so, what seemed to me to be the illogical position of the majority of the Court in the A. A. A. case was that after it was held that we may lay taxes for the general welfare, they then held that agriculture did not come within the general welfare.

It seemed to me that after they had once established the doctrine of Hamilton, the minority in the A. A. A. case were on sound ground. In other words, where we are levying a

tax for the general welfare, State lines do not intervene; it is the question of whether or not it is for the general welfare of the United States, and no one contends that agriculture is not incorporated in the general welfare of the United States.

Mr. LEWIS. I do not see how anyone can escape the conclusion of what I assert. My two able friends have fallen into the error of adopting the construction, as announced this morning, as the one which Mr. Hamilton had represented and adopted; that the general-welfare clause, as stated, comprehended the right to levy burdens, taxes, and otherwise, wherever such appeared to be for the general welfare of the country. It had been my judgment that Mr. Madison contended that such construction should obtain, and that Mr. Hamilton had opposed, and the very reading of my able friend the Senator from Idaho, if I may call his attention to the fact, from the report on manufactures, is not in support of the view Mr. Hamilton recites, but demonstrates that his view opposing it is correct, because the opposite viewpoint would, as he recites, give so general a latitude as would allow general taxes for the general welfare.

Mr. BORAH. Mr. President, I am unable to agree with the Senator on that. What Hamilton contended was that this was a substantial grant to tax for the general welfare. What Madison contended was that it did not add anything whatever to the specific grants in the Constitution to Congress to do certain things, and the dividing line was between the right to tax for a general purpose and the right to tax solely for a specific purpose.

Mr. LEWIS. It does not matter—and with this I conclude my observation, having risen merely to urge that there be a further investigation—whether we are for one construction or the other, this much has to be recorded by history, and the eminent historians of the conning tower called the press gallery can say it comes from Senators, that as a conclusion respecting this opinion we have reached the point where we announce that this Government has experienced a change by which the mere name of "State" is meaningless. Therefore, in the future days of our generation there will be two governments before the country; one will be the Nation, for the general welfare and care of the citizens and the country, and the other will be that local government to which Mr. Jefferson attached so much importance. We speak of it now as "city." Mr. Jefferson referred to it in those days as "county", it then being the local form of government. But the State has no sovereignty, and there is no longer any such organization in this Government as can be regarded a sovereign State as opposed to the sovereignty of the National Government. Such is the result of the last opinions of the Supreme Court of the United States.

Mr. BORAH. Mr. President, I should like to ask the Senator a question, as I have not any time of my own. On page 137 of the Government's brief is found this statement:

> It is said that the general-welfare clause is a limitation on the taxing power; that the clause itself has reference to and is limited by the subsequently enumerated powers; that is, that Congress can tax only to carry out one or more of these latter powers. This is known as the Madisonian theory.

Then it says:

> Thirdly, it is said that while the clause is a limitation on the taxing power, it was intended to embrace objects beyond those included in the subsequently enumerated powers; that is, that, although Congress may not accomplish the general welfare independently of the taxing power, nevertheless it may tax—and appropriate—in order to promote the national welfare by means which may not be within the scope of the other congressional powers. This is commonly known as the Hamiltonian theory.

Then the brief urges that the Hamiltonian theory be adopted and the Madisonian theory rejected.

Mr. COPELAND. Mr. President, I should like to add one word to what has been said about the general-welfare clause.

Let us examine briefly the reasons for the inclusion in the Constitution of this particular clause and attempt to set forth its exact meaning. To this end we turn to the Journal of the Convention, August 21, I quote:

> Governor Livingston, from the Committee of Eleven, to whom was referred the propositions respecting the debts of the several States, and also the militia, entered on the 18th instant, delivered the following report:
>
> "The Legislature of the United States shall have power to fulfill the engagements which have been entered into by Congress, and to discharge as well the debts of the United States and the debts incurred by the several States during the late war, for the common defense and general welfare."

The origin of this proposal lies in the eighth of the Articles of Confederation. There we find that all charges of war and all other expenses that shall be incurred for the common defense and general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several States within the time agreed upon by the United States in Congress assembled.

It must be admitted that many persons have distorted the meaning of this clause. It is a discussion which goes back to the lifetime of the framers of the Constitution. In a letter to James Madison, in 1830, Andrew Stevenson said that the terms "common defense" and "general welfare" were still regarded by some as conveying to Congress a substantive and indefinite power.

In reply, under date of November 17, 1830, Mr. Madison wrote at length. I commend to all who are interested in the welfare clause to read this letter carefully. After tracing the origin and history of the clause, as well as its course through the Convention, Madison said:

> If it be asked why the terms "common defense" and "general welfare", if not meant to convey the comprehensive power, which taken literally they express, were not qualified and explained by some reference to the particular powers subjoined, the answer is at hand, that although it might easily have been done, yet the omission is accounted for by an inattention to the phraseology, occasioned, doubtless, by its identity with the harmless character attached to it in the instrument from which it was borrowed.

In the writings of Madison is a memorandum relating to the letter I have just mentioned. I find this:

> It was not the intention of the general or of the State conventions to express by the use of the terms "common defense" and "general welfare", a substantive and indefinite power; or to imply that the general terms were not to be explained and limited by the specified power, succeeding, in like manner as they were explained and limited in the former Articles of Confederation from which the terms were taken.

In short, there is no foundation for the fear expressed by Richard Henry Lee in letters to Samuel Adams and the Governor of Virginia in 1787 that this clause would permit the "submission to Congress of every object of human legislation."

It was the opinion of Mr. Madison, apparently, that this had no reference whatever except to the right to appropriate money for the general defense. He places great emphasis upon the fact that the language was carried over from the Articles of Confederation, and that that accounted for the absence of debate in the Constitutional Convention.

Mr. GLASS. Mr. President, as pointed out by the Senator from Idaho [Mr. BORAH], Mr. Madison always contended that the enumeration of the things for which taxes might be levied constituted the real meaning of the general-welfare clause.

Mr. LOGAN. Mr. President, I do not care to go into the discussion of the subject which has been brought up by the Senator from Idaho more than to state that those Senators who, as the senior Senator from Virginia [Mr. GLASS] has done, plant themselves squarely on the doctrine of Jefferson and Madison, are absolutely right in opposing the present administration in the construction of the Constitution as it relates to the general welfare. I said some weeks

ago in a speech on the floor of the Senate that the trouble with the country was that the Supreme Court had adopted the Jeffersonian and Madisonian theory of the interpretation of the Constitution as it relates to the general welfare. That is true. The Hamiltonian theory of the construction of the Constitution has been advocated by the present administration as it relates to the general welfare. There can be no doubt about that.

Until recently the Supreme Court had adhered to the Madisonian theory of interpretation. It adhered to the Madisonian and the Jeffersonian doctrine, but within the past few weeks it has gone back to the Hamiltonian interpretation of the Constitution; and I think the Senator from Idaho [Mr. BORAH] is exactly correct in what he said, although I dislike to disagree with the Senator from Illinois [Mr. LEWIS], who is nearly always right.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. HATCH in the chair). Does the Senator from Kentucky yield to the Senator from Idaho?

Mr. LOGAN. I yield.

Mr. BORAH. The Supreme Court of the United States had never construed the general-welfare clause until it construed that clause in the A. A. A. case.

Mr. LOGAN. That is true.

Mr. BORAH. So it had not retreated from any position it had taken. That was the first construction the Supreme Court ever put on the clause; and it construed it in that case in the same way that it afterward construed it in the Securities case. As I said a few moments ago, while the court construed the clause in the A. A. A. case, it seemed to me that it did not follow out logically the result of its construction. If it had, it would have upheld the A. A. A. Act. If there is anything that is a part of the general welfare, it would seem that it would be agriculture.

Mr. LOGAN. Perhaps I should have referred to the national power generally, rather than to the general welfare. I think it may be truly said that Marshall, during his more than 30 years as Chief Justice of the Supreme Court, constantly enlarged and broadened the powers of interpretation, and followed very largely the theories of Mr. Hamilton as against the theories of Mr. Madison. Then when Taney came on the Bench there was a drift toward the Madisonian doctrine, and the Dartmouth College case was modified in the Charles River Bridge case. Afterward, the Dred Scott decision culminated in a good deal of trouble; but the Taney court very largely drifted toward the theory of Madison and away from that of Hamilton.

Then the Civil War came on; and during the war and during the reconstruction period the Court did not amount to very much; but it went back toward Hamilton, and it drifted toward Hamilton's theory on and on, until within the past 25 years it began to go back toward Madison. It continued in that way until the present controversy arose, and now it is drifting over toward Hamilton again.

That is the way I read the history of the Supreme Court.

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

Mr. LOGAN. I yield.

Mr. LEWIS. I wish to add only one word.

I know that in this discussion we have gone very far afield from the pending amendment. The Senator from Indiana [Mr. MINTON], in his speech when addressing the Senate on the day after the opinion of the Supreme Court in the A. A. A. case was handed down, brought strongly to the mind of the Senate the application of the general-welfare clause, and particularly the reference in the opinion to seeking to evade the intention and the proper construction of the general-welfare clause. What I respectfully urge is that the present tendency—and I may say the declaration of the Supreme Court of the United States of the present day—is in support of the doctrine that the general-welfare clause of the Constitution allows taxation by the Congress upon any subject that the Congress shall find is essential to the welfare of the people. Therefore, the sovereignty of States, to which we have heretofore attached much importance, is practically abolished, from the fact that the authority of the State does not now exist to maintain the sovereignty of its right to levy taxes for relief, as against the authority to tax for that purpose by the Congress under the general-welfare clause.

Mr. LOGAN. That is true with respect to the sovereignty of the State as the result of the War between the States; but the States have rights which must be maintained. However, there has been no such thing as a sovereign State since that question was settled by the arbitrament of arms.

Mr. LEWIS. And the fourteenth amendment.

Mr. LOGAN. And the fourteenth amendment, which followed. That is true.

Let me call attention, however, to the fact that in the second Legal Tender case the Supreme Court in its opinion took the position, as I recall, that the Court must consider emergencies and the conditions in the country, and what effect an opinion would have, in reaching a conclusion. It so said, and it pointed out that if it should hold invalid the greenbacks it would destroy the business of the country, and that for that reason it was constrained to uphold the Legal Tender Act. That was still Hamilton's theory of government, and not Madison's.

Mr. President, I do not want to take up more of the time of the Senate. I believe it wants to vote, and I join with it in that desire; but I wish to say one or two words about the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

It makes no difference to my State, one way or the other, whether the amendment is agreed to or whether it is not. It is broad enough to permit the granting of relief to every section in Kentucky. I believe none of us will dispute the fact that if a municipality or a county or a subdivision of a State has money on hand, it ought to use it for relief if it is calling upon the Federal Government for aid. No harm can result from matching the Federal Government's contribution. If such municipality or subdivison of the State does not have the money on hand, then under the amendment offered by the Senator from Arkansas the relief may still be extended, because in the States we do not have time to levy and collect the taxes necessary for this purpose even if the taxing power has not been exhausted. It would take a period equal to the life of this legislation to collect taxes; or if the States had to vote a bond issue, it would take a year and a half or 2 years. Consequently, no municipality or subdivision of the State could supply the funds necessary to match the Federal Government's funds. For that reason the amendment does not affect my State one way or the other.

However, I do want to say a few words on the general question of relief. I had hoped we had reached the point where we could abandon it altogether. I know it is a national question, and I cannot pass judgment on what the States, except my own, really need. I have lived in Kentucky all my life. I believe I know Kentucky as well as any Senator knows his own State, having been identified with it in a public manner for almost 35 years in one capacity or another. Kentucky is always an earthly paradise, but it is now a luxurious paradise. The farmers have had the best year they ever had in their lives. The banks are bursting with money. The great coal fields in eastern Kentucky and western Kentucky are operating. The steel mills are operating. The asphalt plants are going all the time. All the great industries in our cities are operating to full capacity. If we cannot get off relief in Kentucky at this time, I do not know when we ever shall be able to do so; and I thought the people in my good State realized that fact. But there was some talk of cutting the appropriation; and many of the various officials in Kentucky, county and State, who have been telling me they can get along without relief, immediately began to cover me up with telegrams, saying it would be a terrible thing to reduce relief at all in my State. So I concluded that since the other sections of the country

were going to get relief, the boys there would "take sugar in theirs" just the same as the rest.

I realize that the projects which have been started ought to be completed, and that the appropriation should be sufficient for that purpose; but I believe it is true today that there is no man in Kentucky who is willing and able to work who cannot get a job if he wants to do so. I do not say that that is true in other portions of the country. I know conditions may be different in other places, and I think Kentucky would be exceedingly selfish if she should undertake to deny privileges and benefits to the other States. So, as I have said, in my judgment, the amendment of the Senator from Arkansas does not affect Kentucky one way or the other.

I know that some of the towns which were destroyed or injured by the flood are in very great need of help. They can get it under the amendment if they apply for it. I expect to vote for a continuation of relief, but I do not know how long we shall have an opportunity to vote for it if we continue our present plan. We have almost reached the limit of the national credit. If we should have another depression, there would be no way to get us out of it by the expenditure of more money. Consequently, it would mean inflation, and inflation would mean repudiation, and repudiation would mean the destruction of the national life and the destruction of all values. I am really apprehensive that unless we begin to reduce expenses somewhere we may be approaching the most dangerous crisis our Nation has ever seen. So, while this seems a modest sum to expend for relief, yet we have a tremendous public debt, and it continues to increase; and I very much hope I may very soon see the time when in some manner we may balance the Budget and begin to reduce the public debt.

Mr. MINTON. Mr. President, in order that the record may be kept straight as to what the Supreme Court has said and done with reference to the general-welfare clause of the Constitution, I wish to call the attention of Senators, for just a moment, to the opinion of the Supreme Court in the case of the United States against Butler, which, as will be recalled, was the A. A. A. decision. In that opinion they did discuss the welfare clause; in fact, they said that the general-welfare proposition was Hamlet in the case. At page 62 of that opinion, which is found in Two Hundred and Ninety-seventh United States Reports, the Supreme Court, speaking of the contention of the Government, said:

> This contention presents the great and the controlling question in the case—

That is the general-welfare clause.

Then the Court proceeds to a discussion of the views of Hamilton and Madison with reference to the general welfare, and takes the Hamiltonian view and says:

> This Court has noticed the question, but has never found it necessary to decide which is the true construction. Mr. Justice Story, in his Commentaries, espouses the Hamiltonian position. We shall not review the writings of public men and commentators or discuss the legislative practice. Study of all these leads us to conclude that the reading advocated by Mr. Justice Story is the correct one.

Therefore, the Hamiltonian theory is the correct one. Then, after the Supreme Court had said that the general-welfare clause was the "Hamlet" in the case, and accepted the Hamiltonian view, they turned around and blandly refused to apply it.

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

Mr. MINTON. I will yield in a moment. I wish to read another quotation from the opinion. At the top of page 68 of the same opinion the Court says:

> We are not now required to ascertain the scope of the phrase "general welfare of the United States", or to determine whether an appropriation in aid of agriculture falls within it.

Mr. LOGAN. Mr. President——

Mr. MINTON. I now yield to the Senator from Kentucky.

Mr. LOGAN. I merely wish to say that while I agreed with the position taken by the Senator from Idaho, that the Court had correctly stated the principle, yet it had reached a wrong conclusion in holding that the welfare of agriculture was merely a local concern and not of general concern.

Mr. MINTON. I do not think they reached any conclusion at all except that they refused to apply the doctrine which they accepted.

Mr. LOGAN. I agree with the Senator about that.

Mr. DIETERICH. Mr. President, I had not intended to address myself to this subject, but its importance to my State is such that I would not be discharging my duty as one of its Senators in this body if I should not at least give the Senate the benefit of my views for whatever they may be worth.

I am not going to suggest any alibi nor apologize for the present administration or the expenditures which it has made. I feel that every expenditure which has been made was justified, was made for the purpose of accomplishing a definite end, and I think, in the main, the expenditures, enormous as they have been, have accomplished that purpose.

The necessity of the National Government providing for the relief of needy and distressed citizens of the United States is something, of course, that we should all like to see obviated, but we have the problem with us and cannot escape it.

Heretofore among the agencies that have assisted in fighting the depression has been the W. P. A. The amendment to the joint resolution under consideration seeks to change the policy which we have pursued during the depression and when the problems which we had to meet were the most difficult. I do not understand that the Federal Government in the matter of providing work for citizens who were unemployed looked at it as strictly a charitable proposition. I think it realized that the local communities and the States were having difficulty in dealing with their unemployment situation, and for that reason, in a dignified way, the National Government provided a fund by the use of which there could be constructed certain works which would afford employment. I understand that contributions were made by the various communities, and that the reason it was necessary to vary the amount of such contributions was in view of the difference in the degree of employment any particular work would afford. Therefore the matter of contributions in the various communities necessarily had to be flexible. I understand that the Works Progress Administration was carried on in that way.

Now we come to what we hope is about the last of the depression, when unemployment is largely localized in the industrial centers and when the farming communities throughout the land are pretty well protected and have fairly well recovered from the depression which engulfed agriculture.

Unfortunately some States have within their borders conditions which attract the unemployed. I can see how New York State and the city of New York may attract unemployed persons; and there is no question that the State of Illinois and the city of Chicago at the present time have needy persons within their borders who are not really citizens of Illinois but who migrated there. So the unemployment problem of Illinois is still continuing.

I wish to speak particularly for my State and to indicate the injustice that might be perpetrated if the amendment offered by the Senator from South Carolina [Mr. BYRNES] or the amendment offered by the Senator from Arkansas [Mr. ROBINSON] should prevail. Illinois, like other States, has carried her part of the public burden. Unlike many of the States, Illinois has paid into the Government millions of dollars more revenue than has been received from the Government for any purpose, either for public buildings in normal times, work relief, unemployment relief, or any of the activities which were intended to counteract the depression. The balance has always been in favor of the State of Illinois, and Illinois should not be penalized because of that fact. Now, when perhaps the very last appropriation

the Congress will ever be called upon to make for relief is pending before the Senate, we should not change the policy and say to a State, "Notwithstanding the fact that you have supplied revenue, that you have assisted in every way, that you have done your part in contributing to relief"—and the figures read upon the floor of the Senate show that Illinois has done that—"you shall now be required to pay 25 percent of the cost of any project that is intended to provide relief for unemployment." I say to the Senate that would be manifestly unfair.

The pending amendment simply penalizes those communities whose taxpayers produce the revenues of the Government. The amendment would take from them and give to those who do not produce or who are unable to produce. If the amendment should be adopted, and its provisions be administered as they should be, the President would have to make an investigation not only to determine whether relief is necessary but to determine whether or not a given community is able to contribute 25 percent; and so relief would be placed upon a basis of absolute charity. In other words, every community and every State that wanted to share in this relief, unless they contributed 25 percent, would have to admit that they were insolvent and bankrupt.

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

Mr. DIETERICH. Yes.

Mr. CONNALLY. If they are bankrupt, why not admit it?

Mr. DIETERICH. If they are bankrupt, they might admit it; but if they are not bankrupt, they should not be forced to say they are, and in the appropriation made from the Federal Treasury those States that have taken care of their citizens who are needy and in distress and that have contributed generously to the fund, should have the same privilege of sharing in it. It is unfair to them to ask them to pay into the Federal Treasury and not receive anything in return.

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

Mr. DIETERICH. Yes.

Mr. CONNALLY. If they are able to pay, they can pay; and, if they are not able to pay, why should they not admit it?

Mr. DIETERICH. Why not, on the other hand, pass a law requiring every community to pay? Why not pass a law requiring every community that wants to share in this appropriation to contribute its just part? Why penalize those that try to be thrifty and have safeguarded their finances to such an extent that they are able, possibly, by stretching their resources, to raise 25 percent? Why not let it fall alike on all of the States or take it off all of them and not destroy this flexible feature of the program?

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

Mr. DIETERICH. Yes.

Mr. CONNALLY. By requiring them to pay 25 percent, we would at least set some standard for all of them instead of allowing the Administrator to proceed as he may see fit.

Mr. DIETERICH. I do not care to have the Senator from Texas inject a speech at the time when I am making my address. He can get the floor afterward.

Mr. CONNALLY. I beg the Senator's pardon; I thought he yielded to me.

Mr. DIETERICH. I understand the Senator's argument, but I am asking for justice for those States that do contribute, and I am asking justice for those communities that are able to contribute; because it is an absolute fact that the communities that have been able to contribute have attracted to their borders a large group of unemployed who do not naturally belong there, and now it is purposed to saddle that burden on them permanently.

I think in justice the joint resolution should be passed by the Senate as it came to us from the House. I am not going to discuss what the administration wants or what it does not want. I am discussing the justice of the proposal. I think the amendment or any other amendment that asks for any contribution should be rejected by the Senate.

Mr. CONNALLY. Mr. President, I want to ask the pardon of the Senator from Illinois for my interruption of his remarks. I labored under some sort of hallucination that he had yielded, and, laboring under such an hallucination, I started to make a suggestion, but learned later when I embarked upon my suggestion that he declined to yield.

The PRESIDING OFFICER. The Senator from Illinois did yield to the Senator from Texas, and later declined to yield.

Mr. BYRNES. Mr. President, I have heretofore discussed the reason prompting me to offer the amendment which was approved and adopted by the Appropriations Committee. Since that time the Senator from Arkansas [Mr. ROBINSON] has offered an amendment, an amendment which does not accomplish all that I had hoped would be accomplished by the committee amendment, but which is at least a step in the direction of causing local governments to bear a greater share of the cost of W. P. A. projects.

I think the amendment of the Senator from Arkansas has been correctly analyzed by the Senator from Idaho [Mr. BORAH]. The Senator from Idaho said he did not believe it would effect a very material reduction in Federal expenditures. He said that the provision that the President could, whenever he decided a sponsor was unable to contribute 25 percent, require a smaller contribution, would authorize a continuance of the discretion exercised by the Administrator, but it would tend to establish a standard for the States, counties, and cities, and was therefore desirable.

It is my opinion that the virtue of the amendment of the Senator from Arkansas, now pending before the Senate, will be to establish a standard and to give to every official of W. P. A. throughout the country an argument to induce a larger contribution by the local sponsors.

When we speak of conferring the power upon the President, we know that is done because in the first lines of the joint resolution the appropriation is made to the President. But in practical operation the determination of the contribution of sponsors is not made by the President of the United States and is not made by the Federal Administrator, but is made by the State administrators in the various States of the Union.

When an application is submitted there is an investigation. The State administrator must determine how much he is going to ask of the sponsor. Today the sponsor can say, "You are asking of this city only 5 percent; of that city 10 percent; so why ask of me 30 or 40 or 50 percent?" If this amendment is adopted, whenever an official of a local government appeals to an administrator of a State, the administrator will say to the sponsor, "The Congress has expressed its sentiment. The Congress believes that if a sponsor is able, the sponsor should pay 25 percent. I think you are able, and therefore you should put up 25 percent."

Mr. CONNALLY. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. BYRNES. Certainly.

Mr. CONNALLY. As I remember, the statistics from my State show that last year Texas put up 22 percent. Speaking about fairness, why is it not fair to require other States to put up whatever they can up to the extent of 25 percent, and thereby set some sort of standard?

Mr. BYRNES. Of course, that is the theory of the amendment I offered, and also the theory of the amendment of the Senator from Arkansas.

I want Senators to picture the position of the State administrator in any State of the Union. Today there comes to him the president of a State university, for instance. Under the law, in order to qualify as a public project, he must show that the State university is a State-supported institution. When the president of the university proves that his university is State-supported, he then proceeds to show that though State-supported, the State cannot make the contribution to the cost of the project asked by W. P. A.,

and he asks that it be allowed to procure a project by the contribution of only 5 or 10 or 15 percent.

Under the Robinson amendment, the Administrator of W. P. A. could say to the president of the university, "This is a State-supported institution. If you can ask for a project from Public Works Administration and put up 55 percent, certainly you can put up 25 percent for a W. P. A. project. The Congress has expressed its views that 25 percent should be made the standard, and you should put up at least that much." It would give to the Administrator an argument which he does not now possess. It should result in his securing a larger contribution from many sponsors.

However, it is said by someone who spoke this morning that it would have a tendency to reduce the contribution in some instances to 25 percent. It does not follow that in every case where a sponsor is now contributing more than 25 percent, the Administrator would permit the sponsor to have his project approved by contributing only 25 percent. I assume the Administrator would say, "Congress has said you should contribute at least 25 percent, and I ask you to put up 25 percent. If you cannot do so, then I will determine how much you can contribute."

If that is not sound, then today under existing conditions the State putting up 5 or 10 or 15 percent could insist that it should not put up any more because some other cities or counties or States are not putting up a larger percentage of the cost of projects.

It is said that in the platform of the Democratic Party we declared that relief is a national problem. What did the platform say with reference to relief? It said:

> We believe unemployment is a national problem.

But the platform went on in the same paragraph to make this further declaration:

> We believe that work at prevailing wages should be provided in cooperation with State and local governments on useful public projects.

Not that the National Government should pay the entire expense of work projects, but that "work at prevailing wages should be provided in cooperation with State and local governments." How can local governments cooperate except by putting up some part of the expense? If it is a violation of the platform to say that States must contribute 25 percent, then how could we excuse the action of the Administrator today in requiring an average of 16 percent throughout the country? Up to January 1 the average was 13 percent and since then it has increased to 16 percent.

Another argument offered by Members of the Senate opposed to the amendment, is that it would require an investigation of the financial status of every sponsor. What is done today? Let me read to Senators from the testimony of Mr. Hopkins. I asked him how he proceeded in order to determine what should be contributed by the sponsor in each case; and Mr. Hopkins said:

> We determine it by inquiring into their bonded indebtedness. We inquire into the law as to what legal right they have to increase that indebtedness. We inquire into their taxing ability on other fronts. We inquire into the ability of real estate to stand an increased tax. All of those things are taken into consideration in dealing with a sponsor when they ask us to pay what we think is an unreasonable percentage of the cost. We take into consideration what they are doing out of their own funds on other fronts in connection with the relief problem.

Mr. DIETERICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Illinois?

Mr. BYRNES. I yield to the Senator from Illinois.

Mr. DIETERICH. In other words, the Administrator said the relief authorities inquire into the law to determine the ability of the city or the county to raise funds.

Mr. BYRNES. Yes.

Mr. DIETERICH. Does the Senator think it is practical, in providing work relief, to determine that a certain local improvement might be constructed by special taxation, or, if it should be determined that a bond issue might be voted for the purpose of providing the city's or the county's part of the fund, to wait until the proceedings in court might be had and such bond issue determined?

Mr. BYRNES. Mr. President, how practical it is, it would be impossible for me to say, other than that Mr. Hopkins says that is what he is now doing—not what is proposed under the amendment, but what he is now doing.

Mr. DIETERICH. Then, Mr. President, does not the Senator see that if the President is to make the investigation of ability to pay, and he determines—as he must determine if that is the fact—that the city or municipal corporation can pay by starting some proceeding in court whereby, either by special assessment or by the vote of a bond issue, the part of the fund to be raised by the city or the municipal corporation may be provided for, that would practically deny it the right of relief?

Mr. BYRNES. Mr. President, all I can say is that that is what Mr. Hopkins says he has been doing and is now doing. Whether or not it has resulted in denying relief is a matter for the Senator to determine. That is not provided for in this amendment. That is what Mr. Hopkins says he is doing under the existing law.

Mr. DIETERICH. Will the Senator yield further?

Mr. BYRNES. I yield.

Mr. DIETERICH. The fact that Mr. Hopkins did that does not necessarily mean that this amendment enjoins upon the President the duty of following what Mr. Hopkins did. Mr. Hopkins might have done all those things; but this amendment makes the President determine whether or not the municipality is able to pay 25 percent, and since necessarily it would not have the money in its pocket, the President would have to determine whether it would be able to float a bond issue or to make a special assessment that would raise the money.

Mr. BYRNES. Mr. President, of course I cannot agree with my good friend from Illinois. I have called attention only to what is now being done under existing law, and Mr. Hopkins has done none of the things that the Senator fears. As a matter of fact, under this amendment it is provided that the 25 percent may be contributed in money, materials, or services, just as is now being done.

The PRESIDING OFFICER (Mr. RUSSELL in the chair). The time of the Senator from South Carolina on the amendment has expired. The Senator has 20 minutes on the joint resolution.

Mr. BYRNES. Mr. President, I certainly have no intention of using all of it.

The effect of the amendment is just about what the Senator from Idaho [Mr. BORAH] stated today, and what the Senator from Arizona [Mr. HAYDEN] stated last week. There is in effect no change other than that Mr. Hopkins, who now determines the questions set forth in his testimony, would proceed, under the Robinson amendment, to determine them. The effect and the value of the amendment is that it will give to the State administrators throughout the country an argument to bring about a greater contribution by the local sponsors in every case where they seek a project at the hands of the administrator. They can point out that the Congress has expressed its sentiment that those sponsors who are able to do so, should contribute 25 percent.

Now, one other question.

Mr. DIETERICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina further yield to the Senator from Illinois.

Mr. BYRNES. I will yield to the Senator once more.

Mr. DIETERICH. The Senator says the amendment will give the administrators an argument. Does he mean to say, then, that the amendment does not mean what it says; that it simply puts in the mouths of the administrators an argument to use on the municipalities, to try to coerce them into making greater contributions? The amendment does not mean, then, that the relief authorities must follow the amendment as written, and determine whether the locality is or is not able to pay?

Mr. BYRNES. Mr. President, I think the language speaks for itself, and, by reason of the establishment of a stand-

ard, would be bound to furnish an argument to the administrators.

One other argument is made, that this amendment is a restriction upon the power of the President.

We have in the joint resolution as reported a restriction upon the discretion of the Administrator in expenditures. Some Senators had the temerity to call attention to it. They insisted that under the administration of the present law a man often refused to accept private employment because if he got off the W. P. A. relief rolls to accept private employment he would not be restored to those rolls. That is a matter which the Administrator has been handling in his discretion; but the joint resolution specifically provides that hereafter whenever that occurs the man has the right to be restored, and the fact that he has taken private employment cannot be used against him when he asks to be restored to the W. P. A. rolls.

Of course there are upon the rolls some persons who have been on the W. P. A. rolls ever since we established the W. P. A. If Senators are interested in that matter, they should write to their local administrators to find out the percentages in the various States. In some counties in my State 75 percent of the people have been on the rolls and in the employment of W. P. A. ever since it was inaugurated; in others 60 percent and 70 percent. Those are the persons I call career workers.

I believe the amendment we have added to the joint resolution, giving to the persons who secure private employment the right to be restored to the rolls when the private employment ends, will have a most salutary effect upon that situation. It will encourage men to go into private employment.

The last argument which was made by some Senators who are opposed to the amendment is that it is unnecessary to do this in order to balance the Budget. Out of this discussion there has come a realization of the necessity for Congress doing something about the Budget. We cannot transfer to the President of the United States the duty of balancing the Budget. It is the duty of the Congress to levy taxes. It is the duty of the Congress to direct how the money shall be spent. We cannot dodge the responsibility that is ours. The President cannot balance the Budget without the cooperation of the head of every department and without the cooperation of the Congress. The President called to our attention about a month ago the fact that on June 30, 1938, we will be confronted with a deficit of $418,000,000. Now, let us see the situation as of this date.

We know that a farm tenancy bill is to be passed. We know that a housing bill is to be passed. These bills will add at least $50,000,000. I ask Senators to remember that $50,000,000. We are advised that we must appropriate approximately $150,000,000 for a merchant marine. That is $200,000,000. We are advised that a new agricultural bill is pending before the Agricultural Committee, and that an effort is to be made to secure its consideration. It is estimated that it will cost at least $150,000,000 more. That is $350,000,000 more. A bill to be reported by the Banking and Currency Committee, which has already passed the House, reducing the interest on mortgages of the land banks and commissioner loans, will, according to the President, take about $40,000,000 from the Treasury. These appropriations added to the deficit of $418,000,000 estimated by the President will make the deficit on June 30, 1938, at least $800,000,000.

We know that we are going to make an effort to plug the so-called loopholes in the income-tax law. I hope it will be done before we adjourn. Out of it we hope to secure, according to one estimate, $100,000,000; but even with that $100,000,000 we certainly have facing us a possible deficit of $700,000,000 instead of $418,000,000, as estimated by the President about 6 weeks ago.

During the next year what proposals will be made calling for additional expenditures, no man can tell. Every additional expenditure that is made will add to that amount. As the Senator from Virginia [Mr. GLASS] said today, if the cities of the country are in such financial condition—and when we say "cities" we must mean the people of the cities—that they cannot contribute 25 percent toward these projects, then we must realize our difficulty in reducing the $36,000,000,000 of indebtedness, and the impossibility of balancing the Budget by the end of the fiscal year on June 30, 1938. No one individual can be blamed for that. It necessitates a realization by the Congress that somebody has to say "no" to the requests that are made for funds. If we do not reduce expenditures, then we must realize that it is our duty to levy additional taxes, because we cannot forever go on without paying our current expenses, much less making an effort to reduce the $36,000,000,000 indebtedness.

Mr. President, I desire to state that I accept the amendment of the Senator from Arkansas.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Arkansas [Mr. ROBINSON] to the amendment of the committee.

Several Senators demanded the yeas and nays.

Mr. BYRNES. I make the point of no quorum.

Mr. McNARY. Mr. President, of course the Senator cannot accept the amendment to the amendment. I think the yeas and nays were not called on the modification of the amendment suggested by the Senator from South Carolina. Is that correct?

Mr. BYRNES. My understanding of the parliamentary situation is that the vote would come on the amendment of the Senator from Arkansas to the amendment of the committee.

The PRESIDENT pro tempore. As the Chair has stated, the question is on agreeing to the amendment of the Senator from Arkansas to the committee amendment.

Mr. McNARY. The Senator from South Carolina stated that he would accept the amendment to the amendment. Of course, he could not do that. It must be voted on.

The PRESIDENT pro tempore. The Chair understood the statement of the Senator from South Carolina to mean that he personally accepted the amendment to the amendment. Of course, the Senate must vote on the amendment to the amendment.

Mr. BARKLEY. Why not have a viva voce vote on the amendment to the amendment, and have a roll call on the amendment?

Mr. BYRNES. Mr. President, I have suggested the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hughes	Pittman
Andrews	Clark	Johnson, Colo.	Pope
Ashurst	Connally	La Follette	Radcliffe
Austin	Copeland	Lee	Reynolds
Bailey	Davis	Lewis	Robinson
Bankhead	Dieterich	Lodge	Russell
Barkley	Duffy	Logan	Schwartz
Bilbo	Ellender	Lonergan	Schwellenbach
Black	Frazier	Lundeen	Smathers
Bone	George	McAdoo	Steiwer
Borah	Gerry	McGill	Thomas, Okla.
Bridges	Gibson	McKellar	Thomas, Utah
Brown, Mich.	Gillette	McNary	Townsend
Brown, N. H.	Glass	Minton	Truman
Bulkley	Guffey	Moore	Tydings
Bulow	Harrison	Murray	Vandenberg
Burke	Hatch	Neely	Van Nuys
Byrd	Hayden	Norris	Wagner
Byrnes	Herring	Nye	Walsh
Capper	Hitchcock	O'Mahoney	Wheeler
Caraway	Holt	Overton	White

Mr. LEWIS. I beg to again to reannounce the absence of the Senators as stated on the previous roll call and for the reasons assigned at that time.

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment of the Senator from Arkansas [Mr. ROBINSON] to the amendment of the committee, which will be stated.

The LEGISLATIVE CLERK. It is proposed to amend the committee amendment, beginning on page 4, line 7, by striking out "40" in line 17, page 4, and inserting in lieu thereof "25"; also to insert a period after the word "services" in line 18; on page 4, including the word "except", it is proposed to strike out the remainder of the amendment down to and including the word "supply", in line 23, page 4, and insert in lieu of the part stricken out the following:

Provided, That if the President shall find any project to be necessary in order to provide work relief in the community where the project is to be located, and that the applicant is unable to supply 25 percent of the cost as herein required, he may authorize the project upon such contribution or assurance of contribution as he finds that the applicant is able to make.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment. [Putting the question.]

Mr. BAILEY. We desire to have a roll call.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. BERRY's name was called). My colleague the junior Senator from Tennessee [Mr. BERRY] is unavoidably detained from the Senate. However, he is paired with the Senator from Maryland [Mr. TYDINGS]. I am advised that if my colleague were present he would vote "nay" on this question.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Minnesota [Mr. SHIPSTEAD], which I transfer to the senior Senator from Utah [Mr. KING], and vote "yea."

Mr. WHITE (when Mr. HALE's name was called). I announce the unavoidable absence of my colleague the senior Senator from Maine [Mr. HALE]. I understand he has a general pair with the Senator from Texas [Mr. SHEPPARD]. If my colleague were present and permitted to vote, he would vote "yea" on this amendment, and I am advised that the Senator from Texas would vote "nay."

The roll call was concluded.

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are absent because of illness.

The Senator from Ohio [Mr. DONAHEY], the Senator from Rhode Island [Mr. GREEN], the Senator from Nevada [Mr. McCARRAN], the Senator from Florida [Mr. PEPPER], the Senator from Texas [Mr. SHEPPARD], and the Senator from South Carolina [Mr. SMITH] are detained on important public business.

The Senator from Nevada [Mr. McCARRAN] is paired with the Senator from Florida [Mr. PEPPER]. If present and voting, the Senator from Nevada would vote "yea", and the Senator from Florida would vote "nay."

The Senator from South Carolina [Mr. SMITH] is paired with the Senator from Rhode Island [Mr. GREEN]. If present and voting, the Senator from South Carolina would vote "yea", and the Senator from Rhode Island would vote "nay."

Mr. TYDINGS. I understand that prior to my entrance into the Chamber the Senator from Tennessee [Mr. McKELLAR] announced the pair between the junior Senator from Tennessee [Mr. BERRY] and myself. If I were permitted to vote, I should vote "yea."

The result was announced—yeas 34, nays 49, as follows:

YEAS—34

Adams	Capper	Glass	Russell
Austin	Caraway	Harrison	Steiwer
Bailey	Clark	Holt	Townsend
Bankhead	Connally	Johnson, Colo.	Truman
Borah	Copeland	Lodge	Vandenberg
Bridges	Davis	McNary	Van Nuys
Burke	George	Pittman	White
Byrd	Gerry	Radcliffe	
Byrnes	Gibson	Robinson	

NAYS—49

Andrews	Bulkley	Guffey	Lewis
Ashurst	Bulow	Hatch	Logan
Barkley	Chavez	Hayden	Lonergan
Bilbo	Dieterich	Herring	Lundeen
Black	Duffy	Hitchcock	McAdoo
Bone	Ellender	Hughes	McGill
Brown, Mich.	Frazier	La Follette	McKellar
Brown, N. H.	Gillette	Lee	Minton
Moore	O'Mahoney	Schwellenbach	Walsh
Murray	Overton	Smathers	Wheeler
Neely	Pope	Thomas, Okla.	
Norris	Reynolds	Thomas, Utah	
Nye	Schwartz	Wagner	

NOT VOTING—13

Berry	Johnson, Calif.	Maloney	Shipstead
Donahey	King	Pepper	Smith
Green	McCarran	Sheppard	Tydings
Hale			

So the amendment of Mr. ROBINSON to the amendment of the committee was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment of the Committee on Appropriations on page 4, line 7, as amended, which will be stated.

The CHIEF CLERK. On page 4, line 7, after the word "its", it is proposed to strike out:

Completion; and no non-Federal project shall be undertaken or prosecuted under this appropriation unless and until adequate provision has been made or is assured for financing such part of the entire cost thereof as is not to be supplied from Federal funds.

And to insert:

Completion: *Provided further*, That after September 30, 1937, no new non-Federal project shall be undertaken or prosecuted under this appropriation unless and until (1) the Works Progress Administrator shall find and certify that adequate provision has been made or is assured for financing such part of the entire cost thereof as is not to be supplied from Federal funds, and (2) at least 40 percent of the cost of the project is to be supplied from non-Federal funds, including money, material, and services, except that in any case in which the applicant for any such non-Federal project certifies in writing that it is unable to supply such 40 percent, the President is authorized, after investigation of the taxpaying capacity and credit of the applicant, to determine the maximum amount possible for such applicant to supply. The President shall furnish to the Secretary of the Senate and the Clerk of the House of Representatives, upon the 1st day of January and the 1st day of July 1938, a list of cases in which less than 40 percent of the cost of non-Federal projects was furnished by applicants, together with a statement of the amount furnished by the applicant in each such case.

Mr. McKELLAR and Mr. BARKLEY called for the yeas and nays, and they were ordered.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. McKELLAR (when Mr. BERRY's name was called). My colleague the junior Senator from Tennessee [Mr. BERRY] is unavoidably detained from the Senate. He is paired with the Senator from Maryland [Mr. TYDINGS]. I am advised that if my colleague were present he would vote "nay" on this question.

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Minnesota [Mr. SHIPSTEAD], which I transfer to the senior Senator from Utah [Mr. KING], and will vote. I vote "yea."

Mr. WHITE (when Mr. HALE's name was called). I again announce the unavoidable absence of the senior Senator from Maine [Mr. HALE], and further announce that he has a general pair with the senior Senator from Texas [Mr. SHEPPARD]. If present, the Senator from Maine would vote "yea", and the Senator from Texas would vote "nay."

Mr. TYDINGS (when his name was called). Making the same announcement as on the previous roll call, I withhold my vote.

The roll call was completed.

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are absent because of illness.

The Senator from Ohio [Mr. DONAHEY], the Senator from Rhode Island [Mr. GREEN], the Senator from Nevada [Mr. McCARRAN], the Senator from Florida [Mr. PEPPER], the Senator from Texas [Mr. SHEPPARD], and the Senator from South Carolina [Mr. SMITH] are detained on important public business.

The Senator from Nevada [Mr. McCARRAN] is paired on this question with the Senator from Florida [Mr. PEPPER]. If present and voting, the Senator from Nevada would vote "yea", and the Senator from Florida would vote "nay."

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] is necessarily absent. If present, he would vote "nay." His general pair has been announced.

The result was announced—yeas 25, nays 58, as follows:

YEAS—25

Adams	Byrd	Glass	Townsend
Austin	Byrnes	Harrison	Vandenberg
Bailey	Clark	Holt	Van Nuys
Bankhead	Copeland	Lodge	White
Borah	George	Radcliffe	
Bridges	Gerry	Russell	
Burke	Gibson	Steiwer	

NAYS—58

Andrews	Dieterich	Logan	Pittman
Ashurst	Duffy	Lonergan	Pope
Barkley	Ellender	Lundeen	Reynolds
Bilbo	Frazier	McAdoo	Robinson
Black	Gillette	McGill	Schwartz
Bone	Guffey	McKellar	Schwellenbach
Brown, Mich.	Hatch	McNary	Smathers
Brown, N. H.	Hayden	Minton	Thomas, Okla.
Bulkley	Herring	Moore	Thomas, Utah
Bulow	Hitchcock	Murray	Truman
Capper	Hughes	Neely	Wagner
Caraway	Johnson, Colo.	Norris	Walsh
Chavez	La Follette	Nye	Wheeler
Connally	Lee	O'Mahoney	
Davis	Lewis	Overton	

NOT VOTING—13

Berry	Johnson, Calif.	Maloney	Shipstead
Donahey	King	Pepper	Smith
Green	McCarran	Sheppard	Tydings
Hale			

So the amendment of the Committee on Appropriations, as amended, was rejected.

The PRESIDING OFFICER. The next committee amendment passed over will be stated.

The next amendment passed over was on page 5, line 4, to strike out "This appropriation shall be available also" and insert "Not exceeding $100,000,000 of this appropriation shall be available for expenditure by the Resettlement Administration."

Mr. RUSSELL. Mr. President, I move to amend the committee amendment by striking the words "Not exceeding $100,000,000 of". The purpose of this amendment is to permit the Resettlement Administration to use the unexpended balances that were made available in the first deficiency bill of this current session after considerable discussion in the Senate. It is expected that $100,000,000 will be allocated from the fund of one and one-half billion dollars in order to care for the 711,000 farm families that are now being benefited or assisted through the Resettlement Administration. If this limitation be left in the bill it will mean that it will be necessary to strike from the rolls one-quarter of those 711,000 families, or else it will be necessary to abandon the land utilization and development program of the Resettlement Administration.

There are a large number of tracts of land throughout the United States where various projects have been established. In many instances only one-third or one-half of those lands have been actually acquired, due to the time necessary to perfect the titles. If the committee amendment which restricts the amount available to the Resettlement Administration to $100,000,000 remains in the bill it will be impossible to complete those projects. It will mean that many homestead projects will be left in a half-finished condition and cause the loss of much money already expended. It will mean that many people, who in good faith have entered into contracts to sell their land to the Federal Government, will not be able to receive the compensation for their lands. Above all of that, it will mean that the Senate will have directly reversed itself from the action which it took on the first deficiency bill of this year when it was determined that we would permit the completion of all of the projects which already are under way.

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

Mr. RUSSELL. I yield to the Senator from Kentucky?

Mr. BARKLEY. If the Senator's amendment shall be adopted, then, if I understand correctly, the status will be that whatever amount may be allocated by the President for the Resettlement Administration will be available out of this appropriation, but that, if the language remains as it is proposed by the committee amendment, only $100,000,000 will be available. Is that the situation?

Mr. RUSSELL. The very clear effect of the committee amendment would be to restrict the total expenditures of the Resettlement Administration to $100,000,000. As I have stated, there are now 711,000 farm families scattered throughout the entire United States who are receiving assistance either in the form of loans or of grants out of these funds. It was testified before the committee that it was only expected to expend the sum of $100,000,000 for the current activities of the Resettlement Administration, but they have at this time $32,000,000 in the form of unexpended balances. The Senate by its action on this measure, reappropriated unexpended balances to the credit of other agencies. Why should the Resettlement Administration, of all the Federal agencies which have unexpended balances of allocated funds, not have such unexpended funds reappropriated to them?

Mr. BARKLEY. The Senator's amendment and the reasons he gives for it strike me as being worthy of very serious consideration. Regardless of what anyone may think about the Resettlement Administration—and so far as I am concerned I am, on the whole, in sympathy with it, as I have heretofore indicated—I should certainly not like to see any of the projects under way crippled or left half completed or families who have been moved or are in process of being moved left high and dry or uncared for. I do not know just what the proposal of the Senator from Georgia will do to the whole Resettlement situation, but I am very much interested in what the Senator from Georgia is saying about it, and I hope he will give us the picture in detail as clearly as possible, because I want to go along with what I think is in his mind on the subject.

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

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. RUSSELL. I yield.

Mr. ADAMS. If I recall correctly, I will say to the Senator from Kentucky and also the Senator from Georgia, the testimony before the committee—and I am referring to subsistence homesteads—was that no part of the money appropriated in the joint resolution would be devoted to subsistence homesteads; that there were no housing projects of any kind to be provided for by the money to be appropriated. The representatives of the Resettlement Administration said to the committee that when they came before Congress at the time of the deficiency bill, and the appropriation they asked for then was granted them, they proposed to complete the projects out of that money. They told us, further than that, that all they expected to allocate was $100,000,000 for the Resettlement Administration, of which $75,000,000 was to go into the relief agencies and $25,000,000 was to be used in administration expenses. The Senator from Tennessee, who I see rising on the horizon, had much to say about the expenditure of $25,000,000 for administrative purposes, and this language in the joint resolution largely went into it at the instance of the Senator from Tennessee.

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

Mr. RUSSELL. I yield.

Mr. BYRNES. On page 266 of the hearings Secretary Wallace stated:

> I may say that the $1,500,000,000 under consideration in this particular bill does not include any money for these housing projects. If the funds in the deficiency bill and the previous appropriations are reappropriated to take effect after June 30, we can, out of those existing appropriations which may be reappropriated, clean up the housing projects which are now under way.

Mr. RUSSELL. The point I make is that the language in the joint resolution takes away the opportunity to use the unexpended balances to complete the projects already authorized and on which work has started.

Mr. BYRNES. And the amendment of the Senator proposes to make available the unexpended balance?

Mr. RUSSELL. Yes; to make available to the Resettlement Administration the unexpended balance, as the unexpended balances have already been made available to

every other agency having to its credit unexpended balances, by the action of the Senate in voting down the committee amendment which refused to appropriate the unexpended balances.

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

Mr. RUSSELL. I yield.

Mr. McKELLAR. As I understood, both Secretary Wallace and Mr. Alexander, who I believe is the head of the Resettlement Administration, did not ask for more than $100,000,000, and incidentally they said that it would take $25,000,000 of the $100,000,000 for administration purposes. It seemed to me that that was a very large sum, and I differed with them very considerably about it. They both testified—and I ask the Senator from Georgia, who was also present in the subcommittee, if the statement is not correct—that they both testified they did not intend to carry on any more projects.

Mr. RUSSELL. I did not so understand the evidence. They testified that they did not propose to institute any new projects, but they did desire to complete projects which had already been inaugurated.

Mr. McKELLAR. That may be; but I wish to say to the Senator that I do not think we ought to give them more than they ask for.

Mr. RUSSELL. Neither do I.

Mr. McKELLAR. If the Senator will word his amendment so as to make the amount $100,000,000, I am not going to object, although I think it is a monstrous idea to spend $25,000,000 out of $100,000,000 merely for administration.

Mr. RUSSELL. A short while ago I heard very eloquent words falling from the lips of the distinguished Senator from Tennessee in which he importuned the Senate to be willing to trust the President in the distribution of this entire fund.

Mr. McKELLAR. I am willing to do that; I am willing to vote for the appropriation of $100,000,000 which they ask for; but I am not willing to go further than that. I think the limitation ought to be $100,000,000, and, if that is the meaning of the Senator's amendment, I will go with him.

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

Mr. RUSSELL. I yield.

Mr. LOGAN. If I understand the contention of the Senator from Georgia, it is that, while the amendment authorizes the allocation of $100,000,000 from this appropriation to the Resettlement Administration, that would preclude the allocation of the unexpended balance which in other cases is reappropriated by the joint resolution.

Mr. RUSSELL. Precisely. The unexpended balances are reappropriated for all other agencies under the joint resolution.

Mr. LOGAN. And very clearly the Resettlement Administration would be denied the unexpended balances which have already been contracted for and for which we have already provided unless the committee amendment should be changed.

Mr. RUSSELL. Undoubtedly; unless we proceed to take it out of the pitiful grants and loans of the 711,000 farmers who are now receiving benefits from the Resettlement Administration, the projects cannot be completed and utilized unless the unexpended balances are reappropriated.

Mr. LOGAN. Then, may I ask the Senator from Georgia why we could not insert, after "$100,000,000", the words "plus the unexpended balance" and cure it in that way, and thus leave allocated $100,000,000 plus the unexpended balances?

Mr. McKELLAR. That would be entirely satisfactory to me.

Mr. ROBINSON. Mr. President, may I ask what is the amount of the unexpended balances?

Mr. RUSSELL. The amount for all purposes is, as I recall, $32,000,000.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. RUSSELL. I yield.

Mr. BORAH. I understood the Senator from Tennessee [Mr. McKELLAR] to say that it was estimated that it would cost $25,000,000 to administer $100,000,000. Is that correct?

Mr. McKELLAR. That is absolutely correct.

Mr. BORAH. I think such a condition approaches a national scandal.

Mr. McKELLAR. I do not know what it does, but that is the truth.

Mr. BORAH. It simply shows that this money which we are appropriating for the people who ought to have it never gets to them. That is what is happening.

Mr. LEWIS. Mr. President, may I ask the Senator from Tennessee in what way the $25,000,000 is to be used for administrative purposes?

Mr. RUSSELL. Mr. President, I believe I have the floor. I wish to point out that the Senator from Tennessee also offered an amendment, which is found in line 9, page 5, which places responsibility for the cost of administration directly on the President, and that the Senate has already adopted that amendment without any discussion.

Mr. McKELLAR. That is true.

As a compromise, I thought that it was best to leave the matter of the cost of administration to the President. I offered that amendment because I did not believe the President would permit $25,000,000 to be used for the administration of a $100,000,000 fund.

Mr. RUSSELL. I am not here to condone extravagance in the expenses of administration anywhere within the Government, but I think it should be said that the $25,000,000 for administrative expenses is not confined to the administration of the $100,000,000 which it is proposed to expend during the coming year. That fund also goes to defray the administrative expense of every one of these 278 or 279 projects scattered throughout the United States of America. It also provides personnel to supervise the farming activities and the collection of loans from farmers who have borrowed heretofore millions of dollars from the Resettlement Administration. Practically every county in the United States, where there is any agricultural interest of any size, has a representative of the Resettlement Administration whose duty it is to see that the farmers who are being rehabilitated and who have borrowed money for the purchase of livestock and farming tools, repayable, in some instances, over a period of 5 years, pursue sensible farming practices. So it is not strictly correct to say that $25,000,000 of the $100,000,000 is to be used for administrative expenses. It is to be used also to collect and to return to the Treasury of the United States the hundreds of millions of dollars which have been loaned heretofore. It is my recollection that last year there were collected $69,000,000, which went into the miscellaneous receipts of the Treasury of the United States, from funds that had been advanced to farmers who were absolutely down and out and who, therefore, had no means to carry on farming operations without the assistance extended by this agency.

Mr. POPE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. RUSSELL. I yield.

Mr. POPE. In that connection I call attention to page 33 of the Senate hearings, where is shown the percentage of expenditures, and in that case it appears that 7.13 percent of the total money expended was used for collection purposes. It seems to me that confirms the statement made by the Senator from Georgia. I think what the Senator just stated about the work of administration is entirely true. It is in no sense limited to the administration of the $100,000,000. It covers the administration of the entire works of the Works Progress Administration.

The PRESIDENT pro tempore. The time of the Senator from Georgia on the amendment has expired.

Mr. RUSSELL. Then I shall have to take my time on the joint resolution.

I suggest this amendment to the committee amendment, and ask the Senator from Tennessee to give his attention.

Mr. McKELLAR. I shall be very glad to do so.

Mr. RUSSELL. I suggest inserting after the numerals "$100,000,000" the words "in addition to the amounts necessary to pay the obligations and commitments heretofore made and to complete projects heretofore initiated."

Mr. McKELLAR. I would very much prefer to make it read "not exceeding $100,000,000 and the unexpended balances now in the hands of the Department."

Mr. RUSSELL. That is not practicable, because when we had the first deficiency appropriation bill before us that question was fought out on the matter of appropriating the $14,000,000 unexpended balance. That was done, and the President has not yet allocated those funds, and they are still included in the total amount appropriated generally for relief purposes in January.

Mr. McKELLAR. Inasmuch as the amendment at the end of the sentence has not been agreed to, as I understand, but the Senator from Georgia is willing to have it agreed to——

Mr. RUSSELL. Yes; the amendment of the Senator from Tennessee has been agreed to.

Mr. McKELLAR. It has?

Mr. RUSSELL. Yes.

Mr. McKELLAR. If it has already been agreed to, then I shall not object to the language suggested by the Senator from Georgia because it will put the burden on the President to determine about this enormous cost of administration, which I think the President will reduce very materially.

Mr. RUSSELL. I am satisfied that the hearings before the subcommittee showed a reduction of some $14,000,000 or $15,000,000 had already been made in the cost of administration.

Mr. McKELLAR. That is true, but unquestionably the Administrator of this activity stated to the committee that what he wanted was $100,000,000 and that it would take $25,000,000 of that sum to administer it. That is what I want to guard against in this amendment as far as it can be done.

Mr. RUSSELL. If the Senator from Tennessee had listened to all the evidence he would have caught the fact that the $25,000,000 was also to administer and recapture for the Treasury of the United States between $300,000,000 and $400,000,000 heretofore expended through the Resettlement Administration.

Mr. LEWIS. Mr. President, will the Senator from Georgia allow me to ask who it is that administers and distributes this $25,000,000 which has been referred to here?

Mr. RUSSELL. I assume primarily the Secretary of Agriculture, through the Resettlement Administration, which is a part of the Department of Agriculture.

Mr. McKELLAR. It has not been in charge of the Resettlement Administration very long. That Administration was for a long time in the hands of Tugwell. He resigned and a man by the name of Alexander was appointed and I know very little about him. I shall not say anything further about him, but I do trust the Secretary of Agriculture. I think he will properly conduct this division in his Department. For that reason I have agreed to the amendment and for that reason I am willing to agree to the additional words suggested by the Senator from Georgia.

Mr. RUSSELL. Does the Senator from Tennessee insist on having this additional language in the amendment?

Mr. McKELLAR. Oh, yes. It ought to be inserted in the amendment by all means after "$100,000,000." I am not binding anybody but myself, may I say to the Senator from Colorado [Mr. ADAMS], who shakes his head at me, when I make that statement.

Mr. BORAH. Mr. President, may I ask the Senator from Tennessee another question?

Mr. RUSSELL. I yield for that purpose.

Mr. BORAH. I understand the Senator from Tennessee has offered an amendment placing the responsibility upon the President for this expenditure?

Mr. McKELLAR. Yes. That means, of course, it is actually put upon the Secretary of Agriculture, Mr. Wallace, and I believe Mr. Wallace will take a very different view about the expenditures which are made.

Mr. BORAH. Who is the person that came before the committee and testified it would require this amount to administer the fund?

Mr. McKELLAR. Mr. Alexander, head of the Resettlement Administration.

Mr. BORAH. He is under Mr. Wallace?

Mr. McKELLAR. Yes; he is under Mr. Wallace.

Mr. BORAH. Evidently he spoke with some authority?

Mr. McKELLAR. Oh, yes; he spoke with some authority.

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

Mr. RUSSELL. Mr. President, while I still have a bit of time left I want to complete my statement with reference to the amendment, and then I shall be delighted to yield to the Senator from South Carolina.

I move to amend the committee amendment by striking out the words "not exceeding $100,000,000" and inserting before the word "this", in line 6, the following words:

In addition to the amounts necessary to pay obligations and commitments heretofore made and to complete projects heretofore initiated—

Oh, no! This language was handed to me on the floor a moment ago, coming from an official of the Resettlement Administration, evidently drafted with a view to leaving the sum of $100,000,000 in the bill. In view of the action of the Senate in deciding to appropriate these funds, as they have always been appropriated heretofore, to the President to be allocated by him, I shall leave the amendment to stand on the basis of striking out the restriction on the appropriation and leaving it in the hands of the President of the United States to say how much shall be allocated to the Resettlement Administration. There is sound reason for that. No man knows how far reaching the droughts from which we have suffered may go in the future. No man can tell just what might be necessary to do in view of crop failures in certain sections. This is the only place where the 30,000,000 farm families of the United States can come to secure any benefits from the gigantic sums we have been appropriating for relief purposes and no restrictions upon the amount which may be necessary should be imposed without more careful investigation.

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

Mr. RUSSELL. Certainly.

Mr. BLACK. May I ask the Senator if that is not substantially what we voted 2 to 1 in the Senate about a month ago?

Mr. RUSSELL. That is exactly in accord with the action of the Senate on the first deficiency bill. If this amendment is left in the bill as at present worded, it will constitute a revocation of the action of the Senate in appropriating for the Resettlement Administration in the first deficiency appropriation bill.

Mr. BYRNES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. RUSSELL. I yield.

Mr. BYRNES. Is it not necessary for some such language as the Senator offered to be inserted in the bill in order to enable the Resettlement Administration to carry out existing contracts, unless we reduce the $100,000,000?

Mr. RUSSELL. I so stated at the outset of my remarks, when there was considerable confusion in the Senate, that if the $100,000,000 limitation were left in the bill it would mean a great loss in that the administration would be unable to fully utilize the projects already instituted, or else it would mean that thousands of farm families ruthlessly, out of hand, must be stricken from the relief rolls and refused assistance from the Resettlement Administration.

Mr. NORRIS. Mr. President, I do not see any reason why the committee inserted this limitation. It seems to me the amendment of the Senator from Georgia [Mr. RUSSELL] ought to be accepted by the committee.

From my limited observation of it, the Resettlement Administration has done some very important work that has not

been attended to by the various other bureaus and organizations which have had to do with the drought situation. I know that what the Senator from Georgia said is 100 percent true, that we do not know now what the demands are going to be from some of the drought-stricken portions of the country. There are many indications that there will be considerable demand made in that direction.

My observation during the past year has been that where farmers were suffering, particularly in the drought-stricken area, on account of the difficulties that arose because of the drought they were unable to get any relief whatever anywhere except through the Resettlement Administration. I do not know what the result has been all over the country; but, judging from the limited parts of it that I have been able to observe, the Resettlement Administration in a great many instances was the only source of relief left to some of the worst afflicted people of whom I know.

Why should we put on this limitation? There may be some reason for it that I do not understand; but, so far as I know, there has not been any complaint of anything wrong with the Resettlement Administration. It seems to me it has done a wonderful work, and I think there is danger of handicapping it; and what good does the limitation do, anyway? It does not affect the amount of money that is appropriated. It does not say anything shall be allocated for the Resettlement Administration.

Mr. BYRNES. Mr. President, will the Senator yield for a question?

Mr. NORRIS. In just a moment. It will depend upon circumstances which I believe we cannot fully comprehend or know about at the present time; so why not leave the provision just as it was?

I now yield to the Senator from South Carolina.

Mr. BYRNES. Mr. President, that is exactly what I wanted to ask the Senator. Would not the result be accomplished by simply defeating the committee amendment, so that the joint resolution would read as it came from the House in that respect?

Mr. NORRIS. It may be. I am not sure about that.

Mr. BYRNES. I think that would accomplish exactly what the Senator has in mind, and certainly I believe it would be the best way to solve the difficulty.

Mr. ROBINSON. Mr. President——

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. ROBINSON. It was my understanding that at the conclusion of his remarks, or near that point, the Senator from Georgia, who first offered an amendment adding certain words to the committee amendment, decided that the correct course is to reject the committee amendment.

Mr. RUSSELL. It will have exactly the same effect.

Mr. NORRIS. If that be true, why not do it? Then the proper thing to do is simply to reject the committee amendment.

Mr. RUSSELL. The only difficulty is that the Senate has already adopted a part of the committee amendment in line 9 on page 5, "including such cost of administration as the President may direct."

The PRESIDENT pro tempore. The Senator from Georgia is in error according to the record at the desk. The amendment to which he refers was passed over.

Mr. RUSSELL. I was going on my recollection of the matter. I thought the Senator from Oregon rose and asked to have the first part of this amendment passed over.

Mr. NORRIS. Let me ask the Senator from Georgia whether we would not accomplish the desired purpose by rejecting this committee amendment and the other committee amendment in line 9.

Mr. RUSSELL. Of course, that would give the President all the authority that is needed to deal with the Resettlement Administration.

Mr. NORRIS. That is what he now has.

Mr. RUSSELL. But I supported the amendment of the Senator from Tennessee with regard to the administrative expenses referred to in line 9, which was a compromise within the subcommittee. The view expressed by the Senator from Tennessee was that some limitation should be placed on the administrative expenses, and it was finally compromised by making the administrative expenses subject to the President's discretion.

Mr. NORRIS. I do not see how we can tell now just what will be necessary. That has been true in a great portion of the Mississippi Valley, where the only relief left was the Resettlement Administration; and the necessity for it often came about on account of drought, grasshopper affliction, or some similar occurrence, some happening of nature. It seems to me it is quite a safeguard with which we ought not to interfere.

Mr. ADAMS. Mr. President, may I make a suggestion which I think may solve the problem?

Mr. NORRIS. I yield to the Senator from Colorado.

Mr. ADAMS. As I understand, the Senator from Georgia, so far as the $100,000,000 limitation for the purposes covered by the testimony is concerned, he has no objection to the limitation. What the Senator from Georgia is uneasy about is the fact that there are not carried over the unexpended funds heretofore appropriated for the Resettlement Administration. If the $100,000,000 were available, plus the funds heretofore appropriated for the Resettlement Administration, but unexpended, it would meet the Senator's problem, would it not?

Mr. NORRIS. The Senator from Georgia has not the only problem involved in this joint resolution or in this amendment. There are other Senators here who are interested in the problem; and I think at the present time any limitation would be unwise, for the reasons I have given.

I do not claim to know and do not know, of course, what the effect has been all over the country. I have not investigated the Resettlement Administration, and there may be some reason that I do not know why this language should be in the joint resolution; but I have not heard of any.

Mr. ADAMS. Mr. President, no agency of the Government has been more creditable in its purpose and in its operations than has the Resettlement Administration in its rehabilitation services. Every member of the committee recognized that fact; but in this lump appropriation there is a billion and a half dollars, and limitations have been put upon roads and upon the Youth Administration. If this part of the appropriation were left without limitation, the entire billion and a half dollars, plus the unexpended balances, could be spent for resettlement. The only purpose some of us had was to place upon the Resettlement Administration a proper limitation of the character that was applied to the other agencies of the Government, so that one could not reach in and take from the compartments that were allocated to the others.

The representatives of the Resettlement Administration said that $100,000,000 was adequate for their rehabilitation purposes, as I read the testimony. They were not thinking that perhaps the unexpended balances might be taken away; and under the clause that is now in the joint resolution, as I gather from the Senator from Georgia, he fears—and I think justifiably so—that the unexpended balances of appropriations for resettlement have been put into this common pool; and if they can be taken out of that pool and still made applicable to the Resettlement Administration, it will add that amount and will protect the existing situation.

Mr. RUSSELL. Mr. President, if the Senator will be so generous as to yield to me a moment longer——

Mr. NORRIS. Mr. President, let me use just a little of my own time. It is nearly gone. Senators have forgotten that I should like to use what little time I have left.

The explanation given by the Senator from Colorado is rather satisfactory to me. It appeals to me as being reasonable. It may be that what he suggests is all that will be necessary. If we limit every other expenditure in the joint resolution, it may be perfectly reasonable to limit this one; but certainly it ought not to be limited to $100,000,000.

The Senator from Georgia has well explained that in a prior amendment, agreed to by the Senate after a long

discussion, we appropriated an unexpended balance, and that if no modification were made of this limitation that unexpended balance would be of no benefit whatever to the Resettlement Administration. I hope the matter can be worked out satisfactorily, but I do not think we ought to take any chance on crippling the Resettlement Administration. I am glad to hear the Senator from Colorado—who, I concede, knows more about the matter than I do—say that it is above reproach, and has done a wonderful work. I happen to know instances where that is true, and I am glad to learn that the condition is general over the country.

So I hope the Senator from Georgia will not make any agreement that will limit this appropriation to $100,000,000. I am rather convinced that the better way to meet the difficulty would be to reject this entire committee amendment, and the one on page 9.

Mr. RUSSELL. Mr. President, the Senator from Nebraska has well stated that the Senator from Georgia is making no agreement that would bind anyone except himself. So far as I am concerned, in view of the statement of the Chair that this amendment has not been adopted in part, I think the best procedure to follow is to vote down the committee amendment in its entirety and leave the language as it came from the House.

Mr. McKELLAR. Mr. President, the Senator would have no objection to the last part of the amendment, would he, "including such cost of administration as the President may direct"?

Mr. RUSSELL. Not the slightest. I think the President now has the right to decide as to the cost of administration.

Mr. McKELLAR. I think so, too; but, according to what was said to us, the last part of the amendment will be of value.

So far as I am concerned, I am willing to assent to the suggestion of the Senator from Nebraska to strike out the first part of the committee amendment and leave in the last part.

Mr. WHITE. Mr. President, I desire to say to the Senator from Georgia and others interested in the debate that I am about to speak for some little time, perhaps as long as the limitation on debate will permit; and they may have an opportunity during that time to reconcile their differences as to the pending matter.

Earlier in the day there was some discussion in the Chamber as to the general-welfare clause of the Constitution, as to its meaning, and as to the interpretation put upon it by the present administration and by the Supreme Court of the United States. The Senator from Idaho [Mr. BORAH] asserted the belief that the Supreme Court, in its recent decision, had accepted the Hamiltonian theory with respect to this clause of our Constitution, and had rejected the theory of Madison, which had been followed for most of our life as a Nation since the adoption of the Constitution.

Mr. President, it seems to me that the administration itself has taken a position far in advance of the Hamiltonian theory of construction of this clause of the Constitution, and I have been fearful that the Supreme Court itself has gone to that extreme. I desire somewhat further to explore this question, and to place in the RECORD some historical matter bearing thereon. Some part of what I say will be original, but I shall be guilty of almost shameless plagiarism in what I present to the Senate.

THE PHRASE "TO LAY AND COLLECT TAXES * * * AND PROVIDE FOR THE COMMON DEFENSE AND GENERAL WELFARE OF THE UNITED STATES", AS USED IN THE CONSTITUTION, DOES NOT CONFER ON CONGRESS BROAD AND UNLIMITED POWERS TO ENACT LEGISLATION FOR SUCH PURPOSES

It is the contention of the President, and of other administration spokesmen, that Congress has ample broad powers to "provide for the common defense and general welfare of the United States."

The preamble of the Constitution, which reads:

> We the people of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

is considered by the President, and other administration spokesmen, as evidence of the extent of the powers intended to be conferred, and which they claim are conferred, on Congress by the Constitution.

That the preamble of the Constitution has nothing whatever to do with the powers conferred on Congress by that document is beyond question. Nor is there anything in the records of the proceedings of the Federal Convention which in any way indicates that any of the members of that Convention had any intent that the preamble was to be taken into consideration in determining the powers conferred on Congress by the Constitution. On the contrary, the sole object of the preamble was merely to declare that the then existing form of government was not sufficient for the interests of the people, and was merely a declaration of the necessity for establishing a more definite form of government than then existed. The preamble did not create any powers. This is made clear in the resolutions offered to the Convention on May 29, 1787, by Edmund Randolph, then Governor of Virginia. Mr. Randolph's resolutions contained the statement that (Records of the Federal Convention, Farrand, vol. II, pp. 137–138):

> A preamble seems proper not for the purpose of designating the ends of government and human politics.

And then, after giving the reasons for a preamble, it is stated in the resolutions:

> Let it be next declared that the following are the Constitution and fundamentals of government for the United States.

The President in his radio address of March 9, 1937, after referring to the preamble, said that the powers given to Congress to carry out the purposes of the Constitution "were all the powers needed to meet each and every problem which then had a national character and which could not be met by merely local action." He then said that "the framers went further", and "having in mind that in succeeding generations many other problems then undreamed of would become national problems, they gave to Congress the ample broad powers 'to levy taxes * * * and provide for the common defense and general welfare of the United States.'"

Disregarding the language of the preamble, which does not confer any power, we then find that the only other reference in the Constitution to the terms "common defense" and "general welfare" is in article I, section 8. To keep in mind the provisions of section 8, I quote it in its entirety:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Mr. President, what does this language mean? What did it mean to the framers of the Constitution? What did it mean to those who contemporaneously construed the Constitution?

The terms "common defense" and "general welfare" were in the old Articles of Confederation, which provided for a limited form of government. When the first general propositions were presented to the Federal Convention on May 29, 1787, as a basis for discussion of the form of a Constitution, the terms "common defense" and "general welfare" appeared therein. However, between May and August 1787 the terms were evidently dropped from the revised drafts, for they do not again appear in any drafts or revisions between those dates. In August the terms again appear in forms of amendments submitted, and on September 4, 1787, a committee reported the following revision:

> The legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare.

From that time on, so far as the records of the Convention disclose, the clause "common defense and general welfare" was retained up to September 17, 1787, when the Constitution was agreed to. So far as I know the records of the Convention show no debate or discussion whatever with respect to the terms "common defense" or "general welfare."

Shortly after the ratification of the Constitution, the question arose as to whether the phrase, "To lay and collect taxes * * * and provide for the common defense and general welfare of the United States", as used in article I, section 8, of the Constitution, conferred on Congress unlimited powers to enact legislation for such purposes, or whether it conferred only limited powers.

The question developed sharp differences of opinion pro and con. It is therefore necessary to examine the opinions and views that have been expressed from time to time on the question involved.

We shall take up first the opinions and views of James Madison, who was one of the most active and influential members of the Federal Convention, and to whom Daniel Webster referred on October 3, 1837 (25th Cong., 1st sess.), as an authority and interpreter of the Constitution, in the following language:

Mr. Madison, all will admit, is a competent witness, he had as much to do as any man in framing the Constitution, and as much to do as any man in administering it. Nobody among the living or the dead is more fit to be consulted on a question growing out of it.

John C. Calhoun, in the Senate, on February 18, 1837 (24th Cong., 2d sess.), said:

* * * that we were indebted to Mr. Madison at least as much as to any other man for the form of government under which we live. Indeed, he might be said to have done more for our institutions than any man now living or that had gone before him.

Madison, on February 7, 1792, in addressing himself to the cod fisheries bill, which contained a provision granting a direct bounty on occupations (Annals of Congress, 2d Cong., 1st sess, vol. 3, pp. 386–389), said:

It is supposed by some gentlemen that Congress have authority not only to grant bounties in the sense here used, merely as a commutation for drawbacks, but even to grant them under a power by virtue of which they may do anything which they may think conducive to the "general welfare." This, sir, in my mind, raises the important and fundamental question, whether the general terms which had been cited, are to be considered as a sort of caption or general description of the specified powers, and as having no further meaning and giving no further power than what is found in that specification; or as an abstract and indefinite delegation of power extending to all cases whatever; to all such, at least, as will admit the application of money, which is giving as much latitude as any government could well desire.

I, sir, have always conceived—I believe those who proposed the Constitution conceived, and it is still more fully known, and more material to observe that those who ratified the Constitution conceived—that this is not an indefinite government, deriving its powers from the general terms prefixed to the specified powers, but a limited government, tied down to the specified powers which explain and define the general terms. The gentlemen who contend for a contrary doctrine are surely not aware of the consequences which flow from it, and which they must either admit or give up their doctrine.

It will follow, in the first place, that if the terms be taken in the broad sense they maintain, the particular powers afterward so carefully and distinctly enumerated would be without any meaning and must go for nothing. It would be absurd to say, first, that Congress may do what they please, and then that they may do this or that particular thing; after giving Congress power to raise money, and apply it to all purposes which they may pronounce necessary to the general welfare, it would be absurd, to say the least, to superadd a power to raise armies, to provide fleets, etc. In fact, the meaning of the general terms in question must either be sought in the subsequent enumeration which limits and details them, or they convert the Government from one limited, as hitherto supposed, to the enumerated powers into a government without any limits at all.

It is to be recollected that the terms "common defense and general welfare", as here used, are not novel terms, first introduced into this Constitution. They are terms familiar in their construction and well known to the people of America. They are repeatedly found in the old Articles of Confederation, where, although they are susceptible of as great latitude as can be given them by the context here, it was never supposed or pretended that they conveyed any such power as is now assigned to them. On the contrary, it was always considered as clear and certain that the old Congress was limited to the enumerated powers, and that the enumeration limited and explained the general terms. I ask the gentlemen themselves whether it ever was supposed or suspected that the old Congress could give away the moneys of the States in bounties, to encourage agriculture, or for any other purpose they pleased? If such a power had been possessed by that body, it would have been much less impotent, or have borne a very different character from that universally ascribed to it.

The PRESIDENT pro tempore. The Senator's time on the amendment has expired. Does he desire to proceed on the joint resolution?

Mr. WHITE. I will speak on the joint resolution. I continue the quotation from Madison on the cod fisheries bill:

The novel idea now annexed to these terms, and never before entertained by the friends or enemies of the Government, will have a further consequence, which cannot have been taken into the view of the gentlemen. Their construction would not only give Congress the complete legislative power I have stated—it would do more—it would supersede all the restrictions understood at present to lie on their power with respect to the judiciary. It would put it in the power of Congress to establish courts throughout the United States, with cognizance of suits between citizen and citizen, and in all cases whatsoever. This, sir, seems to be demonstrable; for if the clause in question really authorizes Congress to do whatever they think fit, provided it be for the general welfare, of which they are to judge, and money can be applied to it, Congress must have power to create and support a judiciary establishment, with a jurisdiction extending to all cases favorable, in their opinion, to the general welfare, in the same manner as they have power to pass laws and apply money, providing in any other way for the general welfare.

* * * * * * * * * *

If Congress can apply money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may establish teachers in every State, county, and parish, and pay them out of the Public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may undertake the regulation of all roads, other than post roads. In short, everything from the highest object of State legislation down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit the application of money, and might be called, if Congress pleased, provisions for the general welfare.

The language held in various discussions of this House is a proof that the doctrine in question was never entertained by this body. Arguments, wherever the subject would permit, have constantly been drawn from the peculiar nature of the Government, as limited to certain enumerated powers, instead of extending, like other governments, to all cases not particularly excepted. * * *

* * * * * * * * * *

I venture to declare it as my opinion, that were the power of Congress to be established in the latitude contended for, it would subvert the very foundation, and transmute the very nature of the limited Government established by the people of America; * * *.

Madison, in a letter, dated November 17, 1830, to Alexander Stevenson, gives the history of, and discusses at length, "common defense" and "general welfare", as used in the Constitution. The letter is enlightening and instructive. It is, in part, as follows (The Records of the Federal Convention, Farrand, vol. III, pp. 483–494):

* * * * * * * * * *

In tracing the history and determining the import of the terms "common defense" and "general welfare" as found in the text of the Constitution the following lights are furnished by the printed Journal of the Convention which formed it.

The terms appear in the general propositions offered May 29 as a basis for the incipient deliberations, the first of which "Resolved, that the Articles of the Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution, namely—common defense, security of liberty, and general welfare." On the day following, the proposition was exchanged for "Resolved, that a Union of the States merely federal will not accomplish the objects proposed by the Articles of Confederation; namely, common defense, security of liberty, and general welfare."

The inference from the use here made of the terms and from the proceedings on the subsequent propositions is, that although common defense and general welfare were objects of the Confederation, they were limited objects, which ought to be enlarged by an enlargement of the particular powers to which they were limited—and to be accomplished by a change in the structure of the Union from a form merely federal to one partly national, and as these general terms are prefixed in the like relation to the several legislative powers in the new charter, as they were in the old, they must be understood to be under like limitations in the new as in the old.

In the course of the proceedings between the 30th of May and the 6th of August the term "common defense" and "general welfare", as well as other equivalent terms, must have been dropped for they do not appear in the draft of a Constitution, reported on that day by a committee appointed to prepare one in detail; the clause in which those terms were afterward inserted, being, simply in the draft "The Legislature of the United States shall have power to lay and collect taxes duties, imposts, and excises."

The manner in which the terms became transplanted from the old into the new system of government is explained by a course

somewhat adventitiously given to the proceedings of the Convention.

On the 18th of August, among other propositions referred to the committee which had reported the draft was one "to secure the payment of the public debt", and

On the same day was appointed a committee of 11 Members (one from each State) "to consider the necessity and expediency of the debts of the several States being assumed by the United States."

On the 21st of August this last committee reported a clause in the words following: "The Legislature of the United States shall have power to fulfill the engagements which have been entered into by Congress and to discharge as well the debts of the United States as the debts incurred by the several States during the late war for the common defense and general welfare; conforming herein to the eighth of the Articles of Confederation, the language of which is that "all charges of war and all other expenses that shall be incurred for the common defense and general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common Treasury", etc.

On the 22d of August the committee of five reported, among other additions to the clause giving power "to lay and collect taxes, imposts, and excises", a clause in the words following: "for payment of the debts and necessary expenses", with a proviso qualifying the duration of revenue laws.

This report being taken up, it was moved as an amendment that the clause should read: "the Legislature shall fulfill the engagements and discharge the debts of the United States."

It was moved to strike out "discharge the debts" and insert "liquidate the claims", which being rejected, the amendment was agreed to as proposed, viz, "the Legislature shall fulfill the engagements and discharge the debts of the United States."

On the 23d of August the clause was made to read "the Legislature shall fulfill the engagements and discharge the debts of the United States and shall have the power to lay and collect taxes, duties, imposts, and excises", the two powers relating to taxes and debts being merely transposed.

On the 25th of August the clause was again altered so as to read: "all debts contracted and engagements entered into by or under the authority of Congress (the Revolutionary Congress) shall be as valid under this Constitution as under the Confederation."

This amendment was followed by a proposition (referring to the powers to lay and collect taxes, etc., and to discharge the debts (old debts)) to add "for payment of said debts, and for defraying the expenses that shall be incurred for the common defense and general welfare." The proposition was disagreed to, one State only voting for it.

September 4: The Committee of Eleven reported the following modification: "The Legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare", thus retaining the terms of the Articles of Confederation and covering by the general term "debts" those of the old Congress.

A special provision in this mode could not have been necessary for the debts of the new Congress. For a power to provide money, and a power to perform certain acts of which money is the ordinary and appropriate means, must, of course, carry with them a power to pay the expense of performing the acts. Nor was any special provision for debts proposed till the case of the Revolutionary debts was brought into view, and it is a fair presumption from the course of the varied propositions which have been noticed that but for the old debts and their association with the terms "common defense and general welfare" the clause would have remained as reported in the first draft of a Constitution, expressing generally a "power in Congress to lay and collect taxes, duties, imposts, and excises", without any addition of the phrase "to provide for the common defense and general welfare." With this addition, indeed, the language of the clause being in conformity with that of the clause in the Articles of Confederation, it would be qualified, as in those Articles, by the specification of powers subjoined to it. But there is sufficient reason to suppose that the terms in question would not have been introduced but for the introduction of the old debts, with which they happened to stand in a familiar though inoperative relation. Thus introduced, however, they passed undisturbed through the subsequent stages of the Constitution.

If it be asked why the terms "common defense and general welfare", if not meant to convey the comprehensive power which, taken literally, they express, were not qualified and explained by some reference to the particular powers subjoined, the answer is at hand that, although it might easily have been done, and experience shows it might be well if it had been done, yet the omission is accounted for by an inattention to the phraseology, occasioned, doubtless, by its identity with the harmless character attached to it in the instrument from which it was borrowed.

But may it not be asked with infinitely more propriety, and without the possibility of a satisfactory answer, why, if the terms were meant to embrace not only all the powers particularly expressed but the indefinite power which has been claimed under them, the intention was not so declared; why, on that supposition, so much critical labor was employed in enumerating the particular powers and in defining and limiting their extent?

The variations and vicissitudes in the modification of the clause in which the terms "common defense and general welfare" appear are remarkable, and to be not otherwise explained than by differences of opinion concerning the necessity or the form of a constitutional provision for the debts of the Revolution, some of the Members apprehending improper claims for losses by depreciated emissions of bills of credit, others an evasion of proper claims if not positively brought within the authorized functions of the new Government, and others again considering the past debts of the United States as sufficiently secured by the principle that no change in the Government could change the obligations of the Nation. Besides the indications in the Journal, the history of the period sanctions this explanation.

But it is to be emphatically remarked, that in the multitude of motions, propositions, and amendments, there is not a single one having reference to the terms "common defense and general welfare", unless we were so to understand the proposition containing them, made on August 25, which was disagreed to by all the States except one.

The obvious conclusion to which we are brought is, that these terms copied from the Articles of Confederation were regarded in the new as in the old instrument merely as general terms, explained and limited by the subjoined specifications; and therefore requiring no critical attention or studied precaution.

If the practice of the Revolutionary Congress be pleaded in opposition to this view of the case, the plea is met by the notoriety that on several accounts the practice of that body is not the expositor of the Articles of Confederation. These articles were not in force till they were finally ratified by Maryland in 1781. Prior to that event the power of Congress was measured by the exigencies of the war, and derived its sanction from the acquiescence of the States. After that event, habit and a continued expediency, amounting often to a real or apparent necessity, prolonged the exercise of an undefined authority; which was the more readily overlooked; as the Members of the body held their seats during pleasure, as its acts, particularly after the failure of the bills of credit, depended for their efficacy on the will of the States; and as its general impotency became manifest. Examples of departure from the prescribed rule are too well known to require proof. The case of the old Bank of North America might be cited as a memorable one. The incorporating ordinance grew out of the inferred necessity of such an institution to carry on the war, by aiding the finances which were starving under the neglect or inability of the States to furnish their assessed quotas. Congress was at the time so much aware of the deficient authority, that they recommended it to the State legislatures to pass laws giving due effect to the ordinance, which was done by Pennsylvania and several other States. In a little time, however, so much dissatisfaction arose in Pennsylvania where the bank was located, that it was proposed to repeal the law of the State in support of it. This brought on attempts to vindicate the adequacy of the power of Congress to incorporate such an institution. Mr. Wilson, justly distinguished for his intellectual powers, being deeply impressed with the importance of a bank at such a crisis, published a small pamphlet, entitled, "Considerations on the Bank of North America", in which he endeavored to derive the power from the nature of the Union, in which the Colonies were declared and became independent States; and also from the tenor of the Articles of Confederation themselves. But what is particularly worthy of notice is, that with all his anxious search in those Articles for such a power, he never glanced at the terms "common defense and general welfare" as a source of it. He rather chose to rest the claim on a recital in the text, "that for the more convenient management of the general interests of the United States, Delegates shall be annually appointed to meet in Congress, which he said implied that the United States had general rights, general powers, and general obligations; not derived from any particular State, nor from all the particular States, taken separately, but resulting from the Union of the whole" these general powers, not being controlled by the Article declaring that each State retained all powers not granted by the Articles, because "the individual States never possessed and could not retain a general power over the others."

The authority and argument here resorted to, if proving the ingenuity and patriotic anxiety of the author on one hand, show sufficiently on the other, that the terms "common defense and general welfare", could not according to the known acceptation of them avail his object.

That the terms in question were not suspected, in the Convention which formed the Constitution of any such meaning as has been constructively applied to them, may be pronounced with entire confidence. For it exceeds the possibility of belief, that the known advocates in the Convention for a jealous grant and cautious definition of Federal powers, should have silently permitted the introduction of words or phrases in a sense rendering fruitless the restrictions and definitions elaborated by them.

Consider for a moment the immeasurable difference between the Constitution limited in its powers to the enumerated objects; and expanded as it would be by the import claimed for the phraseology in question. The difference is equivalent to two Constitutions, of characters essentially contrasted with each other; the one possessing powers confined to certain specified cases; the other extending to all cases whatsoever: For what is the case that would not be embraced by a general power to raise money, a power to provide for the general welfare, and a power to pass all laws necessary and proper to carry these powers into execution; all such provisions and laws superseding, at the same times, all local laws and constitution at variance with them. Can less be said with the evidence before us furnished by the Journal of the Convention itself, than that it is impossible that such a Constitution as the latter would have been recommended

to the States by all the members of that body whose names were subscribed to the instrument.

Passing from this view of the sense in which the terms common defense and general welfare were used by the framers of the Constitution, let us look for that in which they must have been understood by the conventions, or rather by the people who through their conventions, accepted and ratified it. And here the evidence is if possible still more irresistible that the terms could not have been regarded as giving a scope to Federal legislation, infinitely more objectionable, than any of the specified powers which produced such a strenuous opposition, and calls for amendments which might be safeguards against the dangers apprehended from them.

Without recurring to the published debates of those Conventions, which as far as they can be relied on for accuracy, would it is believed not impair the evidence furnished by their recorded proceedings, it will suffice to consult the lists of amendments proposed by such of the conventions as considered the powers granted to the new Government too extensive or not safely defined.

Besides the restrictive and explanatory amendments to the text of the Constitution it may be observed, that a long list was premised under the name and in the nature of "Declarations of Rights"; all of them indicating a jealousy of the Federal powers, and an anxiety to multiply securities against a constructive enlargement of them. But the appeal is more particularly made to the number and nature of the amendments proposed to be made specific and integral parts of the Constitution text.

No less than seven States, it appears, concurred in adding to their ratifications, a series of amendments, which they deemed requisite. Of these amendments 9 were proposed by the convention of Massachusetts; 5 by that of South Carolina; 12 by that of New Hampshire; 20 by that of Virginia; 33 by that of New York; 26 by that of North Carolina; 21 by that of Rhode Island.

Here are a majority of the States, proposing amendments, in one instance 33 by a single State; all of them intended to circumscribe the powers granted to the general Government by explanations, restrictions, or prohibitions, without including a single proposition from a single State, referring to the terms, common defense and general welfare; which if understood to convey the asserted power, could not have failed to be the power most strenuously aimed at because evidently more alarming in its range, than all the powers objected to put together. And that the terms should have passed altogether unnoticed by the many eyes which saw danger in terms and phrases employed in some of the most minute and limited of the enumerated powers, must be regarded as a demonstration, that it was taken for granted that the terms were harmless, because explained and limited, as in the Articles of Confederation, by the enumerated powers which followed them.

A like demonstration, that these terms were not understood in any sense that could invest Congress with powers not otherwise bestowed by the constitutional charter may be found in what passed in the first session of the first Congress, when the subject of amendments was taken up, with the conciliatory view of freeing the Constitution from objections which had been made to the extent of its powers, or to the unguarded terms employed in describing them. Not only were the terms "common defense and general welfare", unnoticed in the long list of amendments brought forward in the outset; but the Journals of Congress show that in the progress of the discussions, not a single proposition was made in either branch of the Legislature which referred to the phrase as admitting a constructive enlargement of the granted powers, and requiring an amendment guarding against it. Such a forbearance and silence on such an occasion, and among so many members who belonged to the part of the Nation, which called for explanatory and restrictive amendments, and who had been elected as known advocates for them, cannot be accounted for without supposing that the terms "common defense and general welfare", were not at that time deemed susceptible of any such construction as has since been applied to them.

It may be thought perhaps, due to the subject, to advert to a letter of October 5, 1787, to Samuel Adams and another of October 16 of the same year to the Governor of Virginia, from R. H. Lee, in both which, it is seen that the terms had attracted his notice, and were apprehended by him "to submit to Congress every object of human legislation." But it is particularly worthy of remark, that although a Member of the Senate of the United States, when amendments to the Constitution were before that House, and sundry additions and alterations were there made to the list sent from the other, no notice was taken of those terms as pregnant with danger. It must be inferred that the opinion formed by the distinguished Member at the first view of the Constitution, and before it had been fully discussed and elucidated, had been changed into a conviction that the terms did not fairly admit the construction he had originally put on them, and therefore needed no explanatory precaution against it * * *.

Thomas Jefferson, on February 15, 1791, in his opinion on the power of Congress to establish the Bank of the United States (The Writings of Thomas Jefferson—Memorial edition, vol. III, pp. 147–149), said:

To lay taxes to provide for the general welfare of the United States, that is to say, "to lay taxes for the purpose of providing for the general welfare." For the laying of taxes is the power, and the general welfare the purpose, for which the power is to be exercised. Congress are not to lay taxes ad libitum, for any purpose they please, but only to pay the debts, or provide for the welfare of the Union. In like manner they are not to do anything they please to provide for the general welfare, but only to lay taxes for that purpose. To consider the latter phrase not as describing the purpose of the first but as giving a distinct and independent power to do any act they please, which might be for the good of the Union, would render all the preceding and subsequent enumerations of power completely useless.

It would reduce the whole instrument to a single phrase, that of instituting a Congress with power to do whatever would be for the good of the United States, and as they would be the sole judges of the good or evil, it would also be a power to do whatever evil they pleased.

It is an established rule of construction, where a phrase will bear either of two meanings, to give it that which will allow some meaning to the other parts of the instrument, and not that which will render all the others useless. Certainly no such universal power was meant to be given them. It was intended to lace them up strictly within the enumerated powers, and those without which, as means, these powers could not be carried into effect. It is known that the very power now proposed as a means was rejected as an end by the Convention which formed the Constitution. * * *

Jefferson, in a letter dated September 7, 1803, to Wilson C. Nichols (The Writings of Thomas Jefferson, memorial edition, vol. X, pp. 418–419), said:

* * * When an instrument admits two constructions, the one safe, the other dangerous, the one precise, the other indefinite, I prefer that which is safe and precise. I had rather ask an enlargement of power from the Nation, where it is found necessary, than to assume it by a construction which would make our powers boundless. Our peculiar security is in the possession of a written Constitution. Let us not make it a blank paper by construction. * * *

Jefferson, in a letter dated June 16, 1817, to Albert Gallatin (The Writings of Thomas Jefferson, memorial edition, vol. XV, pp. 133–134), said:

You will have learned that an act for internal improvement, after passing both Houses, was negatived by the President. The act was founded, avowedly, on the principle that the phrase in the Constitution which authorizes Congress "to lay taxes, to pay the debts, and provide for the general welfare" was an extension of the powers specifically enumerated to whatever would promote the general welfare; and this, you know, was the Federal doctrine. Whereas our tenet ever was, and, indeed, it is almost the only landmark which now divides the Federalists from the Republicans, that Congress had not unlimited powers to provide for the general welfare, but more restrained to those specifically enumerated; and that, as it was never meant they should provide for that welfare but by the exercise of the enumerated powers, so it could not have been meant they should raise money for purposes which the enumeration did not place under their action; consequently, that the specification of powers is a limitation of the purposes for which they may raise money. * * *

Jefferson, in a letter dated December 26, 1825, to William B. Giles (The Writings of Thomas Jefferson, memorial edition, vol. XVI, pp. 146–147), said:

* * * I see, as you do, and with the deepest affliction, the rapid strides with which the Federal branch of our Government is advancing toward the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their power. Take together the decisions of the Federal Court, the doctrines of the President, and the misconstructions of the constitutional compact acted on by the Legislature of the Federal branch, and it is but too evident that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions, foreign and domestic. Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, and call it regulation to take the earnings of one of these branches of industry—and that, too, the most depressed—and put them into the pockets of the other, the most flourishing of all. Under the authority to establish post roads, they claim that of cutting down mountains for the construction of roads, or digging canals, and, aided by a little sophistry on the words "general welfare", a right to do not only the acts to affect that which are specifically enumerated and permitted, but whatsoever they shall think or pretend will be for the general welfare. And what is our resource for the preservation of the Constitution? Reasons and argument? You might as well reason and argue with the marble columns encircling them. The representatives chosen by ourselves? They are joined in the combination, some from incorrect views of government, some from corrupt ones, sufficient voting together to outnumber the sound parts; and, with majorities only of one, two, or three, bold enough to go forward in defiance. * * *

Hamilton, in the Constitutional Convention, advocated, contrary to the overwhelming majority of its members, great

centralization of power and a form of government which would have practically abolished the States (Elliott's Debates on the Federal Constitution, vol. V, 199, 202, 212).

James Monroe, in his message in 1822 vetoing an act of Congress for the preservation and repair of the Cumberland Road (Messages and Papers of the Presidents, Richardson, vol. II, pp. 163, 167, 173), said:

> * * * A power to provide for the common defense would give to Congress the command of the whole force and of all the resources of the Union; but a right to provide for the general welfare would go much further. It would, in effect, break down all the barriers between the States and the general Government and consolidate the whole under the latter.
>
> * * * My idea is that Congress have an unlimited power to raise money, and that in its appropriation they have a discretionary power, restricted only by the duty to appropriate it to purposes of common defense and of general, not local, National, not State, benefit.
>
> * * * Have Congress a right to raise and appropriate the money to any and to every purpose according to their will and pleasure? They certainly have not. The Government of the United States is a limited Government, instituted for great national purposes, and for those only. Other interests are committed to the States, whose duty it is to provide for them. Each government should look to the great and essential purposes for which it was instituted and confine itself to those purposes * * *.

Andrew Jackson, a Democratic President, in a message to Congress in 1830 (Messages and Papers of the Presidents, Richardson, vol. II, pp. 483, 487, 491), vetoing a bill for subscribing to stock in the Maysville Road Turn Pike Co., regretted the precedents for appropriations of money under the Hamilton theory of the welfare clause, deeming them—

> * * * an admonitory proof of the force of implication and the necessity of guarding the Constitution with sleepless vigilance against the authority of precedents which have not the sanction of its most plainly defined powers; * * *.
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> * * * * * * *
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> This subject has been one of much, and I may add, painful, reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of government, and which, on some accounts, may even excite despondency in the breast of an American citizen. I will not detain you with professions of zeal in the cause of internal improvements. If to be their friend is a virtue which deserves commendation, our country is blessed with an abundance of it, for I do not suppose there is an intelligent citizen who does not wish to see them flourish. But though all are their friends, but few, I trust, are unmindful of the means by which they should be promoted; none certainly are so degenerate as to desire their success at the cost of that sacred instrument with the preservation of which is indissolubly bound our country's hopes. If different impressions are entertained in any quarter, if it is expected that the people of this country, reckless of their constitutional obligations, will prefer their local interest to the principles of the Union, such expectations will in the end be disappointed; or if it be not so, then, indeed, has the world but little to hope from the example of free government. When an honest observance of constitutional compacts cannot be obtained from communities like ours, it need not be anticipated elsewhere, and the cause in which there has been so much martyrdom, and from which so much was expected by the friends of liberty, may be abandoned, and the degrading truth that man is unfit for self-government admitted. And this will be the case if expediency be made a rule of construction in interpreting the Constitution. Power in no government could desire a better shield for the insidious advances which it is ever ready to make upon the checks that are designed to restrain its action.

John C. Calhoun, an ardent supporter of the Madison and Jefferson theory, in 1851, said (Works of John C. Calhoun, vol. 1, pp. 358–359, 365–367):

> The report of Mr. Madison and the Virginia and Kentucky resolutions constituted the political creed of the State rights Republican Party. They were understood as being in full accord with Mr. Jefferson's opinion, who was its acknowledged head. They made a plain and direct issue with the principles and policy maintained by General Hamilton, who, although not nominally the head of the Federal Party, as they called themselves, was its soul and spirit. The ensuing Presidential election was contested on this issue and terminated in the defeat of Mr. Adams, the election of Mr. Jefferson as President, and the elevation of the Republican Party into power. To the principles and doctrine, so plainly and ably set forth in their creed, they owed their elevation and the long retention of power under many and severe trials. They secured the confidence of the people, because they were in accord with what they believed to be the true character of the Constitution and of our Federal system of government.

Mr. President, there manifestly was a limitation upon the theory of those who advocated what is commonly called the Hamiltonian doctrine, because they all limited the application of the doctrine to the money power, the power to tax for purposes which led to the common defense and which inured to the general welfare. The modern theory, however, seems to be if the object, in the judgment of Congress, is for the common welfare, it may be done without any reference whatsoever to the taxing power of the Congress. We apparently are departing from and going far beyond either the Madisonian theory or the Hamiltonian theory of the general-welfare clause and of the power of the Congress of the United States.

It will be observed that there is conflict in the opinions and views, hereinbefore quoted, in the construction and interpretation of the phrase "to lay and collect taxes * * * and provide for the common defense and general welfare of the United States", as used in the Constitution.

Madison and Jefferson took the view that the phrase does not confer broad and unlimited powers on Congress to tax and appropriate money for any and all purposes which Congress may deem or pretend to be for the general welfare of the United States, but, on the contrary, that they are limited and confined to legislation dealing with such objects and purposes as are authorized by the subjoined enumerated powers, or which may be reasonably implied therefrom, conferred in article I, section 8.

The views of Jackson, Polk, Calhoun, and Cleveland appear to be in harmony with the views of Madison and Jefferson.

Hamilton, on the other hand, took a broader view as to the powers conferred. His view was that the power of Congress to tax and appropriate money for the common defense and general welfare was not confined and limited to objects and purposes authorized by the subjoined enumerated powers in article I, section 8, but that Congress had a discretionary power to tax and appropriate money for such objects and purposes as Congress might deem essential for the general welfare, provided the expenditures were made generally throughout the Union, and not locally or confined to a particular spot.

Monroe appears to have adopted the Hamilton theory. However, Monroe expressed the view that Congress did not have the power to raise and appropriate money "to any and to every purpose according to their will and pleasure", pointing out that "the Government of the United States is a limited government, instituted for great national purposes, and for those only", and that "other interests are committed to the States, whose duty it is to provide for them."

Mr. Justice Story's views (supra, pp. 23–24) appear to be in accord with those of Hamilton and Monroe.

It should be pointed out that neither Hamilton, Monroe, nor Mr. Justice Story went so far as to take the view that Congress had the power to enact any legislation for the general welfare, separate and independent of the taxing power.

But Monroe, as I have undertaken to point out, accepted a limitation upon the Hamiltonian theory, the power to act in behalf of the general welfare being limited in the view of them all to the legitimate exercise of the taxing power of the Government.

In construing and interpreting the phrase in question, it is important to consider its history in the Federal convention. When the terms "common defense" and "general welfare" are discussed, at least in recent years, the impression is conveyed that their meaning and intent were as carefully considered and discussed by the members of the Federal Convention as were other provisions of the Constitution. However, according to Madison, that is not the fact.

I have already quoted his letter to Stevenson, in which he points out that the terms "common defense" and "general welfare" appear, outside of the preamble, in just one place in the Constitution.

Great weight should be given to Madison's explanation of the use of the phrase in drafts and revisions of the form of a constitution. He was one of the most active members

of the Convention, and has been frequently referred to as the father of the Constitution.

In his letter to Stevenson—already quoted—Madison not only expresses his opinion concerning the construction and interpretation of the terms "common defense" and "general welfare", but he also states very clearly their history during the proceedings of the Convention. I have hereinbefore stated that I have been unable to find in the records of the Convention any debates or discussions whatever concerning the above terms, and that there were no such debates or discussions is confirmed by Madison's letter to Stevenson.

The terms "common defense" and "general welfare" appeared in article VIII of the Articles of Confederation, as follows:

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States, * * *.

The foregoing clearly implies, by the use of the word "other", that the charges of war were considered as expenses for the common defense or general welfare, as well as all other charges incurred for the maintenance of the Government.

Madison states that the words "common defense" and "general welfare" appeared in the general propositions relative to a constitution offered to the Federal Convention on May 29, 1787, as a basis for deliberations. The language there used was—

Resolved, That the Articles of the Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution, namely, common defense, security of liberty, and general welfare.

And on the following day the proposition was exchanged for a resolution which read:

That an union of the States merely federal will not accomplish the objects proposed by the Articles of Confederation; namely, common defense, security of liberty, and general welfare.

In that connection, Madison says (supra, p. 10):

The inference from the use here made of the terms, and from the proceedings on the subsequent propositions is, that although common defense and general welfare were objects of the confederation, they were limited objects, which ought to be enlarged by the enlargement of the particular powers to which they were limited—and to be accomplished by a change in the structure of the Union from a form merely federal to one partly national, and as these general terms are prefixed in the like relation to the several legislative powers in the new charter, as they were in the old, they must be understood to be under like limitations in the new as in the old.

From May 30 up to August 21, 1787, the terms "common defense" and "general welfare" were evidently dropped. On the latter date they again appeared, as follows:

The legislature of the United States shall have power to fulfill the engagements which have been entered into by Congress, and to discharge as well the debts of the United States as the debts incurred by the several States, during the late war, for the common defense and general welfare.

Madison then says:

On the 22d of August, the committee of five reported among other additions to the clause giving power "to lay and collect taxes, imposts, and excises", a clause in the words following "for payment of the debts and necessary expenses", with a proviso qualifying the duration of revenue laws.

This report being taken up, it was moved, as an amendment, that the clause should read "the legislature shall fulfill the engagements and discharge the debts of the United States."

It was then moved to strike out "discharge the debts" and insert "liquidate the claims", which being rejected, the amendment was agreed to as proposed, viz, "the legislature shall fulfill the engagements and discharge the debts of the United States."

On the 23d of August the clause was made to read "the legislature shall fulfill the engagements and discharge the debts of the United States, and shall have the power to lay and collect taxes, duties, imposts, and excises", the two powers relating to taxes and debts being merely transposed.

On the 25th of August, the clause was again altered so as to read "all debts contracted and engagements entered into by or under the authority of Congress (the Revolutionary Congress) shall be as valid under this Constitution as under the confederation."

This amendment was followed by a proposition, referred to the powers to lay and collect taxes, etc., and to discharge the debts (old debts) to add "for payment of said debts, and for defraying the expenses that shall be incurred for the common defense and general welfare." The proposition was disagreed to, one State only voting for it.

September 4: The committee of eleven reported the following modification: "The legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare"; thus retaining the terms of the Articles of Confederation, and covering by the general term "debts" those of the old Congress.

Madison then takes up the construction and interpretation of the terms "common defense" and "general welfare" as they appear in article I, section 8, of the Constitution. His construction and interpretation is enlightening and deserves careful consideration. His conclusion is:

* * * that in the multitude of motions, propositions, and amendments there is not a single one having reference to the terms "common defense and general welfare" unless we were so to understand the proposition containing them, made on August 25, which was disagreed to by all the States except one.

* * * that these terms copied from the Articles of Confederation were regarded in the new as in the old instrument merely as general terms, explained and limited by the subjoined specifications; and therefore requiring no critical attention or studied precaution.

And again:

That the terms in question were not suspected, in the convention which formed the Constitution of any such meaning as has been constructively applied to them may be pronounced with entire confidence. For it exceeds the possibility of belief, that the known advocates in the convention for a jealous grant and cautious definition of Federal powers, should have silently permitted the introduction of words or phrases in a sense rendering fruitless the restrictions and definitions elaborated by them.

Consider for a moment the immeasurable difference between the Constitution limited in its powers to the enumerated objects and expanded as it would be by the import claimed for the phraseology in question. The difference is equivalent to two Constitutions, of characters essentially contrasted with each other, the one possessing powers confined to certain specified cases; the other extending to all cases whatsoever: For what is the case that would not be embraced by a general power to raise money, a power to provide for the general welfare, and a power to pass all laws necessary and proper to carry these powers into execution; all such provisions and laws superseding, at the same time, all local laws and constitutions at variance with them. Can less be said with the evidence before us furnished by the journal of the Convention itself, than that it is impossible that such a Constitution as the latter would have been recommended to the States by all the members of that body whose names were subscribed to the instrument.

Passing from this view of the sense in which the terms common defense and general welfare were used by the framers of the Constitution, let us look for that in which they must have been understood by the conventions, or rather by the people who through their conventions accepted and ratified it. And here the evidence is, if possible, still more irresistible that the terms could not have been regarded as giving a scope to Federal legislation, infinitely more objectionable, than any of the specified powers which produced such a strenuous opposition, and calls for amendments which might be safeguards against the dangers apprehended from them.

As Madison says, if the members of the Constitutional Convention had any thought of conferring broad and unlimited powers on Congress to tax and appropriate money for any objects or purposes which Congress might deem or pretend to be for the general welfare, it is inconceivable that they would have granted such broad and unlimited powers without any debate or discussion whatever, especially in view of the fact that the debates in the Convention are replete with discussions and arguments concerning the limitation of the powers which they intended to confer on the Federal Government. According to the records of the Constitutional Convention, the matter foremost in the minds of the majority of its members was to create a Federal Government with limited powers, and to define, as far as possible, the powers conferred on the Federal Government, reserving all others to the States or to the people.

Furthermore, any legislation enacted by Congress necessarily has to do with the common defense and/or general welfare of the United States, and it will readily be observed

that every one of the subjoined enumerated powers conferred by article I, section 8, relate either to the common defense or general welfare, or both. To take the view that the terms "common defense" and "general welfare" confer on Congress broad and unlimited powers to tax and appropriate money for any objects or purposes which Congress may deem or pretend to be for the general welfare, regardless of whether such objects or purposes have any relation to the subjoined enumerated powers conferred, is to impute to the framers of the Constitution the deliberate insertion of clearly unnecessary provisions. If they intended by the general clauses to confer broad and unlimited powers, in no way qualified or limited by the subjoined enumerated powers, then the latter are mere tautology, because all of the subjoined enumerated powers would have been conferred under the terms "common defense" and "general welfare."

Furthermore, if the framers intended by the terms "common defense" and "general welfare" to confer broad and unlimited powers on Congress to enact legislation for any objects or purposes which Congress might deem or pretend to be for the common defense and general welfare, there was no necessity for the insertion of article X in the Bill of Rights, which provides—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people—

for the reason that no powers would have been reserved to the States or to the people.

Again, it will be noted that in article I, section 8, after granting the power to tax "and provide for the common defense and general welfare", 17 other enumerated powers are conferred on Congress (supra, pp. 4–5), beginning with the one "to borrow money on the credit of the United States." If it had been the intent of the framers of the Constitution to confer on Congress broad and unlimited powers to tax and provide for the common defense and general welfare, there would have been no necessity whatever for any of the 17 subjoined enumerated powers conferred in that article and section, with the possible exception of the last, which confers on Congress power—

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

The imposition by Congress of taxes on all citizens of the United States, and the appropriation of the moneys thus realized for the benefit of certain groups of citizens, or certain States, or certain localities, as has been done in the past few years, is a power which Congress, we respectfully submit, has assumed to exercise without any authority therefor in the Constitution. Nor has Congress stopped there, but it has gone farther, and has enacted legislation imposing taxes on certain groups of citizens and has appropriated the money derived from such taxation for the benefit of certain other groups of citizens, and has declared the policy that such taxation and appropriation of moneys is essential for the general welfare of the United States. In other words, as stated by President Cleveland, instead of the people supporting the Government, the Government is supporting the people.

The more thought and consideration I have given to the construction and interpretation of the "common defense" and "general welfare" clauses, as expounded by Madison, Jefferson, and others, viz, that the power—

> To tax * * * and provide for the common defense and general welfare of the United States—

is confined to the subjoined enumerated powers conferred in article I, section 8, the more I am convinced of the soundness of their construction and interpretation. To ignore their theory, and to construe and interpret the phrase to mean that Congress has the power to tax and provide for the "common defense" and "general welfare" so long as the appropriation is for the general, not local, benefit of the people, is to take the view that Congress has the power to invade the rights reserved to the States, and assume control over, if Congress sees fit, whatever in the judgment of Congress would promote the general welfare.

As I understand it, the contention of the President and other administration spokesmen, is that Congress not only has the power to tax and appropriate money for the common defense and general welfare but that independent of the taxing power and the appropriation of moneys for such purposes, Congress also has the power to enact legislation for the general welfare, without regard to the subjoined enumerated powers conferred on Congress in article I, section 8, or any other specific power conferred. In other words, it is their contention that to provide for the "general welfare" constitutes a power in and of itself and is not limited or qualified by the taxing power or by any of the subjoined enumerated powers. If the framers of the Constitution had any such intention, which the records of the Federal Convention would seem to refute, then they did not create a government of limited powers but one of unlimited powers, for if Congress has the power to enact any legislation which it may deem necessary for the general welfare, it necessarily follows that its power is unlimited.

Madison made the point clear when he said:

> I, sir, have always conceived—I believe those who proposed the Constitution conceived, and it is still more fully known, and more material to observe that those who ratified the Constitution conceived—that this is not an indefinite Government, deriving its powers from the general terms prefixed to the specified powers, but a limited Government, tied down to the specified powers which explain and define the general terms. The gentlemen who contend for a contrary doctrine are surely not aware of the consequences which flow from it, and which they must either admit or give up their doctrine.
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> It will follow, in the first place, that if the terms be taken in the broad sense they maintain, the particular powers afterward so carefully and distinctly enumerated would be without any meaning and must go for nothing. It would be absurd to say, first, that Congress may do what they please, and then that they may do this or that particular thing; after giving Congress power to raise money, and apply it to all purposes which they may pronounce necessary to the general welfare, it would be absurd, to say the least, to superadd a power to raise armies, to provide fleets, etc. In fact, the meaning of the general terms in question must either be sought in the subsequent enumeration which limits and details them, or they convert the Government from one limited, as hitherto supposed, to the enumerated powers, into a Government without any limits at all.
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> If Congress can apply money indefinitely to the general welfare, and are the sole and supreme judges of the general welfare, they may take the care of religion into their own hands; they may establish teachers in every State, county, and parish, and pay them out of the Public Treasury; they may take into their own hands the education of children, establishing in like manner schools throughout the Union; they may undertake the regulation of all roads, other than post roads. In short, everything, from the highest object of State legislation, down to the most minute object of police, would be thrown under the power of Congress; for every object I have mentioned would admit the application of money, and might be called, if Congress pleased, provisions for the general welfare.

Jefferson said:

> * * * Under the authority to establish post roads they claim that of cutting down mountains for the construction of roads, of digging canals, and aided by a little sophistry on the words "general welfare", a right to do, not only the acts to affect that, which are specifically enumerated and permitted, but whatsoever they shall think or pretend will be for the general welfare. And what is our resource for the preservation of the Constitution? Reason and argument? You might as well reason and argue with the marble columns encircling them. * * *

Consider also the following comments and warnings by Jefferson on the unconstitutional exercise of Federal legislative power:

> * * * Take together the decisions of the Federal court, the doctrines of the President, and the misconstructions of the constitutional compact acted on by the legislature of the Federal branch, and it is but too evident that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the powers reserved by them, and to exercise themselves all functions, foreign and domestic. Under the power to regulate commerce they assume indefinitely that also over

agriculture and manufacturers, and call it regulation to take the earnings of one of these branches of industry—and that, too, the most depressed—and put them into the pockets of the other—the most flourishing of all. * * *

And again, in a letter dated August 18, 1821, to Charles Hammond (The Writings of Thomas Jefferson, memorial edition, vol. XV, pp. 331–332)—

It has long, however, been my opinion, and I have never shrunk from its expression—although I do not choose to put it into a newspaper, nor, like a Priam in armor, offer myself its champion—that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary; an irresponsible body—for impeachment is scarcely a scarecrow—working like gravity by night and by day, gaining a little today and a little tomorrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States and the government of all be consolidated into one. To this I am opposed, because when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated. It will be as in Europe, where every man must either pike or gudgeon, hammer or anvil. Our functionaries and theirs are wares from the same workshop, made of the same materials and by the same hand. If the States look with apathy on this silent descent of their government into the gulf which is to swallow all, we have only to weep over the human character formed uncontrollable but by a rod of iron, and the blasphemers of man, as incapable of self-government, become his true historians.

In the Associated Press case, decided April 12, 1937, Mr. Justice Sutherland, writing the minority opinion, sounds the following timely and emphatic warning:

Do the people of this land, in the providence of God, favored, as they sometimes boast, above all others in the plentitude of their liberties desire to preserve those so carefully protected by the first amendment: Liberty of religious worship, freedom of speech and of the press, and the right as freemen peaceably to assemble and petition their Government for a redress of grievances? If so, let them withstand all beginnings of encroachment. For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time.

If the Supreme Court should ever be so constituted that the majority of its members would construe and interpret the phrase "To lay and collect taxes * * * and provide for the * * * general welfare of the United States" as conferring on Congress broad and unlimited discretionary power (1) to impose taxes and appropriate money for the general welfare of the United States, or (2) that Congress has the power to enact legislation providing for the general welfare of the United States, separate and independent of the taxing power, and that such powers are not qualified or limited by the subjoined enumerated powers conferred by the Constitution, then the powers of the Federal Government would be unlimited, and Congress could enact any legislation which it might deem or pretend to be for the general welfare of the United States. In other words, as stated by Madison, it would be a "government without any limits at all", and Congress would have the power to enact legislation concerning "everything, from the highest object of State legislation down to the most minute object of police."

The PRESIDENT pro tempore. The Senator's time on the joint resolution has expired.

Mr. COPELAND. Mr. President, I inquire what is the parliamentary situation?

The PRESIDENT pro tempore. The parliamentary situation is that the Senator from Georgia [Mr. RUSSELL] has offered an amendment to the committee amendment on page 5, line 5, to strike out the words "not exceeding $100,000,000 of" and to begin the word "this", in line 6, with a capital letter. That is the pending question.

SEVERAL SENATORS. Vote!

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Georgia to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question now recurs on the committee amendment as amended.

The amendment, as amended, was agreed to.

Mr. LA FOLLETTE. Mr. President, in view of the discussion of the administrative cost of the Resettlement Administration, I ask unanimous consent to have printed in the RECORD a statement headed "Statement relative to administrative funds", which appears on page 306 of the hearings before the Senate committee.

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

STATEMENT RELATIVE TO ADMINISTRATIVE FUNDS

By the end of the current fiscal year approximately $150,000,000 will have been advanced in the form of rehabilitation loans to assist some 475,000 destitute or low-income farm families to become self-supporting. The cost of furnishing supervision and guidance to these families during the current fiscal year will amount to approximately $9,850,000 and general administration and overhead will amount to approximately $7,050,000. Excluding consideration of the fact that included in these sums are the costs of administering a direct grant program involving over 450,000 farm families who will have received during the current fiscal year an aggregate of approximately $50,000,000, the average outlay during this year for supervision, guidance, and overhead for each farm family benefited by a loan will amount to approximately $35.50, of which $20.70 is for supervision, education, and guidance, and only $14.80 for general overhead. On the basis of experience it is conservatively estimated that at least 75 percent of the funds advanced during the year in the form of loans will eventually be recovered and returned to the Treasury. Thus, the ultimate net cost to the Government during the current year for each farm family who has received a loan will amount to less than $70. Not only is this the least expensive type of relief, being only a small fraction of the annual family cost of direct or work relief, but a farmer and his family will have been reestablished in his regular occupation in their own locality. Barring natural catastrophes such as flood or drought, this family's improved status will be permanent.

As previously indicated, the above analysis overstates the ultimate annual cost per family of carrying on a rehabilitation-loan program because included in the costs of supervision and overhead are the expenses of administering a program of direct grant relief, the nature of which is explained elsewhere in this record. If both loan and grant cases are considered, the average outlay during the year for supervision and overhead per family will amount to only $18.25. Making ample allowance for nonrecoverable expenditures for loans and grants, the total average cost per family will be less than $90. At this low ultimate annual family cost 925,000 farm families will have been aided by either a loan or by grants during the current fiscal year.

As pointed out by the Secretary, the supervision, guidance, and education given to rehabilitation clients is the factor which distinguishes this program from simple credit transactions and is as important to the rehabilitation process as the financial assistance afforded. Without such supervision the average amount of individual loans would be substantially larger and repayments, experience indicates, would be materially decreased. For these reasons the small annual family cost of supervision and guidance represents an investment which will be recovered many times over in a larger proportion of repayments, smaller initial outlays, and in a more rapid and permanent rehabilitation. It should be observed that the more efficient the supervision, the greater the relative cost appears to be because of the reduction in the amounts necessary to advance to clients. Without such guidance the sum of $75,000,000 would be wholly inadequate for the program during the next fiscal year.

Of the total $25,000,000 requested for the costs of administering the program during the next fiscal year, $15,000,000 will be utilized directly in connection with the rehabilitation program. Part of this amount would be necessary to continue supervision of and to service loans previously made and to cover the overhead expenses relative to making collections. The remainder will be necessary to carry on the proposed $75,000,000 loan and grant program. It is planned to convert grant relief cases into rehabilitation loan cases as rapidly as circumstances will permit, thus changing thousands of families from direct relief, a relatively expensive type of aid since such expenditures are permanently lost, to the less costly loan type of assistance where the larger portion of the original outlays will be recovered and the borrower assisted in becoming self-supporting. This conversion process, of course, will increase the amount of necessary supervision and will account for part of the $15,000,000 sum.

Of the $15,000,000 discussed above, almost $11,000,000 will be for personal services. The annual salaries of rural supervisors and assistant supervisors are so small that great difficulty is experienced in recruiting and retaining qualified agriculturally trained men. The estimated amount for this purpose will not permit a sufficient staff to visit each client as often as would be desirable and advantageous to do so, since each such employee will service and supervise an average of more than 150 clients. The traveling expenses of these employees will absorb approximately $3,000,000. These low-salaried employees are required to perform necessary travel in personally owned automobiles at mileage rates considerably below those permitted by law. The average monthly expenses of this type are approximately $50 per supervisor. An additional $1,000,000 will be required for office rents and maintenance, office supplies, miscellaneous items, and for the procure-

ment of forms for applications, agreements, notes, chattel mortgages, and other documents required by Government regulations.

In addition to the direct costs of supervising and administering the rural rehabilitation program as explained above, the share of general administrative and staff services provided for administering the entire Resettlement Administration program would be approximately $2,000,000. This includes legal, financial, personnel administration, and other general staff and service expenses. In measuring the total cost of the rehabilitation program it must be emphasized that the best estimates possible at this time indicate that loan repayments during the next fiscal year will exceed $35,000,000 which will, of course, be covered into the Treasury as miscellaneous receipts. Thus the anticipated net withdrawals from the Treasury will be reduced by at least 40 percent below the total sum requested for rehabilitation purposes.

Of the $25,000,000 administrative funds requested, it is estimated that, as heretofore, approximately $2,000,000 will be required to continue the farm debt adjustment program. This activity is financed entirely with administrative funds since the only expenditures incurred in carrying on this work are the salaries and expenses of Government employees and the funds advanced for actual expenses of voluntary local debt adjustment committees. Because of the very nature of this particular phase of the rehabilitation program administrative expenses cannot be other than 100 percent of the total cost of this activity. The testimony and statistics submitted for this record show that the need for this type of activity is not likely to diminish during the next fiscal year. As a result of this work the size of loans required for rehabilitating farm families has been greatly reduced. More than $47,000,000 have been saved farmers by this program of reducing debts but the entire cost must be financed from funds provided for administrative purposes.

The remainder of $6,000,000 from the proposed $25,000,000 fund will be required to administer the final acquisition of submarginal lands for which contracts of purchase have already been entered into, the administration of and completion of rural and suburban projects, and the development of submarginal land. Projects now under way will be completed with funds already encumbered or with funds made available from previous appropriations provided such funds are reappropriated. The expenditure of $25,000,000 in completing the rural and suburban projects now under way will be involved. The administrative expenses incident to this work must be met from the $6,000,000 referred to above. It must be emphasized that the total investment in permanent or recoverable assets, in addition to the $150,000,000 in outstanding loans, will approximate $190,000,000 by the end of the current fiscal year. The responsibility of managing, protecting, and administering these assets will require part of the $6,000,000 discussed above. Allowing 2½ percent for this purpose, only $1,250,000, or 5 percent, will be available for administering the completion of the land acquisition and project programs now under way.

It should be noted that during the fiscal year 1936 almost $33,000,000 was encumbered from administrative funds. In contrast, only $25,000,000 is requested for the next fiscal year. In May 1936 the Washington administrative and rehabilitation staff consisted of 3,662 employees. At present there are only 1,967 administrative and rehabilitation employees in the Washington offices, a reduction of 46 percent having been accomplished. In the field the present administrative and rehabilitation staff consists of approximately 11,900 employees. This represents a reduction from approximately 13,500 persons employed in the field a year ago. The proposed fund of $25,000,000 would require reducing the Washington administrative and rehabilitation staff to 1,700 employees and the field administrative and rehabilitation staff to 10,500 employees.

Since the hearings held by this committee in January on the First Deficiency Appropriation Act of 1937, the Washington staff has been reduced from 2,778 to 1,967 employees, which has effected a saving of $1,378,000 in aggregate annual salaries. The average Washington and field salaries now paid are believed to be lower than the average salaries of any emergency agency, being $1,924 in Washington, and $1,450 in the field.

Of the total $25,000,000 fund, it is estimated that approximately $21,000,000 will be spent in the field and only $4,000,000 will be spent in Washington.

Additional facts relative to administrative funds appear in the hearings of the Subcommittee of the Committee on Appropriations, House of Representatives, on pages 44–48.

The PRESIDENT pro tempore. The next amendment passed over will be stated.

The CHIEF CLERK. On page 5, line 9, after the word "determine", it is proposed to insert "including such cost of administration as the President may direct."

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

Mr. THOMAS of Oklahoma. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. THOMAS of Oklahoma. Is line 8 a part of the committee amendment just adopted or is that a part of the original text of the bill?

The PRESIDENT pro tempore. That is a part of the original text.

Mr. THOMAS of Oklahoma. It is not, then, as I understand, open to amendment at this time?

The PRESIDENT pro tempore. It is not open to amendment as yet. It will be later. There is an amendment pending, however, which has just been stated, on page 5, line 9, to insert the words "including such cost of administration as the President may direct." The question is on agreeing to that amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment passed over will be stated.

The CHIEF CLERK. On page 5, line 10, after the word "no", it is proposed to strike out—

Agricultural laborer and no unskilled laborer who refuses or has refused an offer of private employment paying as much or more in compensation for such work as such person has received or could receive under the relief herein provided and who is capable of performing such work shall be eligible for relief hereunder for the period such private employment or any similar subsequent offer of such employment would be available: *And provided further,* That any person who performs such private employment shall at the expiration thereof be entitled to an immediate resumption of his previously existing employment status on the work relief authorized by this act.

And insert:

Persons employed on work projects and certified as in need of relief who refuses a bona-fide offer of private employment under reasonable working conditions which pays as much or more in compensation as such person receives or could receive under this appropriation and who is capable of performing such work, shall be retained in employment under this appropriation for the period such private employment would be available: *Provided further,* That any person who takes such private employment shall at the expiration thereof be entitled to immediate resumption of his previous employment status under this appropriation if he is still in need of relief and if he has lost the private employment through no fault of his own.

So as to read:

Provided, That no person employed on work projects and certified as in need of relief who refuses a bona-fide offer of private employment under reasonable working conditions which pays as much or more in compensation as such person receives or could receive under this appropriation and who is capable of performing such work, shall be retained in employment under this appropriation for the period such private employment would be available: *Provided further,* That any person who takes such private employment shall at the expiration thereof be entitled to immediate resumption of his previous employment status under this appropriation if he is still in need of relief and if he has lost the private employment through no fault of his own.

Mr. WAGNER. Mr. President, I have no criticism to make of this amendment, but there may be an ambiguity present which will affect the matter of construction. It will be noticed that the amendment reads—

Person employed on work projects and certified as in need of relief who refuses a bona-fide offer of private employment under reasonable working conditions which pays as much or more in compensation as such person receives or could receive under this appropriation.

I understand that in most cases relief workers get about 3 days of 8 hours work a week each, and I was wondering when they have an opportunity to work in private industry whether or not the word "compensation" might be interpreted as meaning compensation for a week. That would be very unfair to an individual who might be compelled in industry to work a whole week for the same wage that is received for only 3 days under the W. P. A. I was going to suggest, if I may, inserting after the word "compensation", the words "per hour."

Mr. HAYDEN. Mr. President, I may say to the Senator that the language stricken out was adopted on the floor of the House and applied only to agricultural unskilled labor. When Mr. Hopkins was before the committee he agreed that it should apply to all persons employed on work relief.

Mr. WAGNER. I am in sympathy with the amendment.

Mr. HAYDEN. The matter was taken up with his office and the language of the provision came from the Works Progress Administration.

Mr. WAGNER. Undoubtedly what is intended by the amendment is that the wage for work in private employment shall, in terms of hours, be not less than that received under the W. P. A. Suppose that for 3 days a W. P. A. worker received $12, or $4 a day—perhaps I am taking too large a figure—and he is offered a position in private industry; would he be required to work 8 hours a day and 6 days a week for the same compensation that was paid him for working 3 days a week for the W. P. A.?

Mr. HAYDEN. It seems to me the term "reasonable working conditions" takes care of that situation.

Mr. WAGNER. I do not think so, with all due respect to the Senator. It is undoubtedly intended that he shall receive no less pay than under W. P. A. The insertion of the words "per hour" would, I think, bring about what is desired.

Mr. HAYDEN. My only thought is that, after all, this is very general language which must be interpreted by means of a regulation issued by the Works Progress Arministration.

Mr. WAGNER. Personally I do not want to leave it subject to the interpretation that a man could be asked to go into private industry and work 6 days a week, 8 hours a day, for the same compensation he is given for 3 days under W. P. A. That would be very unfair to the individual.

Mr. COPELAND. Mr. President, may I ask my colleague a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to his colleague?

Mr. WAGNER. Certainly.

Mr. COPELAND. If there were inserted the language my colleague has suggested, a man might only have half a dozen hours per week, but at a higher rate per hour. Under the W. P. A. he might be getting 30 cents an hour, but he has 3 days' work per week. Under the plan suggested, if he had a higher rate per hour, that might mean he would only get 1 day's work per week.

Mr. WAGNER. On the contrary, if he was employed 2 days a week at 30 cents per hour he would have to work 42 hours per week for the same compensation which he received under W. P. A. for, say, 15 hours' work per week.

Mr. HAYDEN. It seems to me the Senator gives the provision very strained interpretation.

Mr. WAGNER. That may be; but why leave it open to question?

Mr. GEORGE. Mr. President, it seems to me very clear that if he is to receive the same rate of pay he must receive an equal rate of pay or something in excess.

Mr. LOGAN. Mr. President, suppose a man works for W. P. A. 3 days a week and gets $10. If industry offers him $10 to work for a week, would he have to work for 6 days 8 hours a day for $10?

Mr. GEORGE. I should not think so. There is nothing in the amendment about days or hours or anything else, but it is merely provided that working conditions must be reasonable and pay must be the same or more.

Mr. WAGNER. Yes; the compensation must be the same, but that may mean for the 3 days. I think the statement compensation "per hour" would qualify it properly.

Mr. GEORGE. I think that is what it means. I can see no possible ground upon which any other construction could be given to the language.

Mr. WAGNER. The Senator knows that often we construe a provision in a certain way and then the courts construe it otherwise.

Mr. HAYDEN. The "court" in this case is the Works Progress administrator having charge of the project. A man takes private employment but gives it up to come back to the W. P. A. We put the burden upon the local administrator to determine whether or not the man has been offered, in private industry, a fair rate of compensation under reasonable working conditions.

Mr. WAGNER. I do not think we ought to leave it to the interpretation of a local administrator, who might not be very much of an advocate of decent wages under W. P. A., to determine that what a man got under W. P. A. for 3 days he must work 6 days in private industry to earn.

Mr. ADAMS. The Senator would not want to tie it right down so that if there was a difference of a cent or half a cent an hour and a man had a permanent job, the amendment would not apply? It seems to me when we use the word "compensation" it means what it honestly is intended to mean. Compensation may vary slightly per hour or per day; but the Senator wants to have workers employed by private industry.

Mr. WAGNER. Of course; but not by offering a rate of pay which is entirely inadequate for the services rendered. That would be very advantageous for some industries in some communities.

Mr. ADAMS. When it is provided that the administrator shall ascertain whether a worker is getting as much or more in compensation, it seems to me it is reasonably clear.

Mr. WAGNER. I may suggest to the Senator that I see no objection to making the provision very definite, because we have administrators in the country who have different views about these matters. I should not want to have any of them interpret this provision to mean that for 3 days' compensation for W. P. A. a man must work 6 days for private industry.

Mr. ADAMS. If a man has been working on W. P. A. 3 days, 7½ hours a day, and could get the same compensation in private employment by working 8 hours a day, there being only a half hour a day difference and permanent employment being involved, would the Senator want to say that such a man must be kept on W. P. A. and that he could not be allowed to take the private employment? There should be a reasonable interpretation, and I think the language is open to no other interpretation than that.

Mr. WAGNER. The wages paid by W. P. A. are very low and nothing like the prevailing wage. They are paying what they call a security wage. If we are merely going to give a man an opportunity to earn in private employment even less than he is being paid under the law, then we are opening the door to some very great difficulties.

Mr. RUSSELL. Mr. President, the only difficulty is that the hourly rate of wage paid by W. P. A. is the prevailing wage. It seems to me it should be "per day" instead of "per hour." All measures relating to such matters have required that the wage paid be at the prevailing hourly rate, while the security wage, the total amount a man can receive for a month's work, is much less than a full month's work would be if he were working a full month at the prevailing wage, because we do not permit a man to work a full month for W. P. A.

Mr. WAGNER. My impression is that it ought to be the prevailing rate of wage, but the Senate does not agree with me as to that.

Mr. RUSSELL. The prevailing rate of wage is paid.

Mr. WAGNER. So far as hours are concerned.

Mr. RUSSELL. Yes.

Mr. WAGNER. But the Senator thinks that if the prevailing rate per hour is paid by W. P. A., private industry ought not to be required to pay twice the prevailing wage.

Mr. RUSSELL. I did not take that position at all. I was pointing out the position we would be in by inserting the words "per hour", because private industry does not employ people for 2 or 3 days a week. It usually employs them for a full week, and they work 5 days at least, and sometimes 5½ days. For that reason it occurred to me that it might be well to give some attention to the wording.

The Senator from New York knows there are two different scales of wages. One is the prevailing rate per hour; but the total amount that a man may receive for a month is based on the arbitrary figure that is fixed by the Administrator of the Works Progress Administration.

Mr. WAGNER. That is what accounts for employment only 3 days a week.

Mr. RUSSELL. Exactly.

Mr. WAGNER. I should not want to make it possible for private industry to get the services of these men at a very low wage.

Mr. SCHWARTZ. Mr. President, I wonder if the Senator in charge of the joint resolution would consider an amendment on line 25, after the word "compensation", to insert "for approximately like hours of service."

The thought I have in mind is that on the basis of the hourly rate, the relief workers are working at the prevailing wage. In some localities they are permitted to work 90 hours during a month, and the greatest compensation they can get for the month's work is 90 hours multiplied by the rate per hour. If they are offered a position by the month, must they then accept the amount they would receive at the prevailing wage for 90 hours under the W. P. A.?

I was not thinking so much about the compensation they would get under the W. P. A.; but the thought which came to me is that if a man should be required to work a month for the amount he would receive for 90 hours' work at the prevailing wage under the W. P. A., then we would break down the wage generally prevailing in that locality for private employment; and I presume there are employers who would be perfectly willing to let their present employees go if they could go to the relief headquarters and say to someone equally competent to do the work, "I am going to offer you a monthly job at an amount of money which is as great as or greater than the amount you receive under the W. P. A."

Mr. ADAMS. Mr. President, let me say to the Senator that I cannot conceive of anybody interpreting the phrase, "which pays as much or more in compensation" in a way that would disregard the time element. In other words, if it were not for that element, an employer could say, "I am paying you $50", and in one case the $50 payment would be for a year, and in another case it would be for a week. The time element necessarily enters into every computation of compensation.

The PRESIDENT pro tempore. The time of the Senator from New York on the amendment has expired. The Senator has 20 minutes on the joint resolution.

Mr. WAGNER. I will speak on the joint resolution.

Mr. LOGAN. Mr. President, if the Senator will yield, let me suggest that if the words "for the same length of service" should be added after "compensation", I believe the object sought by everyone would be accomplished.

Mr. WAGNER. I will accept that amendment—"for the same length of service."

Mr. ADAMS. I am perfectly willing to accept that amendment. I think it is tautological, but I am perfectly willing to accept it.

Mr. WAGNER. I was fearful that what would happen, as was so well pointed out by the junior Senator from Wyoming [Mr. SCHWARTZ], was that in some areas there might be a break-down of the wage scale which the union of that particular locality had been fighting for years to attain. I am sure the Senator does not intend that to happen, and I think the amendment would obviate that possibility.

Mr. ADAMS. I am willing to accept the amendment.

Mr. LOGAN. Mr. President, the amendment which is finally suggested is that after the word "compensation", in the last line on page 5, the words "for the same length of service" be inserted.

The PRESIDENT pro tempore. Without objection, the amendment to the committee amendment is agreed to.

The question is on agreeing to the amendment of the committee, as amended.

The amendment, as amended, was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment passed over.

The next amendment passed over was, on page 6, line 10, after the word "funds", to strike out "allocated hereunder to the Works Progress Administration" and insert "herein appropriated", and in line 15, after the word "year", to strike out "through such agency", so as to make the paragraph read:

The funds herein appropriated shall be so apportioned and distributed over the 12 months of the fiscal year ending June 30, 1938, and shall be so administered during such fiscal year, as to constitute the total amount that will be furnished during such fiscal year for relief purposes.

The amendment was agreed to.

The next amendment passed over was, on page 7, line 2, after the word "President", to insert:

Provided further, That in the event the Congress or any Federal agency so authorized by act of Congress shall establish minimum rates of pay for persons employed by private employers in any occupation or occupations, thereafter no greater percentage differentials in the amount of compensation paid than the average minimum differentials established by the Congress or such Federal agency shall be applicable to persons engaged upon projects under the foregoing appropriations and in the event no differential be established there shall be no differential in compensation applicable to such persons.

Mr. RUSSELL. Mr. President, I desire to offer a modification of that amendment which has been worked out after a number of conferences.

The PRESIDENT pro tempore. The amendment offered by the Senator from Georgia to the committee amendment on page 7 will be stated.

The CHIEF CLERK. On page 7, lines 2 to 12, it is proposed to strike out the matter proposed to be inserted by the committee amendment and in lieu thereof to insert the following:

Provided further, That in the event the Congress or any Federal agency so authorized by act of Congress shall establish minimum rates of pay for persons employed by private employers in any occupation or occupations and shall establish differentials applicable to different localities or sections of the country in such rates of pay, thereafter no greater percentage differentials shall be applicable to the compensation of persons engaged upon projects under the foregoing appropriation than the average differentials so established by the Congress or such Federal agency and in the event the Congress or such Federal agency shall establish such minimum rates of pay without any differential applicable to different localities or sections of the country there shall be no such differential in compensation applicable to persons engaged on projects under the foregoing appropriation.

Mr. McNARY. Mr. President, frankly I could not keep my mind operating sufficiently fast to understand just what this amendment is about.

Mr. RUSSELL. Mr. President, the language of the amendment may sound somewhat involved, but really the purpose that the words accomplish is very simple. The amendment merely provides that when and if the Congress enacts legislation dealing with hours and wages there shall be no greater differential in the payments to those employed on W. P. A. projects in the several sections of the country than is established or allowed by the Congress or by any body or commission which may be established by Congress to prescribe rates of wages and hours of employment in private industry.

Mr. McNARY. Will the Senator explain the difference between his proposal and that contained in the joint resolution as it stands?

Mr. RUSSELL. It is very slight. I may say to the Senator from Oregon that the amendment has been printed, and doubtless a printed copy of it is on the Senator's desk. It was printed several days ago. It merely provides that if Congress shall establish minimum rates of pay and shall establish differentials applicable to different localities or sections of the country—that is the chief change in the amendment as adopted by the committee—then there shall be no greater average differential in the compensation that is paid by the Works Progress Administration than might be established by Congress or by some commission or organization authorized by Congress to deal with the subject.

It strikes me that the inherent fairness of this proposal will be very readily evident to any Senator. At the present time the Works Progress Administration is paying the prevailing wage for hours of employment, but the total number of hours that persons engaged on prjects may work,

and the total amount of monthly compensation that they may receive have been arbitrarily fixed by the Works Progress Administration. What I say is not critical of the gentlemen who have discharged the enormous responsibility of administering these countless projects and dealing with all the various problems that have arisen all over the country in connection with them; but the fact remains that the wage scale for the same type of work has run from $19 a month in some sections of the country to $60.50 a month in other sections of the country, and Mr. Hopkins very frankly told the committee that those wages were not based upon differences in cost of living, but were based upon differences in living standards. I say it is un-American for the Government of the United States, taking funds from the common Treasury, to freeze certain classes of unfortunates in one section of the Nation at a lower standard of living, or to recognize it in expending funds from the Federal Treasury.

The amendment may sound involved; but the purpose it seeks is fair and is very simple, and I hope there will be no objection to it.

Mr. ADAMS. In the earlier part of the Senator's amendment he provides that if by act of Congress there shall be established "minimum rates of pay for persons employed by private employers in any occupation or occupations." As I read it, if for instance the rate were established in one occupation, then that rate, under the Senator's amendment, must apply to other occupations which were not under consideration.

Mr. RUSSELL. Not at all. If the Senator will read the remainder of the amendment he will find it refers to occupations, and then the payments under the Works Progress Administration are to be based on the percentage of all of the differentials which might be established in all of the various occupations.

Mr. ADAMS. But my point is that there may be two occupations, for instance, in New York City, the pay of one of which, by reason of a shortage of labor, is high, and the other may be low. Yet in Birmingham the supply of labor is reversed. In other words, you might establish a differential in New York based on local conditions, and that would compel the application of the rate not only to that particular occupation but they might go to Chicago and establish it as to all other occupations. They might establish wages as to coal heavers in the Pennsylvania district, and that would apply to bakers in Seattle and other places. The Senator has not limited it to occupations.

Mr. RUSSELL. By chance it might be that the same scale fixed for coal heavers might apply to bakers in other sections of the country, but the amendment clearly provides it shall be based upon the average differential. I do not assume, as the Senator from Colorado imagines, or suggests, that the Congress, or any body established by Congress to deal with this subject, is likely to confine itself to any one occupation in fixing wages. It would be absolutely absurd to believe that Congress would pass a bill relating to coal heavers or bakers alone. The wage would apply to all occupations throughout the entire length of the land.

The Works Progress Administration will work out the average differential as between all of these occupations in the different sections of the country, and if there were such a differential no greater differential should then be allowed to exist in the security wage. If no differential be established whatever, then there would be no difference in the security wage in any section of the country.

Mr. ADAMS. I am frank to say that I am still apprehensive that we might strike a place in the Midwest where there was a very wide differential, but they would apply the same wage differential to some place else where there was not the justification for the wide differential. I do not think the establishment of a differential in one industry should govern the differential in every other industry. It might work decidedly to the disadvantage of those to whom it was being applied.

Mr. RUSSELL. I ask to have printed in the RECORD a table showing the so-called security wages which have been fixed for the various sections of the country.

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

Schedule of monthy earnings established by Executive order

Wage-rate region [1]	Counties in which the 1930 population of the largest municipality was [2]—				
	Over 100,000 (A)	50,000 to 100,000 (B)	25,000 to 50,000 (C)	5,000 to 25,000 (D)	Under 5,000 (E)
Unskilled work:					
Region I	$55	$52	$48	$44	$40
Region II	45	42	40	35	32
Region III	35	33	29	24	21
Region IV	30	27	25	22	19
Intermediate work:					
Region I	65	60	55	50	45
Region II	58	54	50	44	38
Region III	52	48	43	36	30
Region IV	49	43	38	32	27
Skilled work:					
Region I	85	75	70	63	55
Region II	72	66	60	52	44
Region III	68	62	56	48	38
Region IV	68	58	50	42	35
Professional and technical work:					
Region I	94	83	77	69	61
Region II	79	73	66	57	48
Region III	75	68	62	53	42
Region IV	75	64	55	46	39

[1] Regions as of June 1936 include the following States: I—Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Illinois, Indiana, parts of Kentucky, Michigan, Minnesota, parts of Missouri, Ohio, Wisconsin, Arizona, California, Colorado, Idaho, Iowa, Montana, Nebraska, Nevada, North Dakota, New Mexico, Oregon, South Dakota, Utah, Washington, Wyoming; II—Kansas, parts of Missouri, Delaware, District of Columbia, Maryland, parts of Texas, West Virginia; III—Arkansas, parts of Kentucky, Louisiana, Oklahoma, parts of Texas, Virginia; IV—Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

[2] For convenience these groups of counties are usually referred to as urbanization groups (A), (B), (C), (D), and (E) as indicated in the column headings.

Mr. RUSSELL. Mr. President, I might say to the Senator from Colorado that, without regard to the differentials which have been fixed, I do not apprehend that Congress or any body dealing with the subject will find a differential in compensation of 300 percent as between men doing the same type of work in different sections of the country.

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

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment.

The LEGISLATIVE CLERK. It is proposed on page 16, line 21, to strike out the numerals "16" and insert "14", and to strike out the word "This" and insert "Title I of this", so as to make the section read:

SEC. 14. Title I of this joint resolution may be cited as the Emergency Relief Appropriation Act of 1937.

Mr. COPELAND. Mr. President, if I may have the attention of the Senator in charge of the bill for a moment, I should like to say that I made a feeble effort in the committee to have a change made at the bottom of page 8, in the provision relating to aliens. I know an amendment to the language at this place is not in order at this time, but I should like to call attention to it.

The language in the bill as presented is different from the language in the old bill, where aliens illegally within the limits of the United States were prohibited from work. This goes much further. It provides that no aliens who have not, prior to the enactment of this joint resolution, filed a declaration of intention to become citizens, may have relief.

There are a great many aliens in the United States who are here legally, who are married to American women, and who have children who are American children. I fully agree that aliens who are here illegally should not be employed,

but I think that aliens who are heads of families and who are here legally, but who have not yet declared their intention to become citizens, ought not to be denied the privileges of the measure.

Mr. ADAMS. Mr. President, I will ask the Senator from South Carolina to reply to the Senator.

Mr. BYRNES. Mr. President, in considering the section to which the Senator from New York calls attention, the committee had in mind the fact that last year the Senate adopted practically the language contained in the measure now presented to the Senate. In conference there was a change. The fact is that there are 120,000 aliens employed on W. P. A. projects. The cost per man is $800 a year. Therefore it amounts to $96,000,000.

In adopting this language the committee had in mind the statement of Mr. Hopkins that, according to his estimate, he would have to make a reduction in the number of people who could work upon W. P. A. projects. If he is correct, and there must be a reduction of 400,000, the question is whether or not that reduction should take place among American citizens or among aliens who have not declared their intention to become citizens.

Under the language all that an alien has to do to be eligible is to file his declaration of intention to become a citizen. The Senator from New York is more familiar with the law than am I in that respect, and he has always been interested in the subject.

Mr. COPELAND. But it says "prior to the enactment of this joint resolution."

Mr. BYRNES. Mr. President, because I know the Senator from New York has in the committee always evidenced an interest in this subject, I may say that he has spoken to me about the matter on one or two occasions in the last few days, and that the committee has no desire to do any injustice to anyone. The amendment which has been adopted must go to conference. Certainly, the committee will be glad to give cosideration to the views expressed by the Senator from New York, who has evidenced such a great interest in this matter.

The only object the committee determined to endeavor to accomplish was this: If there is to be a reduction in the number of those employed on W. P. A. projects, the reduction should first take place among those who are not citizens of the United States and who have never evidenced a desire to become citizens of the United States rather than to have a citizen dismissed from a job.

I think I speak the view of the Senator from Colorado [Mr. ADAMS], in charge of the joint resolution, when I say that we shall be delighted to confer with the Senator from New York [Mr. COPELAND] and, if possible, to compromise the differences so that no injustice will be done to the Senators interested.

Mr. COPELAND. I thank the Senator from South Carolina. I know his humane instincts. I desire to make it clear for the RECORD that, of course, I have no objection to keeping relief from those who are illegally in this country, provided they are here not only illegally but improperly in every sense. However, there are aliens in the country who are here legally but who, for one reason or another, are not eligible for citizenship. Perhaps they cannot find the record of their admission to the country. There are many technical reasons why they are not eligible for citizenship. The group I have in mind are aliens who are married to American women and who have children who under our laws are American citizens.

With the statement on the part of the Senator from South Carolina, I am satisfied to leave the matter as it is, hoping that in the conference, where the whole subject will be open, some provision will be worked out which will do justice to these people; for out of a study of 4,000 aliens in this country, heads of families, it was found that there was an average of three Americans in the family—a wife and two children. So, of course, we would not wish to deny aid to those American women and those American children by reason of the fact that the father had not yet declared his intention to become a citizen and taken out his first papers.

Mr. ROBINSON. Mr. President, on page 14, near the top of the page, is an amendment which according to my information has been agreed to. I should like to ask unanimous consent to reconsider the vote by which the amendment was agreed to, and to ask the committee to recede from the amendment or ask the Senate to reject the amendment.

On page 14, in lines 1 to 3, the committee presented an amendment, following the date "1935", to strike out the words "or as may be necessary for administrative expenses of any agency heretofore established by the President under section 4 of said act."

The reference there is to the House Joint Resolution 117, approved April 8, 1935. Section 4 in that act is as follows:

> In carrying out the provisions of this joint resolution the President is authorized to establish and prescribe the duties and functions of necessary agencies within the Government.

Under that authority certain agencies were established, including the Prison Industries Reorganization Administration. Comparatively small portions of the fund appropriated in 1935 have been used in promoting necessary and very helpful prison reforms. The work has been under the study and advice of the Prison Industries Reorganization Administration, and the work is now progressing. There are a number of States—I believe there are 12—in which projects have been initiated, and some of them are approaching completion. Others are not so far advanced. There are some other States which under the amendment already agreed to in this joint resolution may have the opportunity of having the facilities improved with a view to promoting better prison conditions.

Having invited the establishment of these agencies, and these projects having been initiated under the authority of the act of 1935, and others being in contemplation, it occurs to me that it is not advisable to withhold all sums from the use of these agencies for administrative purposes.

The amount that would be required by the Prison Industries Reorganization Administration is very small. I cannot state the exact amount that would be required, but it is only a few thousand dollars, and the work that is being done is believed by those who have studied it to be of great value and usefulness.

I ask unanimous consent for the reconsideration of the vote by which the amendment referred to was agreed to.

The PRESIDING OFFICER (Mr. GERRY in the chair). Is there objection to the reconsideration of the vote by which the amendment on page 14, lines 1 to 3, was agreed to? The Chair hears none, and the vote by which the amendment was agreed to is reconsidered.

Mr. ADAMS. Mr. President, before action is taken on the amendment I desire to make an explanation as to why that provision was stricken out.

Mr. ROBINSON. Very well. I think it is an opportune time for the Senator to make his statement. I understand the vote by which the amendment was agreed to has been reconsidered?

The PRESIDING OFFICER. That is correct.

Mr. ROBINSON. And the committee amendment is now before the Senate?

The PRESIDING OFFICER. The amendment is now before the Senate.

Mr. ROBINSON. I have stated all that seems appropriate to say in this immediate connection, and I yield the floor to the Senator in charge of the bill.

Mr. ADAMS. Mr. President, in the effort which the Appropriations Committee made, somewhat unsuccessfully, to restrict the use of funds appropriated to relief purposes, and to study the extent to which relief funds had been devoted to other purposes, we found quite a number of agencies to which relief moneys had been allocated, very commendable agencies created for good purposes, but which in our judgment should have received their funds from appropriations from the Congress, and not from allocations from relief funds. Quite a number of these agencies were expending 100 percent of the moneys allocated to them for administrative purposes—and not one cent of the money which went to

some of these agencies ever went to feed the hungry or clothe the naked. We did feel that if there were agencies to be established they should be established by Congress; that they should be financed through the regular courses of appropriation. We have made certain exceptions in a provision in the earlier part of the joint resolution to endeavor to carry out that suggestion. An amendment on page 3 was adopted, limiting the expense for administration purposes to 5 percent. It was felt that the average which Mr. Hopkins' organization had spent for administrative purposes of about 4 percent should be adequate for the administration of any agency which was spending relief moneys.

In this amendment on page 3 we make exception in the case of the General Accounting Office, the Treasury Department, the Employees' Compensation Commission, and the Resettlement Administration, because they were caring for primary and essential functions of relief.

For instance, the General Accounting Office was handling all the vouchers and the expenses, and necessarily they were going to consume all the money allocated to them; but when we came to the lines on page 14 which the Senator from Arkansas wishes to have reinstated, we concluded that language conflicted with the amendment which we had inserted on page 3 of the bill and was taking away the very thing we had sought to accomplish by giving to the Executive the power to allocate an unlimited amount of money to any agency for administrative purposes. It may be if the agency which the Senator from Arkansas has in mind ought to be excepted from the provisions, it ought to be excepted by name, and we should not make a general exception which may include a multitude of other agencies.

Mr. ROBINSON. Mr. President, I have in mind at this time no other agency than that to which I referred in the beginning; namely, the Prison Industries Reorganization Administration. Of course, that could be added to the exception set forth on page 3 by reconsidering that amendment and adding the Prison Industries Reorganization Administration.

Mr. ADAMS. I think the Senator understands what we have in mind.

Mr. ROBINSON. Yes; and I am in sympathy with requiring more definite appropriations where it is practicable to do so; but I made the point, and I think it is a fair one and one that ought to appeal to all Senators. In 1935 we expressly authorized the President to establish agencies for the purpose of carrying out the resolution. Manifestly those agencies cannot function without some arrangement for administrative expenses. The organization to which I have referred, according to every report that reaches me, has performed very useful services. If the Senator from Colorado would prefer to reconsider the amendment on page 3 in order to modify the exceptions, that would be satisfactory to me.

Mr. ADAMS. That would be my individual preference. As I understand the authority given the President in 1935 no longer exists. It seems to me, in view of that, they ought to come to Congress for their sustenance.

Mr. ROBINSON. In view of the statement of the Senator in charge of the bill I withdraw my opposition to the amendment on page 14, although I think there may be other agencies for which provision should be made, and I shall ask the Senate to recur to the committee amendment on page 3.

Mr. McNARY. Mr. President, that does not dispose of the matter, does it?

Mr. ROBINSON. No.

Mr. McNARY. Had we not better dispose of it?

Mr. ROBINSON. I am going to dispose of it in another way. I ask unanimous consent to recur to page 3 of the joint resolution where there is a provision in the form of an exception that the provisions shall not apply to the General Accounting Office, and so forth, and if that request is granted, I shall move to insert in the committee amendment, in line 15, after the words "Resettlement Administration", the words "or to the Prison Industries Reorganization Administration."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas to recur to the committee amendment on page 3?

Mr. O'MAHONEY. Mr. President, reserving the right to object, I desire to invite the attention of the Senator from Arkansas and the attention of the Senate to the fact that this agency does not now and never has performed any relief services of any kind or character. The authority by which the President established this agency has disappeared, I understand, so that the suggestion which has been made by the Senator from Arkansas that the action of the Committee on Appropriations and the action of the Senate in approving the amendment of the committee be now rescinded, amounts to little more than an effort upon the part of the Prison Industries Reorganization Administration to secure the perpetuation of its life. It is not a relief agency.

The money which we are appropriating here is for the purpose of relief and work relief. The establishment of a Prison Industries Reorganization Administration has not a thing in the world to do with it. It is an institution which, in my judgment, should be brought into reexistence, so to speak, only by an act of Congress, only after consideration by some standing committee of this body, which should undertake to review the needs for such an organization and the need for the work which it proposes to do.

I venture to say there is not a Member of this body who can state to the Senate now what the Prison Industries Reorganization Administration actually does. I feel that the chairman of the Committee on Reorganization of the Government should actually be the last person to come here with a request to permit the establishment of an agency upon which Congress has never passed.

The PRESIDING OFFICER. Does the Senator from Wyoming object to the reconsideration of the committee amendment on page 3?

Mr. O'MAHONEY. I do not object. I merely wanted to make a statement as to what the fact is.

Mr. ROBINSON. Mr. President, I cannot state all of the services that have been performed and are being performed by the Prison Industries Reorganization Administration, but it has been making studies of prison conditions in the various States in cooperation with the State authorities and State officials, and also studying conditions in Federal prisons and performing a very useful work. Many reforms have already been accomplished, and, as I have stated heretofore, numerous projects have been initiated. If we had not authorized the establishment of the agency, I should think the argument of the Senator from Wyoming would be persuasive, though not conclusive.

The Prison Industries Reorganization Administration makes these studies and furnishes the President with very helpful information. There is in the joint resolution, as Senators well know, a provision which contemplates the continuance of the work for a period of 1 year. In view of these circumstances, I feel justified in offering the amendment which I have offered, and I ask for a vote on my amendment to the committee amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arkansas [Mr. ROBINSON] to reconsider the vote by which the amendment of the committee on page 3, lines 6 to 17, was agreed to? The Chair hears none, and the vote is reconsidered. The question now is on agreeing to the amendment of the Senator from Arkansas to the amendment of the committee. The amendment of the Senator from Arkansas will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 3, line 15, after the words "Commission", it is proposed to strike out "or to", and in the same line, after the words "Resettlement Administration", it is proposed to insert "and Prison Industries Reorganization Administration", so as to make the sentence read:

Except that this provision shall not apply to allocations made to the General Accounting Office, the Department of Justice, the Treasury Department, the Employees' Compensation Commission,

the Resettlement Administration, or to the Prison Industries Reorganization Administration for administrative expenses in performing functions for or on behalf of the relief or work-relief program.

The amendment to the amendment was agreed to.

Mr. McKELLAR. Mr. President, before the committee amendment as amended is agreed to, I wish to offer another amendment to the committee amendment, and I hope the Senator from Colorado [Mr. ADAMS] will accept it.

The Department of Commerce advise me that it will be impossible for them to function on 5 percent; and I ask to insert after the word "Department", in line 14 of the committee amendment, the words "the Department of Commerce."

Mr. ADAMS. Mr. President, will the Senator from Tennessee state why he wishes to make that very broad exception?

Mr. McKELLAR. Because, while I have not the figures before me, the Department of Commerce advise me that they cannot possibly do the work they are now doing on an administration cost of 5 percent.

Mr. ADAMS. The Department of Commerce are not operating under relief money, are they?

Mr. McKELLAR. They are in some instances. They have relief money, and they are performing certain relief functions, and the amendment will apply only to those functions under any circumstances.

I have not the exact figures, and for that reason I cannot give them. All I ask the Senator to do is to let the amendment be adopted and go to conference, with the understanding that if the Department of Commerce cannot show a good reason for it the amendment may be eliminated.

Mr. ADAMS. I think I can give the Senator some figures. I know he has in mind the fact that under the direction of the Bureau of Air Commerce they have had to do with the construction of airways and airfields where relief labor has been used. Eighty-seven million dollars has been expended on that work. The 5 percent which is authorized for administration under the joint resolution is nearly four and a half million dollars; and it seems to me four and a half million dollars ought to be adequate for the administrative purposes of the Department of Commerce, or whoever sees fit to do that work.

Mr. McKELLAR. On the Senator's statement I should think so, too. I entirely agree with him that that ought to be adequate. The only request I make is that the amendment may be adopted now and go to conference.

Mr. ADAMS. If the Senator wants to tie the matter right down to the very agency that is doing the work, that is one thing; but to open it wide to the Department of Commerce is another.

Mr. McKELLAR. Then I will put it in that form. Will the Senator give me the name of the agency? He is familiar with it, and I am not.

Mr. RUSSELL. The Bureau of Air Commerce.

Mr. ADAMS. I will say to the Senator, furthermore, that out of relief money there has been turned over to the Bureau of Air Commerce $30,000 a month. As I say, that is out of relief money. The Bureau of Air Commerce is a bureau of the Department of Commerce. We have a regular appropriation bill appropriating very liberally for the Department of Commerce; and, as the Senator knows, we have been most generous in the matter of airways.

Mr. McKELLAR. Absolutely.

Mr. ADAMS. We have raised the appropriations away beyond what they have ever been heretofore; and it does seem to me that we ought not to have to go into relief funds in order to obtain supervisory personnel to spend money for building airways. If the relief organization wants to take over these people, or to take other people, they do not need to be excepted, because they have an exemption of 5 percent, which will give them four and a half million dollars; and, as a matter of fact, they say they have been spending only $360,000.

Mr. BYRNES. Mr. President——

Mr. McKELLAR. I yield to the Senator from South Carolina.

Mr. BYRNES. This is a Senate committee amendment. I think it was offered by the Senator from Tennessee in the committee.

Mr. McKELLAR. Yes; it was.

Mr. BYRNES. It will be in conference; and I suggest to the Senator that if the amendment is allowed to go to conference, and the Department of Commerce can make out a case, appropriate action can then be taken regarding the matter.

Mr. McKELLAR. That is exactly what I have asked, because I am inclined to think the Senator from Colorado [Mr. ADAMS] is right in his contention that 5 percent is ample; but if the Department officials have specific facts which show that it is not enough, I should like to have the matter in conference.

Mr. BYRNES. The Senator from Tennessee will be on the conference committee, and he can present the matter to the conferees, and it can then be worked out.

Mr. McKELLAR. Even without putting in this language.

Mr. BYRNES. Because it is a Senate committee amendment, and the whole matter will be in conference.

Mr. McKELLAR. I think that is true. If the Senator objects to the insertion of the words I have suggested, it will be all right.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The amendment, as amended, was agreed to.

Mr. ADAMS. Mr. President, I call attention to the fact that on page 14 the Senator from Arkansas [Mr. ROBINSON] requested the reconsideration of an amendment, and later he withdrew his objection to it, so that amendment should be reinstated.

The PRESIDING OFFICER. Without objection, the amendment referred to by the Senator from Colorado will be agreed to.

The clerk will state the next amendment passed over.

The CHIEF CLERK. On page 16, line 21, it is proposed to strike out "This" and insert "Title I of this", so as to read:

SEC. 14. Title I of this joint resolution may be cited as the Emergency Relief Appropriation Act of 1937.

Mr. CONNALLY. Mr. President, I rise not for the purpose of offering an amendment but for the purpose of asking the Senator from Colorado [Mr. ADAMS] a question.

I should like to inquire of the Senator from Colorado whether or not the proviso on page 3, beginning in line 6, is an absolute restriction. Does it apply to all the money appropriated in the joint resolution, or just to this particular preceding appropriation?

Mr. ADAMS. I hope it applies to all of it.

Mr. CONNALLY. That is what I am asking.

Mr. ADAMS. I think it does; but I will say that if the terms "work" and "work relief" do not include all the activities which are enumerated in other parts of the joint resolution, there has been a wide departure from other measures, because the appropriation of $4,800,000,000 and the other measures have all been limited to work and work relief. This measure is a continuation of the old ones.

Mr. CONNALLY. I call the attention of the Senator, however, to a case that I fear will be cut off by this amendment.

In my State, under the prior acts, the President made allocations for the construction of a series of dams on the Colorado River.

By another of the prior acts that work was actually turned over to the Reclamation Bureau. One of those dams is about half completed; and I am afraid that under this language no more money could be allocated to that project, and the result would be to waste everything that has gone before.

Mr. ADAMS. Under the appropriation for work and work relief in some other acts money has been allocated for irrigation enterprises, it has been allocated for dams, it has been allocated for various structures, always upon the theory that

the construction of any of them would provide work for those in need of it, and therefore would come under the definition of "work relief."

Mr. CONNALLY. Then, is it the view of the Senator from Colorado that the words "provide relief or work relief for persons in need thereof" are broad enough to include the allocation of funds for a project, although all of the labor on the project might not be relief labor? Suppose it were necessary to employ technical engineers and others?

Mr. ADAMS. We have already made provision for the payment of administrative expenses. We have a provision that a certain percentage may be used for administrative expenses.

Mr. CONNALLY. The reason why I ask the question is that this whole appropriation of a billion and a half dollars in general, as I view it, is a continuation of similar appropriations made in prior years. It seems to me that a project which has already been approved and half completed ought not to be cut off by a provision which would limit the right of the President to allocate additional funds to go ahead and complete the project.

Mr. ADAMS. Personally I do not think there is any question but that under this language the right will still exist to go on with the project.

Mr. McKELLAR. Unquestionably it will still exist, Mr. President. In the instance the Senator from Texas gives, unquestionably the work would go on.

Mr. CONNALLY. I wish to direct the attention of the Senator from Tennessee to the specific project, if I may. It is a series of dams on the Colorado River, designed both for power and for flood control. One of those dams, known as the Marshall Ford Dam, is in a state of half completion, but the funds have become exhausted.

Mr. McKELLAR. W. P. A. funds?

Mr. CONNALLY. W. P. A. funds, part of them. I am not sure that they are all from W. P. A. or whether some of them are from P. W. A.

Mr. McKELLAR. I think some of them are, and probably all of them are; and they will come in under the title we are just about to consider.

Mr. HAYDEN. No, Mr. President. All the allocations made to the Department of the Interior from the $4,800,000,000 and the $3,300,000,000, heretofore appropriated for relief purposes, if unexpended, will be made available for those particular purposes by a provision in the Interior Department appropriation bill, which has passed the House of Representatives. In other words, the curative legislation is contained in that bill, just as curative legislation has been enacted with respect to the employees' compensation funds that have been set up. The Senator from Texas need have no fear that any of the previous allocations to the United States Reclamation Service will be lost. It is not expected, however, that any substantial part of the $1,500,000,000 carried in this bill for relief will be expended upon regular public-works projects.

Mr. CONNALLY. Now we are getting down to the point. Eminent members of the Committee on Appropriations are disagreeing about this matter. The Senator from Colorado [Mr. ADAMS] says money could be allocated for this purpose. The Senator from Tennessee [Mr. McKELLAR], the acting chairman of the committee, says it could be. Now probably the most eminent authority on Government money in the Senate tells me it cannot be done.

Mr. HAYDEN. The Senator stated that allocations had heretofore been made from previous relief appropriations to certain projects in Texas, and that the work was undertaken by the Reclamation Service.

Mr. CONNALLY. That is true.

Mr. HAYDEN. If the allocations to reclamation projects are in existence and the money has not been spent the Interior Department appropriation bill provides that the money so allocated shall be reappropriated and made available for the next fiscal year.

Mr. CONNALLY. Suppose the actual amount that was allocated has been expended, but the project has not been completed, what will the situation be?

Mr. ADAMS. I think we would be justified in construing it as a relief measure, even in the situation the Senator from Texas states.

Mr. CONNALLY. I think it would be relief.

Mr. HAYDEN. There is no question but what relief labor could be assigned to a project of that type, but it is not expected, as I understand it, that large allocations shall be taken from the billion and a half and applied to what are normally known as public-works projects. Congress is either taking care of public-works projects by title 2 of this bill or by regular appropriations from the Treasury for the public-works projects which have been heretofore adopted for construction.

Mr. CONNALLY. The Senator is no doubt correct in that, but I want to know whether legally, according to the practice of the Committee on Appropriations, it could be done.

Mr. HAYDEN. There is no doubt about the power of the President under this bill to allocate money for the purpose suggested by the Senator from Texas. The chairman is right in so stating what it is possible for the President to do.

Mr. CONNALLY. Now that we have an agreement of all three of the eminent Senators, I subside.

The PRESIDENT pro tempore. The question is on agreeing to the amendment on page 16, line 21.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The CHIEF CLERK. On page 16, after line 22, it is proposed to insert title 2, as follows:

TITLE II

SECTION 201. The Federal Emergency Administration of Public Works (herein called the "Administration") is hereby continued until June 30, 1939, and until said date is hereby authorized to continue to perform all functions which it is authorized to perform on the date of the enactment of this joint resolution. All provisions of existing law relating to the availability of funds for carrying out any of the functions of said Administration are hereby continued until June 30, 1939, except that the date specified in the Emergency Relief Appropriation Act of 1936, prior to which, in the determination of the Federal Emergency Administrator of Public Works (herein called the "Administrator") a project can be substantially completed is hereby changed from "July 1, 1938" to "July 1, 1939."

SEC. 202. The Reconstruction Finance Corporation (herein called the "Corporation") is hereby authorized to purchase, from time to time, upon the request of the Administrator, securities now held and securities hereafter acquired by the Administrator in order to provide such funds as the Administrator shall deem necessary or advisable to carry out the provisions of this title. The amount which the Corporation is authorized by existing law to have invested at any one time in securities purchased from the Administrator is hereby increased by such an amount as may be necessary to enable the Corporation to make such purchases.

SEC. 203. For the purpose of maintaining or increasing employment by providing for useful public works, the Administrator is hereby authorized to use, in his discretion and under his direction, from funds on hand or to be realized from the sale of securities now held and securities hereafter acquired by the Administrator, not to exceed $200,000,000 for grants, and not to exceed $100,000,000 for loans, to aid in the financing of any projects for which allotments have been recommended by the examining divisions of the Administration prior to the enactment of this joint resolution, but for which no grant or loan contracts have been made and which are of the kind and character specified in section 205 of this title, without regard to any provision of the Emergency Relief Appropriation Act of 1936 limiting the amount of such funds which may be used for grants: *Provided*, That the grant for any such project shall be in an amount equal to 45 percent of the cost of such project, as determined by the Administrator, except that the grant for any project for which an allotment is made under subdivisions (e) or (f) of section 205 of this title shall be as provided in such subdivision.

SEC. 204. The Independent Offices Appropriation Act, 1938, is hereby amended by striking out the words "in connection with the liquidation" in the provision relating to administrative expenses of the Administration; and in addition to the funds made available for administrative expenses in said act, the Administrator is hereby authorized to use during the fiscal year 1938 not to exceed $5,000,000, and during the fiscal year 1939 not to exceed $10,000,000 from funds on hand or to be realized from the sale by the Administrator of securities now held and securities hereafter acquired by him, for the payment of administrative expenses of a character for which funds are authorized to be used by the Administrator pursuant to existing law.

SEC. 205. The funds made available to the Administrator under section 203 of this title shall be used by the Administrator for

the making of loans or grants, or loans and grants for projects of the following classes, in amounts not to exceed the sums specified for each such class: (a) For school projects [other than those included in subdivisions (b) and (c) of this section] to replace, eliminate, or ameliorate existing school facilities or conditions which, in the determination of the Administrator, are hazardous to the life, safety, or health of school children, $60,000,000 for grants and $11,000,000 for loans; (b) for projects which have been authorized, or for the financing of which bonds or other obligations have been authorized, at elections held prior to April 24, 1937, or for projects for which revenue bonds have been authorized by State legislatures under the law of the State where the project is located; $58,000,000 for grants and $7,000,000 for loans; (c) for projects for which appropriations have been made by the legislatures of the States, $15,000,000 for grants and $2,000,000 for loans; (d) for projects to be financed, except for the grant, by the issuance to contractors of tax or assessment securities at not less than their par value: *Provided*, That an allotment shall not be made for any such project unless the applicant has, in the determination of the Administrator, made or incurred substantial expenditures or obligations in contemplation of receiving an allotment, $5,000,000 for grants; (e) for projects for which funds have been tentatively earmarked by the Administrator but for which formal allotments have not been made, $54,000,000 for grants and $78,000,000 for loans: *Provided*, That the grant for any such project shall not exceed the amount tentatively earmarked as a grant for such project; (f) for miscellaneous projects not included within any of the foregoing groups, $8,000,000 for grants and $2,000,000 for loans: *Provided*, That the grant for any such project may be less than 45 percent of the cost of such project, as determined by the Administrator.

SEC. 206. No new applications for loans or grants for non-Federal projects shall be received or considered by the Administration after the date of enactment of this joint resolution.

SEC. 207. The Administrator is hereby authorized, from funds on hand or to be realized from the sale by the Administrator of securities now held and securities hereafter acquired by him, to make loans which are necessary, in the determination of the Administrator, to protect investments in securities purchased and held by him: *Provided*, That the total amount of such loans shall not exceed the sum of $10,000,000.

Mr. McNARY. Mr. President, let me suggest to the able Senator who has this amendment in charge that we now recess until tomorrow at 12 o'clock. I understand there will be some debate on this proposal.

Mr. HAYDEN. So far as I know, there are only two or three minor amendments to be offered to the committee amendment, and they will be accepted. I can state in a brief time the objects sought to be accomplished by the amendment.

The Senate will remember that a recommendation came to this body from the President to extend the life of the Works Progress Administration for another 2 years. That recommendation is carried out in this amendment.

The first section of title II provides for the continuation of the Public Works Administration until June 30, 1939, and authorizes it to perform its existing functions in connection with projects of States, municipalities, and other public bodies which can be substantially completed by July 1, 1939, instead of July 1, 1938, as now provided by the Emergency Relief Appropriation Act of 1936. It is essential to continue the Public Works Administration, not only to complete projects now under construction but also to enable the Government to aid in financing those projects where a clear moral obligation exists to make the necessary loans and grants.

The second section of title II authorizes the Reconstruction Finance Corporation to make available the amount of money necessary to enable the Public Works Administration to carry out these functions. The Reconstruction Finance Corporation is also released from the provisions of the Emergency Appropriation Act of 1935, which limits to $250,000,000 the amount of securities purchased from the Public Works Administration which the Reconstruction Finance Corporation may hold at any one time. Under the committee amendment, for every dollar turned over from the Reconstruction Finance Corporation to the Public Works Administration at least an equal amount of bonds will be delivered by the Public Works Administration to the Reconstruction Finance Corporation. Similar bonds purchased by the Reconstruction Finance Corporation from the Public Works Administration have already been sold by the Reconstruction Finance Corporation at a profit in excess of $10,000,000.

Section 203 is intended to permit the Administrator of Public Works to use the moneys realized from the sale of securities to the Reconstruction Finance Corporation, and otherwise, to finance projects authorized by this part of the joint resolution. This section removes the limitation of $300,000,000 on the amount of grants which can be made from the revolving fund of the Public Works Administration which was imposed by the Emergency Relief Appropriation Act of 1936 but limits the amount of money which the Administration is authorized to use to $200,000,000 for grants and to $100,000,000 for loans to aid in the financing of any projects for which allotments have been recommended by the examining divisions of the Administration prior to the enactment of this act but for which no grant or loan contracts have been made, provided that such projects are of the kind and character authorized by this joint resolution.

This section also requires that the grant for any of these previously approved projects shall be equal to 45 percent of the cost of the projects, except (1) that the grant for any project for which funds have been tentatively earmarked by the Administration but for which formal allotments have not been made, shall not exceed the amount so earmarked, and (2) that the grant for any miscellaneous projects may be less than 45 percent. In this way, projects may be financed as originally intended on a 45 percent grant basis without regard to Administrative Order No. 197, which now limits the grant to the amount of wages paid to workers taken from relief rolls plus 15 percent of such amount.

The fourth section of title II permits the use from the Public Works Administration revolving fund of the sum of $5,000,000, excluding $10,000,000 authorized by the Independent Offices Administration Act, 1938, for administrative expenses during the fiscal year 1938. The sum of $10,000,000 is made available from funds on hand or to be realized from the sale of securities now held and hereafter acquired for such expenses during the fiscal year 1939.

The Senate will also remember that on the floor of the body at the other end of the Capitol the relief bill, the first part of the measure we are now considering, was earmarked to the extent of $300,000,000 for public-works projects; that is, to take $300,000,000 out of the $1,500,000,000 and assign it to public works. An amendment to that effect was adopted in the Committee of the Whole. Then the majority leader, after consultation with the President, reported to the Members of the other body, on June 1, that all that could be accomplished by handling the matter in that way could just as well be done by using the revolving fund of the Public Works Administration. It was set out in some detail in the other body what various kinds of projects would be undertaken within the limitations of the Public Works revolving fund.

To accomplish that same purpose I offered an amendment which was referred to the Committee on Appropriations. The committee called Colonel Hackett before it and asked him to indicate by classes what would be necessary to carry out the commitments made to the House. What Colonel Hackett has recommended is found in section 205 of the pending amendment.

The total of the loans and grants included in the classes of projects specified by section 205 of title II equals the total loans and grants which the Public Works Administration is authorized to make under that title. The total amount of grants is $200,000,000, and the total amount of loans is $100,000,000.

Class (a) covers those projects involving the construction of school facilities to ameliorate conditions hazardous to the life, safety, or health of school children. As of April 20, 1937, there were projects of this character in every State in the Union except one. The total amount of grant involved is approximately $80,000,000, and the total amount of loan involved is approximately $12,000,000. Since almost $20,000,000 in grants and $1,000,000 in loans for this type of project are included in the amounts set forth in subdivisions (b) and (c) of section 205 it has been possible to fix the maximum limitation on the grants at $60,000,000 and the

maximum limitation on the loans at $11,000,000. The hazards covered are fire, health hazards, including sanitation and ventilation, panic hazards due to overcrowding, and similar perilous conditions.

Class (b) covers those projects for the construction or financing of which elections have been held prior to April 24, 1937. April 24, 1937, is the date of Administrative Order No. 197. As to elections held prior to that date, it was felt that a moral obligation existed. Based upon statistics submitted by Colonel Hackett to the committee, the amount of $58,000,000 has been fixed for grants for such projects and $7,000,000 for loans.

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

Mr. HAYDEN. I yield.

Mr. BULKLEY. May I ask the Senator whether the amount here provided is sufficient to take care of all those obligations where bond elections have been held?

Mr. HAYDEN. Colonel Hackett reported to the committee that it is sufficient, and it is so understood by the committee.

Mr. BULKLEY. That is the intention of the committee?

Mr. HAYDEN. Exactly. The item set out here as presented by the Works Progress Administrator will carry out all of the commitments made in that respect to the House of Representatives.

Class (c) covers those projects for which appropriations have been made by the legislatures of the States. The amount of $15,000,000 has been fixed for grants and the amount of $2,000,000 for loans in this class. The Legislatures of Alaska, Arizona, Connecticut, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Minnesota, Missouri, Montana, North Dakota, New Hampshire, New Jersey, North Carolina, New Mexico, New York, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, South Carolina, Vermont, Washington, and West Virginia have made appropriations in contemplation of 45-percent grants. The amount included in subdivision (c) may not be sufficient to cover all such projects, but a fair proportion of them will be made possible by the sums thus fixed.

Class (d) covers those projects which cannot be financed by municipalities in many States in the ordinary way by the issuance of bonds on the open market. In some States certain types of public improvements, especially street and sewer improvements, can be financed only by the issuance of warrants or bonds payable from taxes or assessments to the contractors who do the job. In other States, although this is not the only way of financing such improvements, it is the usual way. Unless aid is received from the Public Works Administration by way of grant, as contemplated by these municipalities, it will be practically impossible for these obligations to be discharged. Approved applications in this class have been filed by municipalities in Kansas, Missouri, Oklahoma, Pennsylvania, Washington, Texas, and other States. It should be pointed out that no grant will be made under this subdivision unless the Administrator finds that the community has incurred substantial expenditures in contemplation of receiving such a grant.

Class (e) includes those projects for which funds have been tentatively earmarked but for which allotments have not been made. This category includes a few large projects for which funds have already been earmarked and a few scattered miscellaneous projects. The large projects are as follows:

	Loan	Grant
The General State Authority of Pennsylvania (earmarked for a State-wide institutional-building program)	$45,000,000	$20,000,000
The South Carolina Public Service Authority (also called the Santee-Cooper project, earmarked in addition to the allotment)	14,850,000	16,650,000
The Central Nebraska Public Power and Irrigation District	11,053,000	9,043,000
A slum-clearance and low-rent housing project for the city of Chicago	6,800,000	5,500,000

Class (f) allocates $8,000,000 for grants and $2,000,000 for miscellaneous projects not included within any of the foregoing groups. It was suggested to the committee that those applicants who are willing to receive less than a 45-percent grant and accept a grant in the amount of 115 percent of the wages paid to workers taken from relief rolls, as provided by administrative order 197, should not be discriminated against but funds should be made available so that such applicants could go ahead with their projects. About 25 such projects have been approved by the examining divisions of the Public Works Administration.

The committee did not desire to exceed the amount of $200,000,000 for grants and $100,000,000 for loans provided in section 203, and therefore the amounts in subdivision (f) represent the difference between the total amounts fixed in the other categories and the $300,000,000 loan and grants provided for by that section.

The sixth section of title II provides that no new applications shall be received or considered by the Administrator after the enactment of this act.

The last section of title II authorizes the Administrator to make loans to the extent of $10,000,000 from the funds available to him, whenever such loans are deemed necessary to protect investments held or purchased by him.

Title II offers a practical solution of the problem faced by the Government in fulfilling its moral commitments, and is consistent with the representations that have been made to the House of Representatives. The appropriation for the Works Progress Administration is left intact. The committee amendment does not earmark any of the funds appropriated by title I of the joint resolution, nor does it necessitate any increase in the appropriation of $1,500,000,000, and thus it will not unbalance Treasury estimates of expenditures. At the same time it permits the Public Works Administration to complete that portion of its program of non-Federal public works which appear to be most desirable.

Mr. THOMAS of Oklahoma. Mr. President, I desire to offer an amendment on page 19, at the end of line 20, to add certain language.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. It is proposed, on page 19, line 20, after the numerals "1937", to insert "for projects for which revenue bonds have been authorized by State legislatures under the law of the State where the project is located."

Mr. THOMAS of Oklahoma. Mr. President, in some cases cities have voted bonds to pay the contributions. There are a few cases where the legislatures have authorized authority to issue bonds, and the amendment is to expand the word "election" to include those cases where legislatures have passed measures authorizing authority to issue bonds which has the same effect as if the authority should vote the bonds. That is the only purpose of the amendment.

Mr. HAYDEN. I have conferred with members of the committee, and we are willing to take the amendment to conference.

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

The amendment to the amendment was agreed to.

Mr. RUSSELL. Mr. President, on page 19, line 20, I move to strike out "April 24, 1937", and to insert in lieu thereof "the approval of this act."

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

The amendment to the amendment was agreed to.

Mr. WHEELER. Mr. President, in section 205, on page 20, line 15, I move to strike out the period after the word "Administrator" and to insert a colon and the following:

Provided further, That the amount specified for any of the foregoing classes may be increased by not to exceed 15 percent thereof by transferring an amount or amounts from any other class or classes in order to effectuate the purposes of the title.

I call attention to the fact that this provision is in title 1 of the bill, on page 4, and it should also be in title 2. It merely advises the Department that in the event some of the money is not going to be used in one of the classes, it may be transferred and used in a different class.

I am sure this is entirely agreeable to the Department. I have taken the matter up with the Senator from Arizona, and I think he is willing to accept the amendment.

Mr. HAYDEN. Mr. President, the amendment seeks to provide the same rule with respect to the Public Works Administration as is provided in title I of the joint resolution for the Works Progress Administration, where classes or categories of projects are limited. I see no reason why we should not take the amendment to conference.

Mr. McNARY. Mr. President, if the provision is in title I, I think it should be in title II. I ask the Senator where the language is to be inserted.

Mr. WHEELER. On page 20, line 15, after the word "Administrator."

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

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. McNARY. Mr. President, does that complete the committee amendments?

The PRESIDENT pro tempore. That completes the committee amendments.

Mr. McNARY. Is it the purpose and desire of the Senator in charge of the joint resolution to proceed further today?

Mr. ADAMS. Mr. President, it just depends on the Senator from Arkansas, and how much there may be ahead of us to intervene between now and the final passage of the joint resolution.

Mr. ROBINSON. Mr. President, I should like to see the joint resolution completed today, if it is practicable to do so. However, I do not think the Senate would be justified in remaining in session a long time for that purpose.

Mr. VANDENBERG. Mr. President, I have been waiting patiently to submit an amendment in the nature of a substitute. I have no illusions as to its fate, but I feel required to extend the philosophy behind it in the RECORD. I think the joint resolution ought to go over until tomorrow. The whole thing can be out of the way in 30 minutes. Of course, I shall proceed tonight if I am required to do so.

Mr. ROBINSON. May I ask whether there are other amendments to be offered?

Mr. McNARY. I understand the Senator from Massachusetts [Mr. LODGE] has an amendment which he desires to present, and that the Senator from New Hampshire [Mr. BRIDGES] wishes to offer an amendment.

Mr. ROBINSON. I understand there are a number of Senators on this side, including the Senator from Mississippi [Mr. BILBO], the Senator from Kentucky [Mr. BARKLEY], and perhaps some other Senator who would like to offer amendments. That being so, I think perhaps the joint resolution may just as well go over until tomorrow.

Mr. BARKLEY. The amendment I have in mind will take only a moment, because I understand it will not be objected to by the Senator having the measure in charge.

EXECUTIVE SESSION

Mr. ROBINSON. I 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 PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations (and withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The PRESIDENT pro tempore. As chairman of the Committee on Foreign Relations, the Chair reports back favorably from that committee the following nominations:

George Gregg Fuller, of California, to be a Foreign Service officer of class 5, a consul, and a secretary in the Diplomatic Service of the United States of America; and

John W. Bailey, Jr., of Texas, to be a Foreign Service officer of class 5, a consul, and a secretary in the Diplomatic Service of the United States of America.

Mr. DIETERICH, from the Committee on the Judiciary, reported favorably the nomination of T. Hoyt Davis, of Georgia, to be United States attorney for the middle district of Georgia.

Mr. LOGAN, from the Committee on the Judiciary, reported favorably the following nominations:

Edward B. Doyle, of Georgia, to be United States marshal for the middle district of Georgia, and Carl C. Donaugh, of Oregon, to be United States attorney for the district of Oregon.

Mr. VAN NUYS, from the Committee on the Judiciary, reported favorably the following nominations:

James E. Fleming, of Indiana, to be United States attorney for the northern district of Indiana;

Val Nolan, of Indiana, to be United States attorney for the southern district of Indiana; and

Al W. Hosinski, of Indiana, to be United States marshal for the northern district of Indiana.

Mr. BURKE, from the Committee on the Judiciary, reported favorably the following nominations:

Frank LeBlond Kloeb, of Ohio, to be United States district judge for the northern district of Ohio, vice George P. Hahn, deceased; and

Jim C. Smith, of Alabama, to be United States attorney for the northern district of Alabama.

Mr. McGILL, from the Committee on the Judiciary, reported favorably the nomination of Earl Hoffman, of Florida, to be United States attorney for the northern district of Florida.

Mr. AUSTIN, from the Committee on the Judiciary, reported favorably the nomination of James A. Bough, of the Virgin Islands, to be United States attorney of the Virgin Islands, to fill an existing vacancy.

Mr. WHEELER, from the Committee on Interstate Commerce, reported favorably the nomination of John W. Scott, of Indiana, to be a member of the Federal Power Commission for the term expiring June 22, 1942, vice Herbert J. Drane.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar.

JOSEPH A. M'NAMARA

Mr. AUSTIN. Mr. President, from the Committee on the Judiciary I report favorably the nomination of Hon. Joseph A. McNamara, of Vermont, to be United States attorney for the district of Vermont; and I ask unanimous consent for the immediate consideration of the nomination.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. AUSTIN. I also ask that the President be notified.

The PRESIDENT pro tempore. Without objection, the President will be notified.

GUY M'NAMARA

Mr. CONNALLY. Mr. President, from the Committee on the Judiciary I report favorably the nomination of Guy McNamara, of Texas, to be United States marshal for the western district of Texas. I ask unanimous consent for the immediate consideration of the nomination.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The question is, Will the Senate advise and consent to the nomination?

The nomination was confirmed.

Mr. CONNALLY. I ask that the President be notified.

The PRESIDENT pro tempore. Without objection, the President will be notified.

If there be no further reports of committees, the clerk will state in order the nominations on the Executive Calendar.

WAR DEPARTMENT

The legislative clerk read the nomination of Louis A. Johnson, of West Virginia, to be Assistant Secretary of War.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

VIRGIN ISLANDS

The legislative clerk read the nomination of Lawrence W. Cramer, of New York, to be Governor of the Virgin Islands.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. ROBINSON. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the Army nominations are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. WALSH. I ask that the nominations in the Navy be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations in the Navy are confirmed en bloc.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, June 22, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 21 (legislative day of June 15), 1937

DIPLOMATIC AND FOREIGN SERVICE

The following-named persons for appointment as Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service of the United States of America:

W. Stratton Anderson, Jr., of Illinois.
William Barnes, 3d, of Massachusetts.
Aaron S. Brown, of Michigan.
Harlan B. Clark, of Ohio.
William E. Cole, Jr., of New York.
J. Dixon Edwards, of Oregon.
Herbert P. Fales, of California.
Jule L. Goetzmann, of Illinois.
Edmund A. Gullion, of Kentucky.
Kingsley W. Hamilton, of Ohio.
Fred Harvey Harrington, of New York.
Francis C. Jordan, of North Carolina.
G. Wallace LaRue, of Missouri.
Perry Laukhuff, of Ohio.
Gordan H. Mattison, of Ohio.
Roy M. Melbourne, of Virginia.
John F. Melby, of Illinois.
Herbert V. Olds, of Massachusetts.
Elim O'Shaughnessy, of New York.
Paul Paddock, of Iowa.
Henry V. Poor, of New York.
G. Frederick Reinhardt, of California.
Milton C. Rewinkel, of Minnesota.
Walter Smith, of Illinois.
Charles W. Thayer, of Pennsylvania.
Ray L. Thurston, of Wisconsin.
Evan M. Wilson, of Pennsylvania.
Glen W. Bruner, of Colorado.

UNITED STATES ATTORNEYS

Thomas J. Morrissey, of Colorado, to be United States attorney for the district of Colorado. (Mr. Morrissey is now serving in this office under an appointment which expired June 13, 1937.)

William A. Holzheimer, of Alaska, to be United States attorney, division no. 1, District of Alaska. (Mr. Holzheimer is now serving in this office under an appointment which expired June 13, 1937.)

CONFIRMATIONS

Executive nominations confirmed by the Senate June 21 (legislative day of June 15), 1937

ASSISTANT SECRETARY OF WAR

Louis A. Johnson to be Assistant Secretary of War.

UNITED STATES ATTORNEY

Joseph A. McNamara to be United States attorney for the district of Vermont.

UNITED STATES MARSHAL

Guy McNamara to be United States marshal for the western district of Texas.

GOVERNOR OF VIRGIN ISLANDS

Lawrence W. Cramer to be Governor of the Virgin Islands.

PROMOTIONS IN THE REGULAR ARMY

MEDICAL CORPS

Ralph Hayward Simmons to be lieutenant colonel.
Henry Edgar Keely to be lieutenant colonel.
John Pierce Beeson to be lieutenant colonel.

APPOINTMENT IN THE REGULAR ARMY

MEDICAL CORPS

Frank Rodney Drake to be first lieutenant.
Joseph Wallace Batch to be first lieutenant.

CHAPLAIN

Ralph Warren D. Brown to be chaplain.

PROMOTIONS IN THE NAVY

TO BE REAR ADMIRAL

Andrew C. Pickens

TO BE CAPTAINS

Frank T. Leighton	Alan G. Kirk
Alva D. Bernhard	Francis W. Scanland

TO BE COMMANDERS

Fred W. Connor	Donald B. Duncan
John E. Ostrander, Jr.	Andrew G. Shepard
Houston L. Maples	Simon P. Fullinwider, Jr.
Colin Campbell	Nicholas Vytlacil
Albert G. Noble	Robert G. Tobin
Ingolf N. Kiland	

TO BE LIEUTENANT COMMANDER

Ralston B. Vansant	Lawrence C. Grannis
LaRue C. Lawbaugh	Howard N. Coulter
Theodore G. Haff	George G. Herring, Jr.
Elmer D. Snare	Elmer P. Abernethy
Edwin C. Bain	John E. Rezner
John G. Winn	Ward C. Gilbert
Burton G. Lake	Thomas M. Dell, Jr.
Atherton Macondray, Jr.	Apollo Soucek
Timothy F. Wellings	Logan McKee
James C. Pollock	Willard R. Gaines
George M. Brooke	Edmund C. Mahoney
William R. Cooke, Jr.	Goeffrey E. Sage

TO BE LIEUTENANTS

Roger M. Daisley	Corben C. Shute
Jesse J. Underhill	Thomas P. Wilson
Robert W. Wood	Francis R. Duborg
Donald A. Lovelace	William H. McClure
Weldon L. Hamilton	George W. Ashford
Lex L. Black	Lamar P. Carver
Phillip G. Stokes	John A. Collett
John A. Scott	William W. White
Knight Pryor	John R. Yoho

TO BE LIEUTENANTS (JUNIOR GRADE)

Edward W. Abbot	Juan B. Pesante
Porter F. Bedell	Charles B. Paine, Jr.
William H. Sublette	Richard D. Shepard
Robert C. H. Hird	James E. Smith
Edward R. Nelson, Jr.	William A. Smyth
George P. Koch	Clarence E. Dickinson, Jr.
Garrett S. Coleman	Lyle E. Strickler
Poyntell C. Staley, Jr.	Albert L. Gebelin
Frank S. Fernald	Douglas M. Swift
Isthmian L. Powell	John W. Florence
Howard F. Kuehl	Martin H. Ray, Jr.
John M. Stuart	Irving S. Presler
Bernard A. Smith	Hugh Q. Murray
Edward J. Fahy	Robert W. Leeman
James E. Halligan, Jr.	William T. Kinsella
John V. Smith	Harold E. Cole
George H. Browne	Frederick A. Gunn
Lester R. Schulz	George H. Wigfall
Donald A. Scherer	Edward H. Worthington
Reuben T. Whitaker	

TO BE MEDICAL DIRECTORS

Joseph R. Phelps	Frank H. Haigler

TO BE MEDICAL INSPECTOR

Charles P. Archambeault

TO BE PASSED ASSISTANT SURGEONS

Frederick R. Lang	Giffin C. Daughtridge
Elbert F. Penry	Howard L. Puckett
Willard M. Gobbell	Clarence F. Morrison
Robert A. Bell	Lawrence E. Bach
John J. Wells	Thomas L. Willmon
George B. Ribble, Jr.	Marcy Shupp
Edward F. Kline	Frank A. Latham
Fitz-John Weddell, Jr.	Powell W. Griffith
Ralph D. Handen	Morris M. Rubin
Ernest M. Wade	Louis M. Harris

TO BE PASSED ASSISTANT PAYMASTER

Elmer A. Chatham

TO BE NAVAL CONSTRUCTORS

Theodore L. Schumacher
Homer N. Wallin

POSTMASTERS

FLORIDA

Mamie M. Carnell, Ormond.

MONTANA

Amy P. Bartley, Fort Benton.

NEW YORK

John H. Otten, Blauvelt.

WITHDRAWAL

Executive nomination withdrawn from the Senate June 21 (legislative day of June 15), 1937

POSTMASTER

CONNECTICUT

William Liberty to be postmaster at Voluntown, in the State of Connecticut.

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 21, 1937

The House met at 12 o'clock noon.

Rev. C. E. Hawthorne, pastor of the Wallace Memorial United Presbyterian Church, Washington, D. C., offered the following prayer:

O God, our help in ages past, our hope for years to come, we bow reverently and humbly before Thee, and would offer our prayer in the confident faith that Thou art able to do exceeding abundantly above all that we ask or think. As we look back over the years our hearts are filled with gratitude and praise, for Thou hast blessed our Nation, Thou hast guided through the hard places, Thou hast reached toward us Thy hand of blessing. By the grace of God we are what we are, and we thank Thee. But past blessings do not suffice. The challenge of the present hour confronts us. And we come seeking for this day Thy continued guidance and blessing. Guide these Thy servants, the Members of Congress, in the deliberations of this day. Grant them Thy wisdom and the guiding strength of Thy hand. O God, bless our Nation. Our hearts are troubled as we see strife and bitterness among our people. Have mercy upon us; and in the solution of these problems may we seek the will of our God and become obedient to it. Hear our prayer this day and answer us, for we come in the name of Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Friday, June 18, 1937, 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 a concurrent resolution of the House of the following title:

H. Con. Res. 18. Concurrent resolution to authorize and direct the Clerk of the House, in the enrollment of the Independent Offices Appropriation Act, 1938 (H. R. 4064), to make a change in the text of the appropriation for pensions under the Veterans' Administration.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 10. Concurrent resolution accepting the statue of Gen. William Henry Harrison Beadle, to be placed in Statuary Hall.

DELIVERY OF THE MAILS

Mr. COX. Mr. Speaker, I ask unanimous consent to proceed for 4 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, the most scandalous exhibition of cowardice I have ever witnessed is that now displayed by the Government as regards delivery of the mails. Time sufficient for further consideration and reversal of position has elapsed. It appears nothing will be done. The power of the Government has been set at naught. It has surrendered to a handful of lawless people and stands before the country a discredited thing.

So long as this lawless, revolutionary movement does not obstruct the normal functions of instrumentalities of the Federal Government it may properly be considered as a local question and dealt with by the States affected; but when it stops the delivery of the mails and dams up the channels of interstate commerce it becomes national in character and should be dealt with by the National Government.

It is no concern of ours, Mr. Speaker, that a partnership between politics and the C. I. O. should exist in the strike-ridden States, but it becomes a matter of our deepest concern when effort is made to broaden this partnership to include the Federal Government or should reach the point

of denying to the people in the States affected a democratic form of government.

It is my belief that if the existing police force is inadequate to cope with the situation, every soldier of the Republic should be summonsed to be used as civil instruments to enforce Federal power and uphold the majesty of the law. This lawlessness of the C. I. O. and its affiliates and this shameful cringing of government to them is not only wrecking the great labor movement, as guided by the A. F. of L., but, unchallenged and unchecked, will wreck the Government as well.

Mr. Speaker, I am fully aware of the fact that the urge is to turn away from orderly government as practiced for more than a hundred and fifty years, and that to speak up for liberty is to invite ridicule; but there are those who still love liberty and want government by law. It is to give voice to their fears and indignation that I speak.

There is still time sufficient to stop the play of this tragedy of tragedies, this wrecking of the Government of the United States. Shall we sit here like huddled, terror-stricken cattle and see the country swept into a state of anarchy, or shall we, like brave soldiers, bare our bosoms and meet the attack on every hand?

The hour for action has struck. The crisis is on. So let us, according to our understanding and ability, be up and doing. Let us see that our Government is worthy of the support which law-abiding and God-fearing people give it. [Applause.]

[Here the gavel fell.]

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have permission to sit during the sessions of the House today and tomorrow.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

SALARY OF DEPUTY UNITED STATES MARSHALS

The Clerk called the first bill on the Consent Calendar, H. R. 6453, to increase the minimum salary of deputy United States marshals to $2,000 per annum.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That effective beginning July 1, 1937, the compensation of deputy United States marshals who are paid on a salary basis, other than those whose principal duties are of a clerical nature, shall be at the rate of not less than $2,000 per annum.

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.

REVISION OF AIR-MAIL LAWS

The Clerk called the next bill, H. R. 4732, to revise the air-mail laws.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

PREFERRED EMPLOYMENT OF AMERICAN CITIZENS BY THE GOVERNMENT

The Clerk called the next bill, H. R. 3423, to provide for the preferred employment of American citizens by the Government of the United States.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. COCHRAN. Mr. Speaker, I reserve the right to object to the gentleman's request.

Just for the purpose of information, will the gentleman tell us what the objection is, so that we may be able to come to some agreement on this bill?

Mr. WOLCOTT. I think perhaps eventually we may come to some agreement on it, but I understand there is a minority report on the bill, and I do not see the signers of the minority report on the floor. I am merely protecting the signers of the minority report in asking that the bill be passed over without prejudice.

Mr. COCHRAN. All right.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HARRY W. BLAIR

The Clerk called the next bill, H. R. 4740, 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 counsel in certain cases.

Mr. SNELL, Mr. WOLCOTT, and Mr. MICHENER objected.

FEDERAL SUBSISTENCE HOMESTEADS CORPORATIONS

The Clerk called the next bill, H. R. 3058, for the relief of former employees of the Federal Subsistence Homesteads Corporations.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I wonder if there is some one here who can give us some information about what is involved in this bill. I would like very much to be advised, and I am sure the House is interested in discovering what these corporations are, the stock of which is owned by the Subsistence Homesteads Corporation.

Mr. Speaker, I ask unanimous consent that this bill may go to the end of the calendar.

The SPEAKER. Does the gentleman intend by his request that the bill shall again be called today?

Mr. WOLCOTT. Yes.

The SPEAKER. The gentleman from Michigan asks unanimous consent that this bill may go to the foot of the call of today's calendar. Is there objection?

There was no objection.

INDIAN CLAIMS COMMISSION

The Clerk called the next bill, S. 1902, to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes.

Mr. COCHRAN. Mr. Speaker, reserving the right to object, this is a very important bill. It has to do with the creation of an Indian Claims Commission, and under the terms of the bill all the cases now pending in the Court of Claims can be transferred to this proposed commission.

The Committee on Indian Affairs has the call on Wednesday next, and I believe this to be too important a matter to be taken up at this time, and therefore I shall object. If the committee wants the bill considered, it can call up the measure Wednesday.

Mr. ROGERS of Oklahoma. Mr. Speaker, will the gentleman withhold his objection a moment and yield to me?

Mr. COCHRAN. I will.

Mr. ROGERS of Oklahoma. Does the gentleman realize that this is an administration measure?

Mr. COCHRAN. It does not make any difference to me whether this is an administration measure or not. I am aware the Commissioner of Indian Affairs wants this bill, and through his influence a favorable report came from the Department of the Interior, but I will say if this bill is called up Wednesday I am prepared to show just what it is going to cost the Government if it should pass. I cannot conceive the House will put its stamp of approval on such a bill if the facts are in possession of the Members. You can disregard millions and think of billions if the Indian claims ever gets in the hands of this commission and the right to offset the claims by the Government is denied. I repeat, disregard millions but think of billions in judgments.

Mr. Speaker, Friday I placed in the RECORD a statement about Indian claims. On June 1 the Court of Claims decided a suit based on a bill that was favorably reported by the Department of the Interior that will cost the people of this country over $4,000,000. Three days ago another case was decided by the Court of Claims, the claim of the Klamath Indians, and this after the Court of Claims and the Supreme Court had denied that there was any obligation on the part of the Government. The decision which was rendered the other day resulted from a change in the jurisdictional act. This change was made by this Congress after two courts had spoken. I was sick in bed at the time or the bill would never have passed. While I do not know the exact amount of money involved, it is going to cost the taxpayers of this country several million dollars, and I may say to the gentleman that his committee reported the bill that changed the jurisdictional act in the last Congress which enabled the Indians to obtain this judgment. The decision will probably be published by the Court of Claims today. It has already been handed down.

You have any number of bills pending asking that Congress change the jurisdictional acts. The gentleman from Montana [Mr. O'CONNOR] asked that we change a jurisdictional act in, I think, the Crow case, and he argued that you did so for the Klamaths, why not in this case. Well, I say to the gentleman that if I had been here the Klamath's bill would not have passed, at least under the unanimous-consent rule. The day is not far distant when Members of Congress are going to pay more attention to these bills. I do not blame the Representatives of the Indians, as the Indians are their constituents, but it is for the lawyers that most of the bills are passed. The Indians sign up and the lawyers have a binding agreement.

What was the contention in the Klamath case? The lawyers contended that the amount paid the Indians for land was not in keeping with the value at the time. Then 50 or 75 years after they come in and want the Government to raise the price of the land and make up the difference. Why not bring in a bill to reimburse the great-great-grandchildren of the original owners of the land the Capitol now stands on, saying that the price paid the original owner was below the real value. It would be just as meritorious as this Indian claim was. Mr. Speaker, I decline to withdraw my objection.

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

Mr. COCHRAN, Mr. WOLCOTT, and Mr. RICH objected.

COINAGE OF 50-CENT PIECES IN COMMEMORATION OF THE BATTLE OF ANTIETAM

The Clerk called the next bill, S. 102, to authorize the coinage of 50-cent pieces in commemoration of the seventy-fifth anniversary of the Battle of Antietam.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, there are three coinage bills on the calendar. I understand that the Committee on Coinage, Weights, and Measures has definitely decided that these are the only three bills that are going to be reported out and considered at this session of Congress. I would like to inquire of some member of the committee whether my understanding in this respect is correct or not.

Mr. RICH. Mr. Speaker, will the gentleman yield for a question?

Mr. WOLCOTT. Yes.

Mr. RICH. Last week we had two bills on the calendar and the same statement was made. I notice now there are three similar bills on the calendar.

Mr. WOLCOTT. No; I understand that at that time the Committee was considering and had agreed to report out the California bridge bill, which is now on the calendar.

Mr. COCHRAN. In the absence of the chairman of the committee and as ranking member, I will say to the gentleman that bill has been reported out by the committee and is on the calendar and can be considered today.

Mr. WOLCOTT. Is the gentleman from Missouri in position to assure us that these three bills are the only measures of this nature which the committee expects to report out at this session of Congress?

Mr. COCHRAN. I cannot speak for the committee, but I can speak for myself as ranking member of the committee, and so far as I am concerned, these are the only bills of this kind that will be reported out. I will further say that in the very near future I propose to address the House on this subject and I am sure I will then present to the House an argument that will prevent the passage of such measures for all time. I have the facts, will assemble them, and I propose to show what a graft the issuance of commemorative half dollars has been. We offer some protection by amendments to these bills.

The reason it was agreed to report the three bills on the calendar today was that in the last session the Maryland and Virginia bills both passed the House, one passed the Senate, but a slight amendment kept it from being sent to the White House. A promise was made then, as I understand it, that the two bills would be passed at this session and the committees in charge of the celebrations went along with preparation for the events. Had this not been presented to the committee in this way I would have opposed these bills. The third bill, the San Francisco Bridge commemorative coin bill, passed in the closing days of the session. There were two bridges, but the bill as drawn provided for 200,000 coins for one bridge. When an effort was made to amend it, we were advised it was too late. The officials in charge of one celebration agreed to issue only 100,000 coins and kept the promise. Now, this bill provides that the other 100,000 can be issued to commemorate the construction of the second bridge. In view of the understanding in the last session I offered no objection to the favorable report on this bill, but knowing the situation as I do I cannot retain my self-respect and agree to the passage of any additional commemorative coin bills. I can tell the House now I will show the coins are not issued so much to commemorate an event as they are to make money to pay expenses of the celebrations.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in commemoration of the seventy-fifth anniversary of the Battle of Antietam there shall be coined at a mint of the United States to be designated by the Director of the Mint not to exceed 50,000 silver 50-cent pieces of standard size, weight, and composition and of a special appropriate single design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

SEC. 2. The coins herein authorized shall bear the date 1937, irrespective of the year in which they are minted or issued, shall be legal tender in any payment to the amount of their face value, and shall be issued only upon the request of the Washington County Historical Society of Hagerstown, Md., upon payment by it of the par value of such coins, but not less than 25,000 such coins shall be issued to it at any one time and no such coins shall be issued after the expiration of 1 year after the date of enactment of this act. Such coins may be disposed of at par or at a premium by such Washington County Historical Society of Hagerstown, Md., and the net proceeds shall be used by it in defraying the expenses incidental and appropriate to the commemoration of such event.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for the security of the coins, or for any other purposes, whether such laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized.

With the following committee amendments:

Page 1, line 4, strike out "a" and insert "one", and after the word "mint", insert the word "only."

On page 2, line 14, after the word "Maryland", insert "subject to the approval of the Director of the Mint."

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.

TWO HUNDREDTH ANNIVERSARY, NORFOLK, VA.

The Clerk called the bill (S. 4) to authorize the coinage of 50-cent pieces in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That in commemoration of the three hundredth anniversary of the original Norfolk (Va.) land grant and the two hundredth anniversary of the establishment of the city of Norfolk, Va., as a borough there shall be coined at a mint of the United States to be designated by the Director of the Mint not to exceed 20,000 silver 50-cent pieces of standard size, weight, and composition and of a special appropriate design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

SEC. 2. The coins herein authorized shall bear the date 1936, irrespective of the year in which they are minted or issued, shall be legal tender in any payment to the amount of their face value, and shall be issued only upon the request of the Norfolk Advertising Board, Inc., affiliated with the Norfolk Association of Commerce, upon payment by it of the par value of such coins, but not less than 5,000 such coins shall be issued to it at any one time and no such coins shall be issued after the expiration of 1 year after the date of enactment of this act. Such coins may be disposed of at par or at a premium by such association, and the net proceeds shall be used by it in defraying the expenses incidental and appropriate to the commemoration of such event.

SEC. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same; regulating and guarding the process of coinage; providing for the purchase of material and for the transportation, distribution, and redemption of coins; for the prevention of debasement or counterfeiting; for the security of the coins, or for any other purposes, whether such laws are penal or otherwise shall, so far as applicable, apply to the coinage herein authorized.

With the following committee amendments:

Page 1, line 6, strike out the article "a" and insert "one", and after the word "mint", in line 7, insert the word "only."

Page 1, line 8, strike out the word "twenty" and insert "twenty-five."

Page 2, line 1, after the word "appropriate", insert the word "single."

Page 2, line 12, strike out the word "five" and insert "twenty-five."

Page 2, line 17, after the word "association", insert "subject to the approval of the Director of the Mint."

The committee amendments were agreed to; and the bill as amended was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

UNITED STATES CONSTITUTION SESQUICENTENNIAL COMMISSION

The Clerk called House Joint Resolution 363, to authorize an additional appropriation to further the work of the United States Constitution Sesquicentennial Commission.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. By the adoption of this joint resolution we declare whether we want the United States Constitution Sesquicentennial Commission to continue throughout this year. The bill originally provided for an appropriation of $350,000, but in accordance with our desire to keep our appropriations within the fiscal years, that was cut $200,000, and this joint resolution undertakes to appropriate the remaining $150,000, which was in the original bill last year. This is the year commemorating the sesquicentennial of the adoption of the Constitution. For that reason personally I have no objection to the bill, but I think the House should understand that this bill means the continuation of this Sesquicentennial Commission.

Mr. SNELL. Does not the gentleman from Michigan think that we have spent a reasonable amount on this celebration up to the present time?

Mr. WOLCOTT. It seems to me that $200,000 should have been all that is necessary. We have to stop this somewhere.

Mr. SNELL. I agree with the gentleman that we have to stop it somewhere, and I am one who will endeavor to stop it right now. I am willing to take the responsibility to be one of three to object to any further expenditure along that line, although I think they have done good work heretofore. With the present condition of the Treasury, every man on the Democratic side ought to object.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

The SPEAKER. Is there objection?

Mr. SNELL, Mr. RUTHERFORD, and Mr. CRAWFORD objected.

JEFFERSON DAVIS NATIONAL HIGHWAY

The Clerk called the bill (S. 1468) authorizing the erection in the District of Columbia of a suitable terminal marker for the Jefferson Davis National Highway.

Mr. WOLCOTT, Mr. RICH, and Mr. WADSWORTH objected.

BRIDGE ACROSS MISSOURI RIVER, POPLAR, MONT.

The Clerk called the bill (H. R. 6496) granting the consent of Congress to the State of Montana, or the counties of Roosevelt, Richland, and McCone, singly or jointly, to construct, maintain, and operate a free highway bridge across the Missouri River at or near Poplar, Mont.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Consent of Congress is hereby granted to the State of Montana, the counties of Roosevelt, Richland, and McCone thereof, or any of them, to construct, maintain, and operate a free highway bridge and approaches thereto across the Missouri River, at a point suitable to the interests of navigation, at or near Poplar, Mont., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

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

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

DIKE IN MISSOURI RIVER, PIERRE, S. DAK.

The Clerk called the bill (H. R. 6693) to legalize a dike in the Missouri River, 6⁹⁄₁₀ miles downstream from the South Dakota State highway bridge at Pierre, S. Dak.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the dike constructed from the left bank of the Missouri River to Farm Island, mile 1167.1 above the mouth, or 6⁹⁄₁₀ miles downstream from the South Dakota State highway bridge at Pierre, S. Dak., by the South Dakota State Highway Commission, be, and the same is hereby, legalized to the same extent and with like effect as to all existing or future laws and regulations of the United States as if it had been constructed in accordance with the approved plans: *Provided*, That any changes in said dike which the Secretary of War may deem necessary and order in the interest of navigation shall be promptly made by the owner thereof.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

BRIDGE ACROSS WABASH RIVER, LOCKPORT, IND.

The Clerk called the bill (H. R. 6636) granting the consent of Congress to the county of Carroll, in the State of Indiana, to construct, maintain, and operate a free highway bridge across the Wabash River at or near Lockport, Ind.

The SPEAKER. Is there objection?

Mr. HILL of Oklahoma. Mr. Speaker, I object.

BRIDGE ACROSS MERRIMACK RIVER, MASS.

The Clerk called the bill H. R. 6920, granting the consent of Congress to the Commonwealth of Massachusetts, Middlesex County, and the city of Lowell, Mass., or any two of them, or any one of them, to construct, maintain, and operate a free highway bridge across the Merrimack River at Lowell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the Commonwealth of Massachusetts, Middlesex County and the city of Lowell, Mass., or any two of them, or any one of them, to construct maintain, and operate a free highway bridge and approaches thereto across the Merrimack River, at a point suitable to the interests of navigation, at or near Lowell, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

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

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider laid on the table.

JURISDICTION OF UNITED STATES COMMISSIONERS TO TRY PETTY OFFENDERS

The Clerk called the bill (H. R. 4011) to confer jurisdiction upon certain United States commissioners to try petty offenses committed on Federal reservations.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any United States commissioner specially designated for that purpose by the court by which he was appointed shall have jurisdiction to try and, if found guilty, to sentence persons charged with petty offenses against the law, or rules and regulations made in pursuance of law, committed in any place over which the Congress has exclusive power to legislate and within the judicial district for which such commissioner was appointed. The probation laws shall be applicable to persons so tried before United States commissioners. For the purposes of this act, the term "petty offense" shall be defined as in section 335 of the Criminal Code (U. S. C., title 18, sec. 541). If any person charged with such petty offense shall so elect, however, he shall be tried in the district court of the United States which has jurisdiction over the offense.

SEC. 2. In all cases of conviction by United States commissioners an appeal shall lie from the judgment of the commissioner to the district court of the United States for the district in which the offense was committed. The Supreme Court shall prescribe rules of procedure and practice for the trial of cases before commissioners and for taking and hearing of appeals to the said district courts of the United States.

SEC. 3. United States commissioners specially designated under authority of section 1 of this act shall receive for services rendered under this act the same fees, and none other, as provided for like or similar services in other cases under section 21 of the act of May 28, 1896 (29 Stat. 184; U. S. C., title 28, sec. 597).

SEC. 4. This act shall not be construed as in any way repealing or limiting the existing jurisdiction, power, or authority of United States commissioners, including United States commissioners appointed for the several national parks and United States commissioners in Alaska.

With the following committee amendments:

Page 2, line 7, after the period, insert:

"The commissioner before whom the defendant is arraigned shall apprise the defendant of his right to make such election and shall not proceed to try the case unless the defendant, after being so apprised, signs a written consent to be tried before the commissioner."

Page 3, at the end of the bill, insert a new section, as follows:

"SEC. 5. The provisions of this act shall not apply to the District of Columbia."

The committee amendments were 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.

AMENDMENT TO BANKRUPTCY ACT

The Clerk called the bill (H. R. 4343) to amend section 77B of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subdivision (c) of section 77B of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended (U. S. C., 1934 ed., title 11, sec. 207 (c)), is amended by inserting after clause (3) thereof the following: "(3½) may, for cause shown, and in accordance with such rules as to notice and hearing as the Supreme Court may prescribe, authorize the debtor, or the trustee or trustees, if appointed, to lease or sell, upon such terms and conditions as may be approved by the judge, any property of the debtor, whether real or personal."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

INTERNATIONAL CONGRESS OF ARCHITECTS

The Clerk called Senate Joint Resolution 111, to provide that the United States extend to foreign governments invitations to participate in the International Congress of Architects, to be held in the United States during the calendar year 1939, and to authorize an appropriation to assist in meeting the expenses of the session.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the President be, and is hereby, authorized and requested to invite foreign governments to participate in the International Congress of Architects to be held in the United States during the calendar year 1939.

SEC. 2. That the sum of $20,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of organizing and holding the Fifteenth International Congress of Architects, including personal services in the District of Columbia and elsewhere without regard to the Classification Act of 1923, as amended, communication services, stenographic, and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); travel expenses, local transportation, hire of motor-propelled passenger-carrying vehicles, rent in the District of Columbia and elsewhere, printing and binding, entertainment, official cards, purchase of newspapers and periodicals, necessary books and documents, stationery, membership badges, and such other expenses as may be actually and necessarily incurred by the Government of the United States by reason of observance of appropriate courtesies in connection therewith, and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payments have been made for any purposes herein specified, for the fiscal year 1939.

The Senate joint resolution 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.

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

The Clerk called the next bill, H. R. 6762, to amend the act known as the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, as amended.

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

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BUCK. Mr. Speaker, reserving the right to object, is the gentleman referring to Calendar No. 283?

Mr. WOLCOTT. Yes. I am making this request for this purpose. It is a long bill and a very complicated bill, and I think should be given consideration.

Mr. BUCK. I thought I had discussed this matter with the gentleman and that there was no possible objection to the bill. It has a unanimous report from both sides of the House in the committee.

Mr. WOLCOTT. May I clear up in my own mind——

Mr. BUCK. Certainly. I will be glad to answer any question about it, but the bill is one which deals with a subject that has been approved by the Department of Agriculture and has met with the approval of the committee.

Mr. WOLCOTT. Mr. Speaker, I think the gentleman is right. I have the wrong bill in mind. I withdraw my request.

The SPEAKER. The gentleman from Michigan withdraws his request that the bill be passed over without prejudice.

Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That paragraph 6 of section 1 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(6) The term 'dealer' means any person engaged in the business of buying or selling in carloads any perishable agricultural commodity in interstate or foreign commerce, except that (A) no producer shall be considered as a 'dealer' in respect of sales of any such commodity of his own raising; (B) no person buying any such commodity solely for sale at retail shall be considered as a 'dealer' in respect of any such commodity in any calendar year until his purchases of such commodity in carloads in such year are in excess of 20; and (C) no person buying any such commodity for canning and/or processing within the State where grown shall be considered a 'dealer' whether or not the canned or processed product is to be shipped in interstate or foreign commerce, unless such product is frozen or packed in ice within the meaning of paragraph 4 of this section. Any person not considered as a 'dealer' under clauses (A), (B), and (C) may elect to secure a license under the provisions of section 3, and in such case and while the license is in effect such person shall be considered as a 'dealer'. As used in this paragraph, the term 'in carloads' includes wholesale or jobbing quantities as defined for any such commodity by the Secretary;".

SEC. 2. That subsection 5 of section 2 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(5) For any commission merchant, dealer, or broker, to misrepresent by word, act, mark, stencil, label, statement, or deed the character, kind, grade, quality, condition, degree of maturity, or State or country of origin of any perishable agricultural commodity received, shipped, sold, or offered to be sold in interstate or foreign commerce."

SEC. 3. That subsection 6 of section 2 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(6) For any commission merchant, dealer, or broker, for a fraudulent purpose, to remove, alter, or tamper with any card, stencil, stamp, tag, or other notice placed upon any container or railroad car containing any perishable agricultural commodity, if such card, stencil, stamp, tag, or other notice contains a certificate or statement under authority of any Federal or State inspector or in compliance with any Federal or State law or regulation as to the grade or quality of the commodity contained in such container or railroad car or the State or country in which such commodity was produced."

SEC. 4. That section 2 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended by adding a new subsection, no. 7, and reading as follows:

"(7) For any commission merchant, dealer, or broker, without the consent of an inspector, to make, cause, or permit to be made any change by way of substitution or otherwise in the contents of a load or lot of any perishable agricultural commodity after it has been officially inspected for grading and certification, but this shall not prohibit re-sorting and discarding inferior produce."

SEC. 5. That section 3 (a) of the Perishable Agricultural Commodities Act, 1930, as amended, is amended by adding thereto the following:

"Any person violating this provision may, upon a showing satisfactory to the Secretary of Agriculture, or his authorized representative, that such violation was not willful but was due to inadvertence, be permitted by the Secretary, or such representative, to settle his liability in the matter by the payment of the fees due for the period covered by such violation and an additional sum, not in excess of $25, to be fixed by the Secretary of Agriculture or his authorized representative. Such payment shall be deposited in the Treasury of the United States in the same manner as regular license fees."

SEC. 6. That section 4 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(a) Whenever an applicant has paid the prescribed fee the Secretary, except as provided elsewhere in this act, shall issue to such applicant a license, which shall entitle the licensee to do business as a commission merchant and/or dealer and/or broker unless and until it is suspended or revoked by the Secretary in accordance with the provisions of this act, or is automatically suspended under section 7 (d) of this act, but said license shall automatically terminate on any anniversary date thereof unless the annual fee has been paid: *Provided*, That notice of the necessity of paying the annual fee shall be mailed at least 30 days before the anniversary date: *Provided further*, That if the annual fee is not paid by the anniversary date the licensee may obtain a renewal of that license at any time within 30 days by paying a fee of $15;

"(b) The Secretary shall refuse to issue a license to an applicant (1) if he finds that the applicant has previously been responsible in whole or in part for any violation of the provisions of the act for which a license of the applicant, or the license of any partnership, association, or corporation in which the applicant held any office or, in the case of a partnership, had any share or interest, was revoked under the provisions of section 8; or (2) if at any time within 2 years he has found after notice and hearing that said applicant was responsible in whole or in part for any flagrant or repeated violation of the provisions of section 2; or (3) if he finds, in case the applicant is a partnership, association, or corporation, that any individual holding office or, in the case of a partnership, having any interest or share in the applicant, has previously been responsible in whole or in part for any violation of the provisions of the act for which the license of such individual, or of any partnership, association, or corporation in which such person held any office or, in the case of a partnership, had any share or interest, was revoked under the provisions of section 8; or (4) if at any time within 2 years he has found after notice and hearing, in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant was responsible in whole or in part for any flagrant or repeated violation of the provisions of section 2; or (5) if he finds that the applicant, subject to his right of appeal under section 7 (c), has failed, except in case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued within 2 years against him as an individual, or against a partnership of which he was a member, or an association or corporation in which he held any office, or, in case the applicant is a partnership, association, or corporation, that any individual holding any office or, in the case of a partnership, having any interest or share in the applicant, subject to his right of appeal under section 7 (c), has failed, except in the case of bankruptcy, to pay within the time limit provided therein any reparation order which has been issued within 2 years against him as an individual or against a partnership of which he was a member, or an association or corporation in which he held any office. Notwithstanding all of the foregoing provisions of this paragraph, the Secretary, in the case of such applicant, may issue a license if the applicant furnishes a bond or other satisfactory assurance that his business will be conducted in accordance with the provisions of the act and that he will pay all reparation orders which may previously have been issued against him for violations, or which may be issued against him within 2 years following the date of the license, subject to his right of appeal under section 7 (c), but such license shall not be issued before the expiration of 1 year from the date of revocation of license or from the date of the Secretary's finding that the applicant has been responsible, in whole or in part, for any flagrant or repeated violation of section 2. Such bond shall be in an amount sufficient in the judgment of the Secretary of Agriculture to insure payment of such reparation orders;

"(c) The Secretary shall refuse to issue a license to an applicant if he finds after notice and hearing that at any time within 2 years said applicant has been found guilty in a Federal court of having violated the provisions of the act known as the Produce Agency Act (7 U. S. C., secs. 491–497), or of having violated section 14 (b) of this act, or, in case the applicant is a partnership, that any member of the partnership was found guilty within 2 years of having violated the Produce Agency Act, or section 14 (b) of this act, or, if the applicant is an association or corporation, that any officer or any person holding a responsible position therein has been found within 2 years to have been guilty of violating the Produce Agency Act or section 14 (b) of this act;

"(d) The Secretary may withhold the issuance of a license to an applicant, for a period not to exceed 30 days pending an investigation, for the purpose of determining (a) whether the applicant is unfit to engage in the business of a commission merchant, dealer, or broker by reason of having prior to the date of the application engaged in any practice of the character prohibited by this act, or (b) whether the application contains any materially false or misleading statement or involves any misrepresentation, concealment, or withholding of facts respecting any violation of the act by any officer, agent, or employee of the applicant. If after investigation the Secretary believes that the applicant should be refused a license, the applicant shall be given an opportunity for hearing within 60 days from the date of the application to show cause why the license should not be refused. If after the hearing the Secretary finds that the applicant is unfit to engage in the business of a commission merchant, dealer, or broker by reason of having prior to the date of the application engaged in any practice of the character prohibited by this act, or because the application contains a materially false or misleading statement made by the applicant or by its representative on its behalf, or involves a misrepresentation, concealment, or withholding of facts respecting any violation of the act by any officer, agent, or employee, the Secretary shall refuse to issue a license to the applicant."

SEC. 7. That paragraph (a) of section 5 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(a) If any commission merchant, dealer, or broker violates any provision of section 2 he shall be liable to the person or persons injured thereby for the full amount of damages sustained in consequence of such violation."

SEC. 8. That paragraph (b) of section 6 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(b) Any officer or agency of any State or Territory having jurisdiction over commission merchants, dealers, or brokers in such State or Territory and any employee of the United States Department of Agriculture or any interested person may file, in accordance with rules and regulations of the Secretary, a complaint of any violation of any provision of this act by any commission merchant, dealer, or broker and may request an investigation of such complaint by the Secretary."

SEC. 9. That paragraph (e) of section 6 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(e) If a complaint is made by a nonresident of the United States, the complainant shall be required, before any formal action is taken on his complaint, to furnish a bond in double the amount of the claim conditioned upon the payment of costs, including a reasonable attorney's fee for the respondent if the respondent shall prevail, and any reparation award that may be issued by the Secretary of Agriculture against the complainant on any counter claim by respondent: *Provided*, That the Secretary shall have authority to waive the furnishing of a bond by a complainant who is a resident of a country which permits the filing of a complaint by a resident of the United States without the furnishing of a bond."

SEC. 10. That section 7 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(a) If after a hearing on a complaint made by any person under section 6, or without hearing as provided in section 6, paragraphs (c) and (d), or upon failure of the party complained against to answer a complaint duly served within the time prescribed, or to appear at a hearing after being duly notified, the Secretary determines that the commission merchant, dealer, or broker has violated any provision of section 2, he shall, unless the offender has already made reparation to the person complaining, determine the amount of damage, if any, to which such person is entitled as a result of such violation and shall make an order directing the offender to pay to such person complaining such amount on or before the date fixed in the order;

"(b) If any commission merchant, dealer, or broker does not pay the reparation award or the judgment of the court within the time specified in the Secretary's order, or within 10 days from the date of the judgment, the complainant, or any person for whose benefit such order was made, may within 3 years of the date of the order file in the district court of the United States for the district in which he resides or in which is located the principal place of business of the commission merchant, dealer, or broker, or in any State court having general jurisdiction of the parties, a petition setting forth briefly the causes for which he claims damages and the order of the Secretary in the premises. The orders, writs, and processes of the district courts may in these cases run, be served, and be returnable anywhere in the United States. Such suit in the district court shall proceed in all respects like other civil suits for damages, except that the findings and orders of the Secretary shall be prima-facie evidence of the facts therein stated, and the petitioner shall not be liable for costs in the district court, nor for costs at any subsequent state of the proceedings, unless they accrue upon his appeal. If the petitioner finally prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit;

"(c) Either party adversely affected by the entry of a reparation order by the Secretary may, within 30 days from and after the date of such order, appeal therefrom to the district court of the United States for the district in which said hearing was held. Such appeal shall be perfected by the filing of a notice thereof, together with a petition in duplicate, which shall recite prior proceedings before the Secretary and shall state the grounds upon which petitioner relies to defeat the right of the adverse party to recover the damages claimed, with the clerk of said court, with proof of service thereof upon the adverse party, together with a bond in double the amount of the reparation award, conditioned upon the payment of the judgment entered by the court plus interest and costs, including a reasonable attorney's fee for the appellee, if the appellee shall prevail. The clerk of court shall immediately forward a copy thereof to the Secretary of Agriculture, who shall forthwith prepare, certify, and file in said court a true copy of the Secretary's decision, findings of fact, conclusions, and order in said case, together with copies of the pleadings upon which the case was heard and submitted to the Secretary. Such suit in the district court shall be a trial de novo and shall proceed in all respects like other civil suits for damages, except that the findings of fact and order or orders of the Secretary shall be prima-facie evidence of the facts therein stated. Appellee shall not be liable for costs in said court; and if appellee prevails, he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of his costs. Such petition and pleadings certified by the Secretary upon which decision was made by him shall upon filing in the district court constitute the pleadings upon which said trial de novo shall proceed subject to any amendment allowed in that court;

"(d) Unless the licensee against whom a reparation order has been issued shows to the satisfaction of the Secretary within 5 days from the expiration of the period allowed for compliance with such order that he has either taken an appeal as herein authorized or has made payment in full as required by such order, his license shall be suspended automatically at the expiration of such 5-day period until he shows to the satisfaction of the Secretary that he has paid the amount therein specified with interest thereon to date of payment: *Provided*, That if on the appeal the appellee prevails or if the appeal is dismissed the automatic suspension of license shall become effective at the expiration of 10 days from the date of the judgment on the appeal unless prior thereto the judgment of the court has been satisfied."

SEC. 11. That section 8 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(a) Whenever (a) the Secretary determines, as provided in section 6, that any commission merchant, dealer, or broker has violated any of the provisions of section 2, or (b) any commission merchant, dealer, or broker has been found guilty in a Federal court of having violated section 14 (b) of this act, the Secretary may publish the facts and circumstances of such violation and/or, by order, suspend the license of such offender for a period not to exceed 90 days, except that, if the violation is flagrant or repeated, the Secretary may, by order, revoke the license of the offender;

"(b) The Secretary may, after 30 days' notice and an opportunity for a hearing, revoke the license of any commission merchant, dealer, or broker who, after the date given in such notice, continues to employ in any responsible position any individual whose license was revoked or who was responsibly connected with any firm, partnership, association, or corporation whose license has been revoked. Employment of such individual by a licensee in any responsible position after 1 year following the revocation of any such license shall be conditioned upon the filing by the employing licensee of a bond, in such reasonable sum as may be fixed by the Secretary, or other assurance satisfactory to the Secretary that its business will be conducted in accordance with the provisions of this act;

"(c) If, after a license shall have been issued to an applicant, the Secretary believes that the license was obtained through a false or misleading statement in the application therefor or through a misrepresentation, concealment, or withholding of facts respecting any violation of the act by any officer, agent, or employee, he may, after 30 days' notice and an opportunity for a hearing, revoke said license, whereupon no license shall be issued to said applicant or any applicant in which the person responsible for such false or misleading statement or misrepresentation, concealment, or withholding of facts is financially interested, except under the conditions set forth in paragraph (b) of section 4.

"(d) In addition to being subject to the penalties provided by section 3 (a) of this act, any commission merchant, dealer, or broker who engages in or operates such business without a valid and effective license from the Secretary shall be liable to be proceeded against in any court of competent jurisdiction in a suit by the United States for an injunction to restrain such defendant from further continuing so to engage in or operate such business, and, if the court shall find that the defendant is continuing to engage in such business without a valid and effective license, the court shall issue an injunction to restrain such defendant from continuing to engage in or to operate such business without such license."

SEC. 12. That section 14 of the Perishable Agricultural Commodities Act, 1930, as amended, is hereby amended to read as follows:

"(a) The Secretary is hereby authorized, independently and in cooperation with other branches of the Government, State, or municipal agencies and/or any person, whether operating in one or more jurisdictions, to employ and/or license inspectors to inspect and certify, without regard to the filing of a complaint under this act, to any interested person the class, quality, and/or condition of any lot of any perishable agricultural commodity when offered for interstate or foreign shipment or when received at places where the Secretary shall find it practicable to provide such service, under such rules and regulations as he may prescribe, including the payment of such fees and expenses as will be reasonable and as nearly as may be to cover the cost for the service rendered: *Provided*, That fees for inspections made by a licensed inspector, less the percentage thereof which he is allowed by the terms of his contract of employment with the Secretary as compensation for his services, shall be deposited into the Treasury of the United States as miscellaneous receipts; and fees for inspections made by an inspector acting under a cooperative agreement with a State, municipality, or other person shall be disposed of in accordance with the terms of such agreement: *Provided further*, That expenses for travel and subsistence incurred by inspectors shall be paid by the applicant for inspection to the United States Department of Agriculture to be credited to the appropriation for carrying out the purposes of this act: *And provided further*, That official inspection certificates for fresh fruits and vegetables issued by the Secretary of Agriculture pursuant to any law shall be received by all officers and all courts of the United States, in all proceedings under this act, and in all transactions upon contract markets under Commodities Exchange Act (7 U. S. C., supp. 2, secs. 1 to 17 (a)), as prima-facie evidence of the truth of the statements therein contained;

"(b) Whoever shall falsely make, issue, alter, forge, or counterfeit, or cause or procure to be falsely made, issued, altered, forged, or counterfeited, or willingly aid, cause, procure, or assist in, or be a party to the false making, issuing, altering, forging, or counterfeiting of any certificate of inspection issued under authority of this act, the Produce Agency Act of March 3, 1927 (7 U. S. C., secs. 491–497), or any act making appropriations for the Department of Agriculture; or shall utter or publish as true or cause to be uttered or published as true any such false, forged, altered, or counterfeited certificate, for a fraudulent purpose, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $500 or by imprisonment for a period of not more than 1 year, or both, at the discretion of the court."

With the following committee amendments:

Page 2, line 20, after the word "broker", insert "for a fraudulent purpose."

Page 10, line 4, strike out the word "If" and insert the words "In case."

Page 11, line 8, strike out "or the judgment of the court."
Page 11, line 9, strike out "or within 10 days from the date of the judgment."

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.

PAPAGO INDIAN RESERVATION IN ARIZONA

The Clerk called the next bill, S. 1806, to extend the boundaries of the Papago Indian Reservation in Arizona.

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

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, inasmuch as the Committee on Indian Affairs has the call on Calendar Wednesday this week, I ask unanimous consent that this bill be passed over without prejudice.

Mr. ROGERS of Oklahoma. Mr. Speaker, reserving the right to object, the committee has a number of bills on the calendar and if this is a bill that can be considered on this calendar I see no reason why it should not be considered.

Mr. WOLCOTT. I may say there are several Members who would object to the bill. I think the gentleman had better take it up and discuss it, because any bill which adds land to an Indian reservation ought to be explained more fully than we are able to explain it on this calendar.

Mr. ROGERS of Oklahoma. We will be glad to do so right now if the gentleman will allow us.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. ROGERS of Oklahoma. I yield.

Mr. MURDOCK of Arizona. There is frequently objection to adding land to an Indian reservation. I know that to be true in several Western States. In this case the Board of Supervisors of Pima County, Ariz., has given consent, so the bill has merit, I am sure, or objection would have been made.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that this bill go over without prejudice?

Mr. RICH. Mr. Speaker, reserving the right to object, how much land does this bill put into the reservation?

Mr. ROGERS of Oklahoma. It adds 640 acres that are now occupied by a full-blooded Papago Indian who has been on the land for 40 years. It adds 52,000 acres, some of which is privately owned and some of which is public land. The amount that is involved in the bill is coming from funds that have already been appropriated under the Reorganization Act of June 18, 1934, and it would not cost any additional money; no additional appropriation is required.

Mr. RICH. It takes 52,000 acres of land which you are going to put in a reservation and the Government has to maintain that. The State will lose taxation on it.

Mr. ROGERS of Oklahoma. This land is now occupied by the Indians. They are using the land now. This bill is merely to straighten out the reservation.

Mr. RICH. Was it approved by the Indian Service?

Mr. ROGERS of Oklahoma. Yes. It is a departmental bill.

Mr. MURDOCK of Arizona. This land, having never been on the tax rolls, has paid no taxes to Arizona nor to Pima County. If a considerable tax loss would result from the passage of this measure, I would oppose it. I, too, feel that we must be very careful about taking land off the local tax rolls to bring it under governmental control. However, this bill does not do that.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that the bill go over without prejudice?

There was no objection.

INDIAN LANDS IN ARIZONA

The Clerk called the next bill, S. 2188, to amend section 3 of the act of June 18, 1934 (48 Stat. 984–988) relating to Indian lands in Arizona.

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

Mr. WOLCOTT. Mr. Speaker, for the same reason I ask that this bill may be passed over without prejudice.

Mr. ROGERS of Oklahoma. Reserving the right to object, Mr. Speaker, is the gentleman going to continue this procedure on all these Indian bills? As I said before, the Committee on Indian Affairs has several bills on the calendar. It will save a lot of time on Calendar Wednesday to dispose of some of the bills today. We may not be able to reach all these bills on Wednesday.

Mr. WOLCOTT. I am trying to save time today, and to provide an opportunity to take the bill up and discuss it if we want to discuss it.

Mr. ROGERS of Oklahoma. But the Committee on Indian Affairs has a right to be heard on Consent Calendar day the same as any other committee. Just because the Indian Affairs Committee happens to have the call on Wednesday is no reason why Indian bills on the Consent Calendar should not be considered today along with other bills.

Mr. WOLCOTT. I am not denying the committee any right to be heard today, but Calendar Wednesday is set aside for the purpose of discussing these bills.

Mr. ROGERS of Oklahoma. All the committees have their turn on Calendar Wednesdays.

Mr. WOLCOTT. The Indians Affairs Committee happens to have the call on Wednesday. Some of these bills are of a controversial nature. If when they are taken up the House does not care to discuss them they will be passed, so no time is lost if the bill is passed over without prejudice.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. O'CONNOR of New York. These bills are also on the Union Calendar. If we have to go into the Committee of the Whole House on the state of the Union as to every one of these bills we will not be able to dispose of many of them on Calendar Wednesday. If they were House bills it would be a little different.

Mr. WOLCOTT. The gentleman will bear in mind that last year we were dispensing with business in order on Calendar Wednesday week after week and, as a consequence, this Consent Calendar was cluttered up with bills of very great importance and we had to spend a great deal of time on controversial matters on Consent Calendar day. The purpose of Consent Calendar day, as I understand it, is to facilitate the passage of bills about which there is little or no dispute.

I may say to the gentleman that in all probability there will be some dispute concerning some of these bills, for there always is dispute concerning Indian bills; and inasmuch as the Indian Affairs Committee has the call on Wednesday I can see no particular harm in these bills going over.

Mr. MURDOCK of Arizona. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. MURDOCK of Arizona. Mr. Speaker, I think we should consider this bill. I see no objection whatever to its passage. It comes out of the Indian Affairs Committee with a favorable report. In fact, it is a departmental measure which I was only too glad to introduce. The bill rights a wrong and attempts to do justice to the Papago Indians. It has great merit on that ground.

Mr. WOLCOTT. Regardless of the merits of the bill, I think it should be considered, and I insist upon my request that it go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. ROGERS of Oklahoma. Mr. Speaker, I object.

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

Mr. WOLCOTT and Mr. RICH objected.

BRIDGE ACROSS WABASH RIVER, LOCKPORT, IND.

Mr. HILL of Oklahoma. Mr. Speaker, I ask unanimous consent to return to Calendar No. 278, H. R. 6636, a bill grant-

ing the consent of Congress to the county of Carroll, in the State of Indiana, to construct, maintain, and operate a free highway bridge across the Wabash River at or near Lockport, Ind.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the county of Carroll, in the State of Indiana, to construct, maintain, and operate a free highway bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near Lockport, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

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

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to to reconsider was laid on the table.

ADMISSION TO CITIZENSHIP OF CERTAIN ALIENS

The Clerk called the next bill, H. R. 6785, for the admission to citizenship of aliens who came into this country prior to February 5, 1917.

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

Mr. BARDEN. Mr. Speaker, inasmuch as there is no departmental report accompanying this bill I ask unanimous consent that it may go over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

TERM OF UNITED STATES DISTRICT COURT AT MALONE, N. Y.

The Clerk called the next bill, H. R. 5963, providing for the establishment of a term of the District Court of the United States for the Northern District of New York at Malone, N. Y.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That a term of the District Court of the United States for the Northern District of New York shall be held annually at Malone, N. Y., on the second Tuesday in July: *Provided*, That suitable rooms and accommodations for holding court at Malone, N. Y., are furnished without expense to the United States.

Mr. O'CONNOR of New York. Mr. Speaker, I move to strike out the last word, and I do so to ask a question of the distinguished minority leader. Will this bill, which the gentleman introduced, place any added cost on the Government?

Mr. SNELL. I am very pleased to announce to the distinguished gentleman from New York that it does not put any added cost on the Government; furthermore, it will save money for the Government.

Mr. O'CONNOR of New York. There will be no expense for courtroom or marshals?

Mr. SNELL. Not a single thing. We have plenty of them there now.

Mr. O'CONNOR of New York. That is fine.

Mr. MEAD. Will the gentleman yield?

Mr. O'CONNOR of New York. I yield to the gentleman from New York.

Mr. MEAD. May I say that the United States Federal attorney for that district is a very good Democrat.

Mr. SNELL. I thought so.

Mr. MEAD. And he recommended this legislation to me personally.

Mr. SNELL. Then it must be all right.

Mr. MEAD. And he urged me to cooperate with the distinguished gentleman; therefore I can see no objection to this bipartisan attempt to improve the situation.

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

The Clerk read the Committee amendment, as follows:

Page 1, after line 8, insert the following: "until, upon the recommendation of the Attorney General, such accommodations are furnished by 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.

UNITED STATES COURT OF COLUMBIA, TENN.

The Clerk called the next bill, H. R. 6358, to amend section 107, as amended, of the Judicial Code so as to eliminate the requirement that suitable accommodations for holding court at Columbia, Tenn., be provided by the local authorities.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the second proviso of section 107, as amended, of the Judicial Code (U. S. C., 1934 edition, title 28, sec. 188) is amended by striking out "that suitable accommodations for holding the courts at Winchester, Columbia, and Cookeville shall be provided by the local authorities without expense to the United States", and inserting in lieu thereof "that suitable accommodations for holding the courts at Winchester and Cookeville shall be provided by the local authorities without expense to the United States."

With the following committee amendments:

Page 1, line 5, after the word "out", strike out the remainder of line 5 and all of lines 6, 7, 8, and 9, and on page 2, strike out lines 1 and 2 and insert the following: "until, subject to the recommendation of the Attorney General of the United States with respect to providing such rooms and accommodations for holding court at Columbia, a public building shall have been erected or other Federal space provided for court purposes in said city."

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.

CONVEYANCE BY THE UNITED STATES TO THE STATE OF WISCONSIN OF A PORTION OF THE TWIN RIVER POINT LIGHTHOUSE RESERVATION

The Clerk called the next bill, H. R. 1961, to authorize the conveyance by the United States to the State of Wisconsin of a portion of the Twin River Point Lighthouse Reservation, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That subject to the conditions hereinafter specified, the Secretary of Commerce is authorized to convey to the State of Wisconsin for State park purposes all the right, title, and interest of the United States in and to that portion of the Twin River Point Lighthouse Reservation, Manitowoc County, Wis., which is not required to be retained for lighthouse purposes. The Secretary of Commerce shall describe by metes and bounds in the deed of conveyance the exact portion of such reservation transferred.

SEC. 2. Such conveyance shall contain the express condition that if the State of Wisconsin shall at any time cease to use the property as a State park for public recreation, or shall alienate or attempt to alienate such property, title thereto shall revert to the United States.

SEC. 3. The United States reserves the right to resume ownership, possession, and control for Government purposes, of any property conveyed under authority of this act, at any time and without the consent of the State of Wisconsin.

SEC. 4. The Secretary of Commerce is also authorized, in his discretion, to lease to the State of Wisconsin for a period of 25 years that portion of the Twin River Point Lighthouse Reservation not conveyed by him under authority of this act. Such lease shall be subject to revocation at any time by the Secretary of Commerce.

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.

COAST GUARD STATION AT OR NEAR MANISTIQUE, MICH.

The Clerk called the next bill, H. R. 3414, to provide for the establishment of a Coast Guard station at or near Manistique, Mich.

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

There was no objection.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 1374, to provide for the establishment of a Coast Guard station at or near Manistique, Mich., may be considered in lieu of the House bill.

The SPEAKER. 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 to establish a Coast Guard station at or in the vicinity of Manistique, Schoolcraft County, Mich., at such point as the Commandant of the Coast Guard may recommend.

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. 3414) was laid o nthe table.

COAST GUARD STATION AT MENOMINEE, MICH.

The Clerk called the next bill, H. R. 3416, to provide for the establishment of a Coast Guard station at Menominee, Mich.

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

There was no objection.

The SPEAKER. Without objection, a similar Senate bill, S. 119, to provide for the establishment of a Coast Guard station at or near Menominee, Mich., will be considered in lieu of the House bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to establish a Coast Guard station at or near Menominee, Mich., at such point as the Commandant of the Coast Guard may recommend.

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. 3416) was laid on the table.

THREE COAST GUARD STATIONS ON THE NORTH SHORE OF LAKE SUPERIOR

The Clerk called the next bill, H. R. 5040, to provide for the establishment of three Coast Guard stations on the north shore of Lake Superior.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to establish a Coast Guard station on the north shore of Lake Superior, at or near Hovland, Minn., at such point as the Commandant of the Coast Guard may recommend.

SEC. 2. The Secretary of the Treasury is authorized to establish a Coast Guard station on the north shore of Lake Superior, at or near Beaver Bay, Minn., at such point as the Commandant of the Coast Guard may recommend.

SEC. 3. The Secretary of the Treasury is authorized to establish a Coast Guard station on the north shore of Lake Superior, at or near Two Islands, Minn., at such point as the Commandant of the Coast Guard may recommend.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury is authorized to establish a Coast Guard station at or near Beaver Bay, Minn., at such point as the Commandant of the Coast Guard may recommend."

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 to read as follows: "A bill to provide for the establishment of a Coast Guard station at or near Beaver Bay, Minn."

COAST GUARD STATION AT ST. AUGUSTINE, FLA.

The Clerk called the next bill, H. R. 5140, to provide for the establishment of a Coast Guard station at St. Augustine, Fla.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized to establish a Coast Guard station at St. Augustine, Fla., at such point as the Commandant of the Coast Guard may recommend.

With the following committee amendment:

Page 1, line 4, after the word "at", insert the words "or near."

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 to read as follows: "A bill to provide for the establishment of a Coast Guard station at or near St. Augustine, Fla."

FISHERIES OF ALASKA

The Clerk called the next bill, H. R. 5860, making further provision for the fisheries of Alaska.

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

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I understand this bill prohibits the taking of salmon with a stake or set net by anyone for commercial purposes only and does not affect an individual who is fishing for his own family, regardless of whether he has lived in the area for 5 years or not?

Mr. BLAND. I am not sure about that question.

Mr. WOLCOTT. Perhaps I did not make myself clear. I have in mind if a person moves into this area and takes it up as his bona-fide residence, then he may take fish for his own use.

Mr. BLAND. I think that is probably true. The Delegate from Alaska [Mr. DIMOND] is particularly informed about this matter, but he is unable to be here today. I think if there is any question about this it would be better to pass it over without prejudice.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

NATURALIZATION OF ALIEN VETERANS

The Clerk called the next bill, H. R. 4291, to extend further time for naturalization to alien veterans of the World War under the act approved May 25, 1932 (47 Stat. 165), to extend the same privileges to certain veterans of countries allied with the United States during the World War, and for other purposes.

Mr. BARDEN. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill to explain it. There are several questions raised in the report that I would like to have answered. In view of the fact the gentleman is not present at the moment, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PAYMENT OF CERTAIN SIOUX INDIANS

The Clerk called the next bill, H. R. 7328, to authorize an appropriation to carry out the provisions of the act of May 3, 1928 (45 Stat. L. 484), and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That an appropriation is hereby authorized in the sum of $79,038 to pay various Sioux Indians of the Pine Ridge Reservation, S. Dak., the amounts which have been awarded to them by the Secretary of the Interior under the act of May 3, 1928 (45 Stat. L. 484), on account of allotments of land to which they were entitled but did not receive: *Provided*, That the Secretary of the Interior is authorized and directed to determine what attorney or attorneys have rendered services of value in behalf of said Indians and to pay such attorney or attorneys on such findings when appropriation is available the reasonable value of their services, not to exceed 10 percent of the recovery on each individual claim, which payment shall be in full settlement for all services rendered by the attorney or attorneys to the claimants in such claim.

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.

RECORDS OF THE HOUSE OF REPRESENTATIVES

The Clerk called House Resolution 222, as follows:

Resolved, That the Clerk of the House of Representatives is authorized and directed, upon the requisition of the Archivist of the United States, in accordance with sections 3 and 6 of the National Archives Act (48 Stat. 1122–1124), to transfer to his custody for storage and preservation in the National Archives Building any and all archives and records of the House of Representatives of the United States which the Clerk of the House may deem not necessary for use in the current business of the House of Representatives or which he may consider to be in such physical condition that they cannot be used without danger of damage to them, and for which, in his opinion, he is unable to provide adequate or safe storage.

Mr. KELLER and Mr. WOLCOTT rose.

Mr. KELLER. Mr. Speaker, I ask unanimous consent that the resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

FLOOD CONTROL

The Clerk called the joint resolution (H. J. Res. 175) to authorize the submission to Congress of a comprehensive national plan for the prevention and control of floods of all the major rivers of the United States, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, it appears to me the committee has taken a very desirable flood-control bill and changed its identity into that of a power bill. This bill provides by the committee amendment that "the Board of Engineers shall set forth the values of such projects for hydroelectric development and other conservation purposes."

I do not believe flood control should be tied up with hydroelectric development at the present time. We have an emergency concerning these flood conditions. The quicker we can get at the control of floods the better it will be for the country. I do not think the Board of Engineers of the War Department should be encumbered with hydroelectric development in the protection of the lives and property of our citizens in a flood-control program.

Furthermore, I call attention to the fact that hydroelectric power development should be given a great deal of consideration by the House, because every time we authorize a Passamaquoddy, a T. V. A., and a Coulee Dam we take that much business away from the coal miners. We have passed bills here—the Guffey coal bill, and so forth—for the purpose of protecting the coal miner. If we would give more thought to the protection of the coal-mining industry in this country and less thought to the development of hydroelectric power, which is putting the coal miners out of employment, we might not have as much labor trouble in the United States as we have today.

For this reason, Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

FEDERAL SURPLUS COMMODITIES CORPORATION

The Clerk called the next bill, S. 2439, to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice, and pending that request, I call the attention of the House to the fact the Federal Surplus Commodities Corporation is a Delaware corporation and is in the business of taking agricultural surpluses off the market, the same as the Commodity Credit Corporation. The opponents of the old Farm Board, which was accomplishing the same purpose with respect to wheat and corn, should give consideration to this set-up along with the Commodity Credit Corporation, and determine whether they want to continue this policy.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SALE OF CHICKASAW DORMITORY PROPERTIES

The Clerk called the next bill, H. R. 7409, providing for the sale of the two dormitory properties belonging to the Chickasaw Nation or Tribe of Indians, in the vicinity of the Murray State School of Agriculture at Tishomingo, Okla.

Mr. WOLCOTT. Mr. Speaker, to be consistent, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. ROGERS of Oklahoma. I object.

Mr. WOLCOTT. Then, Mr. Speaker, I object to the present consideration of the bill.

ARCHIVES OF THE TERRITORIES OF THE UNITED STATES

The Clerk called the next bill, S. 2242, to further amend an act entitled, "An act to authorize the collection and editing of official papers of the Territories of the United States now in The National Archives", approved March 3, 1925, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 168d of the act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in national archives", approved March 3, 1925, as amended by the act approved February 28, 1929 (U. S. C., Supp. 7, title V, sec. 168a), and by the act approved February 14, 1936 (49 Stat. 1139), be, and the same is hereby, amended by striking out the words "there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not more than the sum of $125,000, and under this authorization not more than $50,000 shall be appropriated for any one year" and inserting in lieu thereof the following "there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, not more than the sum of $250,000, and under this authorization not more than $25,000 shall be appropriated for any one year."

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.

ACCOMMODATIONS FOR HOLDING COURT AT SHAWNEE, OKLA.

The Clerk called the next bill, H. R. 4605, relating to the accommodations for holding court at Shawnee, Okla.

Mr. COSTELLO. Mr. Speaker, reserving the right to object, it is my understanding that the proposal here is to allow the Federal Government to build court facilities in Shawnee, Okla., when a Federal building is constructed there. However, I understand the amount of business requires that the court sit for only one week during the year and, therefore, I believe the expenditure that would be required is excessive and unnecessary and for this reason I shall object to the present consideration of the bill.

Mr. BOREN. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. COSTELLO. I reserve the right to object, Mr. Speaker.

Mr. BOREN. Shawnee, Okla., is the fourth largest town in the State of Oklahoma. It has been designated as a Federal court town for approximately 2 years now but has never yet had a session of Federal court there because there are not proper facilities available. The Joint Committee of the Post Office and Treasury Departments is preparing to construct adequate facilities for a post office in a year or two hence, and the necessity has been clearly shown. They advise me it is reasonable in constructing this building, if it can be so arranged, to provide court accommodations, and I do not want to quote them. But I do say that they must recognize two factors: First, they must erect the building, and, in the second place, court can never be held in Shawnee under present arrangements. I am only asking for the removal of a restriction.

Mr. COSTELLO. According to the committee report, it is shown that the proposed building would cost $250,000, but in order to hold court there it would be necessary to construct two additional stories on the proposed building. As a result, the cost of the building would be not in excess of $450,000. It appears to me this is an excessive amount, and, further, it is my understanding the Attorney General has reported that adequate facilities are available at the present

time for the holding of court. So it seems to me, if adequate facilities are available without expense to the Federal Government, certainly there cannot be any justification for incurring an expense of approximately $200,000 for the holding of court in the Federal building rather than in facilities provided by the city of Shawnee, and for this reason, Mr. Speaker, I shall insist upon the objection.

Mr. BOREN. If the gentleman will further withhold his objection, it is my understanding that the proposed building which is to cost $250,000, would be adequate to house the court, and for this reason I want to challenge the gentleman's figures.

Mr. COSTELLO. The figures I am quoting are taken from the committee's report on the bill, and, apparently, the figures are taken from a letter from the Director of Procurement under date of April 19, 1937, which appears on page 2 of the committee report. This is the basis on which I made my statement that the present proposal for constructing the Federal building there would only cost $250,000 and that an additional expense of $200,000 would be necessary if the additional stories were added to the building in order to provide courtroom facilities.

Mr. BOREN. If I may make one further statement in reply to the gentleman, I would remind the gentleman that the city of Shawnee is the fourth largest city in the State and it is many miles removed from any other sitting of the Federal court, and I call attention to the further point that the figures the gentleman has stated are not in accordance with my own conference with the Post Office and Treasury committee about the matter.

Mr. COSTELLO. Mr. Speaker, in view of the fact there appears to be some doubt about the accuracy of the figures set forth in the committee report, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

SARATOGA NATIONAL HISTORICAL PARK, N. Y.

The Clerk called the next bill, H. R. 4852, to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That when title to all the lands, structures, and other property in the military battlefield area and other areas of Colonial and Revolutionary War interest at and in the vicinity of Saratoga, N. Y., as shall be designated by the Secretary of the Interior, in the exercise of his discretion, as necessary or desirable for national historical park purposes, shall have been vested in the United States, such 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 Saratoga National Historical Park: *Provided*, That such areas shall include at least that part of the Saratoga Battlefield now belonging to the State of New York.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land, interests in land, and/or buildings, structures, and so forth, within the boundaries of said historical park as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof, the title and evidence of title to lands acquired to be satisfactory to the Secretary of the Interior: *Provided*, That he may acquire on behalf of the United States, out of any donated funds, by purchase when purchasable at prices deemed by him reasonable, otherwise by condemnation under the provisions of the act of August 1, 1888, such tracts of land within the said historical park as may be necessary for the completion thereof.

SEC. 3. That 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, entitled "An act to establish a National Park Service, and for other purposes", as amended.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

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.

OYSTER CULTURE IN ALASKA

The Clerk called the next bill, H. R. 1561, for the protection of oyster culture in Alaska.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act of Congress approved June 6, 1924, entitled "An act for the protection of the fisheries of Alaska, and for other purposes" (43 Stat. 464), as amended by the act of Congress approved June 18, 1926 (44 Stat. 752), is further amended by striking the period after the words "Alaskan Territorial waters", where they occur at the end of the second provisio, and inserting a colon in lieu thereof and after the colon the following: "*Provided further*, That the Secretary of Commerce, in his discretion, and upon such terms and conditions as he may deem fair and reasonable, is hereby authorized to lease bottoms in Alaskan Territorial waters for bona-fide oyster cultivation for commercial purposes."

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.

STONY POINT LIGHT STATION RESERVATION, ROCKLAND COUNTY, N. Y.

The Clerk called the next bill, H. R. 7401, to authorize the Secretary of Commerce to convey to the Commissioners of the Palisades Interstate Park, a body politic of the State of New York, certain portions of the Stony Point Light Station Reservation, Rockland County, N. Y., including certain appurtenant structures, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized to convey to the Commissioners of the Palisades Interstate Park, for use for public-park purposes, certain portions of the Stony Point Light Station Reservation, State of New York, including certain appurtenant structures, which are not required to be retained for lighthouse purposes. The Secretary of Commerce shall describe by metes and bounds in the deed of conveyance the exact portions of the reservation transferred. The deed of conveyance shall also contain a clause that should the property so transferred at any time cease to be used for park purposes or for some other wholly public use, title thereto shall revert to the United States.

SEC. 2. In exchange for the property to be transferred the Commissioners of the Palisades Interstate Park shall transfer title to the United States to the dwelling now erected on the portion of land retained by the United States for lighthouse purposes. The United States also reserves the rights-of-way over, underground, or across the area to be transferred for any use whatsoever in conducting the Lighthouse Service or other activities of the Government.

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.

MARINE HOSPITAL, FLORIDA

The Clerk called the bill (H. R. 4716) authorizing the construction and equipment of a marine hospital in the State of Florida.

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 to acquire by gift, purchase, condemnation, or otherwise, a suitable site in the State of Florida, to be selected by the Federal Board of Hospitalization, and to cause to be erected thereon a suitable building or buildings for a marine hospital, together with the necessary auxiliary structures, equipment, furniture, accessories, appurtenances, approaches, walkways, roads, parkways, ground improvements, wharfage, dockage, and trackage facilities, heating, ventilation, air conditioning, water, sewers and sanitary facilities, and the necessary preparation and improvements to the site.

SEC. 2. That the plans, specifications, and full estimates for said building shall be previously made and approved according to law, and the cost thereof, including the cost of the site and the improvement thereof, shall not exceed the sum of $1,500,000.

SEC. 3. There is hereby authorized to be appropriated the sum of $1,500,000 to carry out the provisions 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 laid on the table.

RED LAKE BAND OF CHIPPEWA INDIANS

The Clerk called the bill (H. R. 4540) authorizing the Red Lake Band of Chippewa Indians in the State of Minnesota to file suit in the Court of Claims, and for other purposes.

The SPEAKER. Is there objection?

Mr. COCHRAN. I object.

PER-CAPITA PAYMENT TO RED LAKE BAND OF CHIPPEWA INDIANS, MINNESOTA

The Clerk called the bill (H. R. 4539) authorizing a per-capita payment of $25 each to the members of the Red Lake Band of Chippewa Indians from the proceeds of the sale of timber and lumber on the Red Lake Reservation.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I object.

Mr. BUCKLER of Minnesota. Mr. Speaker, will the gentleman reserve his objection?

Mr. WOLCOTT. Yes.

Mr. BUCKLER of Minnesota. Mr. Speaker, I do not see why there should be any objection to this bill. It does not cost the Government one cent. The Red Lake Band of Indians in Minnesota has a large reservation and they have a great deal of timber. They have a sawmill, and operate it. This year $110,000 was set aside out of that sawmill fund to operate the mill, and the mill is running at the present time. After the $110,000 is deducted, $211,000 is left in the fund. After deducting the $25 per-capita payment, which would be about $45,000, there would still be $166,000 left in the fund. This money belongs to the Indians, and I can see no reason why this bill should not pass. Again I hope the gentleman does not object.

Mr. WOLCOTT. Mr. Speaker, I am doing this to preserve the tribal funds. The Acting Secretary of the Interior reports that the Indians have been taken care of pretty well. The sum of $75,000 has been allocated this year for the construction of roads and buildings on the reservation, and in addition he says that a very generous emergency conservation work program, amounting to about $130,000 this year, has been carried out on the Red Lake Reservation for the benefit of the Indians; also, that the logging and sawmill operations have provided opportunity for work for these Indians, and that a total of $110,000 has been allotted so far this year for these operations.

I think probably more important than that is his statement that money paid out in small amounts to the Indians is soon spent with nothing of any permanent nature to show for it. I dislike very much to let the bill go through because of the adverse report of the Acting Secretary of the Interior, and for the further reason that the Indian Affairs Committee has the call on Wednesday next; I am being consistent in objecting to the bill in order that it may be considered on Calendar Wednesday.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I object.

MEMORIAL TO WILL ROGERS

The Clerk called the bill (H. R. 6482) providing for cooperation with the State of Oklahoma in constructing a permanent memorial to Will Rogers.

The SPEAKER. Is there objection?

Mr. COSTELLO. Mr. Speaker, I reserve the right to object. The present bill before the House apparently would appropriate some $500,000 to cooperate with the State of Oklahoma in constructing a Will Rogers memorial. In reading over the legislation and in reading the committee report it appears that this memorial, instead of being a memorial to the late Will Rogers, would in fact be nothing more than an Indian museum, in which a large variety of Indian relics would be stored and collected for public exhibition. In spite of the fact that I join with every Member of the House in paying tribute to the memory of the late Will Rogers, I still do not believe that the use of his name should be made an excuse for taking from the Federal Treasury the sum of $500,000 to create a museum of Indian relics. If it were just a memorial to be devoted entirely to the memory of Will Rogers, I certainly would have no objection, but it seems this is merely an attempt to use the name of Will Rogers in creating a new museum for Indian relics in the State of Oklahoma.

Mr. KELLER. Mr. Speaker, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. KELLER. Mr. Speaker, the gentleman has arrived at an entire misconception, in my judgment, of the object of the bill, because it is a matter that had been studied very carefully and thoroughly before it was brought to the Library Committee. There the whole matter was presented very fully, so that the committee reports unanimously that the bill ought to become a law.

It is not an Indian museum at all, but there is a movement there for the retention of Indian relics because Mr. Rogers was part Indian, as we all know. He was very much interested in those things. On the other hand, the gentleman fails to call attention to the fact that the bill provides for public subscriptions to take up part or all of this $500,000, and it is my opinion, and the opinion of the committee, that the entire amount can be raised through public subscription, and the commission provided for is empowered to go at it in that way. It is the feeling of the committee as it is my own that the public is tremendously interested in a proper memorial, and the memorial provided here is a proper memorial, in the judgment of the committee.

Mr. COSTELLO. Mr. Speaker, in answer to the statement of the gentleman from Illinois that I have arrived at an entire misconception of the object of the bill, I will state that I have received my information in reading the report of which he is the author, on page 5, the following appears:

> The opportunity to further the collection of many of the relics of the story of the Indians as they are concentrated in this region, and to further the interest of the "newer" sections of the Nation in preserving what is still available of their traditions and relics, in such a way that they become public is one that the committee feels should not be lost.

Mr. KELLER. That is quite true, of course, but that is only a small part of the report.

Mr. COSTELLO. The balance of the report is a letter and some of the testimony that was presented to the committee. Apparently very little concerning the late Will Rogers will be incorporated in this museum, from what I gather after reading the committee report very thoroughly. For that reason I do not believe it is proper to simply play upon the name of Will Rogers in creating a number of memorials all over the country, not actually memorials to him. If they are going to build a memorial to Will Rogers I should be glad to see the Federal Government cooperate and join therein, but I do not think we should play upon that name as a means of creating a museum for some other purpose.

Mr. KELLER. The implication of the gentleman that there is any possible desire on the part of the committee or on the part of the people of Oklahoma to play upon the name of Will Rogers is entirely gratuitous and I am sure the gentleman does not believe that.

Mr. TOBEY. Mr. Speaker, will the gentleman yield for me to ask the gentleman from Illinois a question?

Mr. COSTELLO. I yield.

Mr. TOBEY. Is the amount of money $500,000?

Mr. KELLER. Yes.

Mr. TOBEY. Would the gentleman be favorable to an amendment to this bill limiting the raising of this money to public subscriptions rather than from the Treasury of the United States?

Mr. KELLER. That is provided for in the bill; that the commission shall have that power.

Mr. TOBEY. Solely?

Mr. KELLER. Not solely; no, sir.

Mr. TOBEY. Will the gentleman permit me to amend the bill to make it solely from that source?

Mr. KELLER. Since the author of the bill does not happen to be here, I should rather that would be put up to him.

Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

Mr. COSTELLO. Mr. Speaker, I should like to ask the gentleman from Illinois whether this matter has been submitted to the Bureau of the Budget or any other governmental department for their consideration?

Mr. KELLER. The author of the bill can state that. I do not know.

Mr. DISNEY. It has not.

Mr. COSTELLO. Mr. Speaker, in view of the fact that the departments have not given any opinion with regard to this legislation it may be well to agree to the request of the gentleman from Illinois that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that the bill be passed over without prejudice?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. WARREN. Mr. Speaker, this afternoon after the disposition of legislative matters, the gentleman from Pennsylvania [Mr. RICH] has been allotted 15 minutes in which to address the House. Following that address, the gentleman from Massachusetts [Mr. MCCORMACK] was allotted 15 minutes. I have just been advised that the gentleman from Massachusetts [Mr. MCCORMACK] is unable to be here, and I ask unanimous consent, with the consent of the gentleman from Massachusetts [Mr. MCCORMACK], that I be permitted to use his time following the gentleman from Pennsylvania [Mr. RICH].

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF REMARKS

Mr. POWERS. Mr. Speaker, I ask unanimous consent that I may extend my own remarks in the RECORD and include therein a speech made by General Craig, Chief of Staff of the United States Army, at the commencement exercises at West Point last week.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MCFARLANE. Mr. Speaker, reserving the right to object, what is the nature of the article?

Mr. POWERS. It was a commencement address at West Point made last week to the graduating class.

The SPEAKER. Is there objection?

There was no objection.

CONSENT CALENDAR

UNITED STATES BOARD OF AWARDS

The Clerk called the next bill, H. R. 171, to create a United States Board of Awards and to provide for the presentation of certain medals.

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

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

RIGHT OF APPEAL FROM SUSPENSION OF LICENSES

The Clerk called the next bill, H. R. 7017, to amend section 4450 of the Revised Statutes of the United States, as amended by the act of May 27, 1936 (49 Stat. 1380, 1383; U. S. C., 1934 edition, title 46, sec. 239).

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 4450 of the Revised Statutes of the United States, as amended by the act of May 27, 1936 (49 Stat. 1380, 1383; U. S. C., 1934 edition, title 46, sec. 239), is amended by inserting in the third sentence of paragraph (g) of said section the words "suspended or", after the word "is" and before the word "revoked", so that the said paragraph (g) of said section, when amended, shall read as follows:

"(g) In any investigation of acts of incompetency or misconduct or of any act in violation of the provisions of this title, or of any of the regulations issued thereunder, committed by any licensed officer or any holder of a certificate of service, the person whose conduct is under investigation shall be given reasonable notice of the time, place, and subject of such investigation and an opportunity to be heard in his own defense. The whole record of the testimony received by the board conducting such investigation and the findings and recommendations of such board shall be forwarded to the Director of the Bureau of Marine Inspection and Navigation, and if that officer shall find that such licensed officer or holder of certificate of service is incompetent or has been guilty of misbehavior, negligence, or unskillfulness, or has endangered life, or has willfully violated any of the provisions of this title or any of the regulations issued thereunder, he shall, in a written order reciting said findings, suspend or revoke the license or certificate of service of such officer or holder of such certificate. The person whose license or certificate of service is suspended or revoked may, within 30 days, appeal from the order of the said Director to the Secretary of Commerce. On such appeal the appellant shall be allowed to be represented by counsel. The Secretary of Commerce may alter or modify any finding of the board which conducted the investigation or of the Director of the Bureau of Marine Inspection and Navigation, but the decision of the Secretary of Commerce shall be based solely on the testimony received by the said board and shall recite the findings of fact on which it is based."

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.

LABOR DISORDERS

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes out of order.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts that he may address the House for 5 minutes at this time, out of order?

There was no objection.

Mr. TREADWAY. Mr. Speaker, for several years it has been a self-made rule with me to devote my attention almost exclusively, so far as the House itself is concerned, to subjects originating in the Ways and Means Committee, or having a direct bearing thereon. I have very seldom spoken on other subjects, and hesitate to do so at this time except from a very personal angle.

At the outset I want to be distinctly understood as being a friend of union labor. I believe that labor should be granted and should receive the same consideration and protection under rational law as is accorded to capital. In other words, they are coordinate. I never have taken the part of capital in unfair treatment toward labor, and, conversely, I believe that labor should respect and cooperate with capital for the best interests of both.

Strikes under certain conditions are justifiable; but I can see no reason why the most ardent believer in fair and honest labor organization can possibly justify such methods as have been pursued during the past few months in Michigan, Ohio, and Pennsylvania. I am particularly incensed against developments in Youngstown, Ohio. According to press accounts, my nearest relative, aside from my own immediate family, barely escaped being killed there on Saturday. In addition to this, the son of this same person was seriously injured in Muncie, Ind., a few weeks ago, nearly losing his leg as a result of being shot. Both these injuries occurred in connection with this labor warfare.

Let me first rehearse briefly the son's case. A young man by the name of Heaton Vorse, reputed to be a press representative, approached a building where a riot had been in progress. When leaving the car in which he had been riding he was hit by a bullet fired from within the tavern where the riot had taken place. He was there as a press representative, in a sense an innocent bystander, not a participant, and was the victim of reckless shooting by an armed mob.

This young man's mother, a well-known writer who has specialized on labor subjects, was in the streets of Youngstown on Saturday, near a picket line, when it is reported that a bullet grazed her forehead. This woman, Mary Heaton Vorse, is my own cousin and naturally such events as I have referred to arouse a feeling of resentment. The significant thing is that these persons were acting entirely within their rights as American citizens but nevertheless their lives were imperilled. Whatever may have been their reasons for being on the scene of such events is of no moment in this connection.

So let me pass to what seems to me to be the critical point in these occurrences. Thousands of persons have been out of work for weeks, blood has been shed, property has been destroyed, production has ceased, the law has been defied, and courts ignored. Not for shorter hours, not for higher wages, not for better conditions of labor, but solely on the orders of one man that these thousands of people must belong to one particular organization and that their employers must recogninze that one organization in all dealings with their employees. In labor language, this means the closed shop and the check-off, whereby all employees will belong to one organization and the employers must withhold their union dues from their wages and pay the same into the organization.

I do not hesitate to say that the effort to carry out this program is being aided and abetted by the administration. The President has given indirect support to the C. I. O. organization by stating that the officials of the corporations concerned should be willing to sign this kind of an agreement. It is said that the head of the C. I. O. has demanded this support in return for a $500,000 contribution to the Democratic campaign fund. The Post Office Department, according to testimony before the Senate committee on Saturday, instructed its employees not to deliver packages of food sent to nonstrikers remaining within the limits of the plant.

It is not necessary to remind this administration of what Grover Cleveland said about mail when he was President of the United States at the time of the celebrated Pullman strike. He said in effect that a postal card, if properly addressed, would be delivered by the Government if it required the Army of the United States to effect such delivery. Nor is it necessary to remind the administration of the statement made by a former Governor of Massachusetts, the late Calvin Coolidge, to the effect that there is no right to strike against the public safety anywhere, any time, any place.

The present attitude of the administration in these matters is a surface indication of its socialistic and communistic leanings, which remind us of Hitler, Mussolini, and Stalin. We are rapidly progressing toward the same ends and accomplishments as have occurred in certain foreign countries. The outstanding difference, however, is the foundation. This is supposed to be a country composed of 125,000,000 free people, whereas those countries have had generations of the rule of autocratic power.

My further indictment against the administration goes to the type of legislation being brought forward in the Halls of Congress, all tending toward the centralization of authority in Washington and the building up of one-man power in America. We are further told that there must be a reorganization of Government functions to remove all independence of action on the part of officials and, under the guise of such reorganization, to place all authority in the hands of the Executive. We are told that a third of the population must divide its personal holdings with another third, leaning very definitely toward the type of government we abhor.

These strikes which are paralyzing industry are the surface indications of a pronounced outbreak. With the aid of the administration and with the forcefulness of the C. I. O. leader, there are two possibilities of relief, namely, dissension in the ranks of labor itself or an uprising of public opinion which will change the attitude of the administration. The time has come when those of us not chained to the chariot of a temporary majority through fear of loss of patronage and the insidious ways of the administration must come out into the open and see if we cannot induce the sensible people of the country, particularly those employed for wages, to throw off this yoke and restore normalcy to the country. In taking this position I am absolutely confident that I represent the views not only of an overwhelming majority of the people of my section of the country, particularly those who have honored me with their support for these many years, but of all right-thinking people everywhere. I shall consider it a privilege to aid in the effort to restore to these people sane and sensible conditions of government and its control. [Applause.]

The SPEAKER. The time of the gentleman from Massachusetts has expired.

CONSENT CALENDAR

PROTECTION OF THE NORTHERN PACIFIC HALIBUT FISHERY

The Clerk called the next bill, H. R. 6149, for the protection of the northern Pacific halibut fishery.

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

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the bill S. 1984 may be considered in lieu of this House bill. The Senate bill carries certain slight changes.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, may I ask the gentleman if the Senate bill is identical with the House bill?

Mr. BLAND. It is practically identical. I have had it looked over. There are, for instance, such changes as this: On page 8, line 17, of the Senate bill the word "hereof" is used instead of the words "of this act." In another place the words "this act" are used instead of the phrase "such provisions of law", and there is a slight change of subsection (c) of section 6. The changes are not substantial at all.

Mr. McFARLANE. Mr. Speaker, reserving the right to object, will the gentleman kindly explain this bill?

Mr. BLAND. The general purpose of this bill is to carry out the halibut convention, which deals with the catch of halibut. It is an international convention that was made many years ago. Recently some changes have been made in the convention. These changes have been ratified by the Senate and by Canada. The result is that unless this bill is passed, under the terms of that old law there may be some question about the enforcement of the old law. In order to provide proper enforcement it is necessary to pass this bill. It was so reported by the State Department and by the Bureau of Fisheries.

The SPEAKER. Is there objection to the consideration of the Senate bill?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That this act may be cited as the "Northern Pacific Halibut Act of 1937."

SEC. 2. When used in this act—

(a) Convention: The word "Convention" means the convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Ottawa on the 29th day of January 1937, and shall include the regulations of the International Fisheries Commission promulgated thereunder.

(b) Commission: The word "Commission" means the International Fisheries Commission provided for by article III of the Convention.

(c) Person: The word "person" includes partnerships, associations, and corporations.

(d) Territorial waters of the United States: The term "Territorial waters of the United States" means the territorial waters contiguous to the western coast of the United States and the territorial waters contiguous to the southern and western coasts of Alaska.

(e) Territorial waters of Canada: The term "territorial waters of Canada" means the territorial waters contiguous to the western coast of Canada.

(f) Convention waters: The term "Convention waters" means the territorial waters of the United States, the territorial waters of Canada, and the high seas of the Northern Pacific Ocean and the Bering Sea, extending westerly from the limits of the territorial waters of the United States and of Canada.

(g) Halibut: The word "halibut" means the species of Hippoglossus inhabiting Convention waters.

(h) Vessel: The word "vessel" includes every description of water craft or other contrivance used, or capable of being used, as a means of transportation in water.

SEC. 3. It shall be unlawful for—

(a) any person other than a national or inhabitant of the United States to catch or attempt to catch any halibut in the territorial waters of the United States;

(b) any person to transfer to or to receive upon any vessel of the United States, or to bring to any place within the jurisdiction of the United States any halibut caught in Convention waters by the use of any vessel of a nation not a party to the Convention, or caught in Convention waters by any national or inhabitant of the United States or Canada in violation of the Convention or of this act;

(c) any national or inhabitant of the United States to catch, attempt to catch, or to possess any halibut in the territorial waters of the United States or in Convention waters in violation of any provisions of the Convention or of this act;

(d) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel, other than a vessel of the United States or Canada, in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in Convention waters or the territorial waters of the United States or Canada;

(e) any person within the territory or jurisdiction of the United States to furnish, prepare, outfit, or provision any vessel of the United States or Canada in connection with any voyage during which such vessel is intended to be, is being, or has been employed in catching, attempting to catch, or possessing any halibut in violation of any provision of the Convention or of this act;

(f) any person within the territory or jurisdiction of the United States or any national or inhabitant of the United States within Convention waters knowingly to have or have had in his possession any halibut taken, transferred, received, or brought in in violation of any provision of the Convention or of this act;

(g) any person to depart from any place within the jurisdiction of the United States in any vessel which departs from such place in violation of the Convention or of this act;

(h) any person in the territorial waters of the United States or any national or inhabitant of the United States in convention waters to catch or attempt to catch any halibut, or to possess any halibut caught incidentally to fishing for other species of fish by the use of or in any vessel required by the Convention to have on board any license or permit unless such vessel shall have on board a license or permit which shall comply with all applicable requirements of the Convention, and which shall be available for inspection at any time by any officer authorized to enforce the Convention or by any representative of the Commission;

(i) any person to take, retain, land, or possess any halibut caught incidentally to fishing for other species of fish, in violation of any provision of the Convention or of this act.

SEC. 4. It shall be unlawful for the master or owner or person in charge of any vessel or any other person required by the Convention to make, keep, or furnish any record or report, to fail to do so, or to refuse to permit any officer authorized to enforce the Convention or any representative of the Commission to examine and inspect any such record or report at any time.

SEC. 5. (a) The provisions of the Convention and of this act and any regulations issued under this act shall be enforced by the Coast Guard, the Customs Service, and the Bureau of Fisheries. For such purposes any officer of the Coast Guard, Customs, or Fisheries may at any time go on board of any vessel in territorial waters of the United States, or any vessel of the United States or Canada in Convention waters, except in the territorial waters of Canada, to address inquiries to those on board and to examine, inspect, and search the vessel and every part thereof and any person, trunk, package, or cargo on board, and to this end may hail and stop such vessel, and use all necessary force to compel compliance.

(b) Whenever it appears to any such officer that any person, other than a national or inhabitant of Canada, on any vessel of the United States is violating or has violated any provision of the Convention or of this act, he shall arrest such person and seize any such vessel employed in such violation. If any such person on any such vessel of the United States is a national or inhabitant of Canada, such person shall be detained and shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention or at such other port or place as such officers of the United States and of Canada may agree upon.

(c) Whenever it appears to any such officer of the United States that any person, other than a national or inhabitant of the United States, on any vessel of Canada in Convention waters, except in the territorial waters of Canada, is violating or has violated any provision of the Convention, such person, and any such vessel employed in such violation, shall be detained and such person and such vessel shall be delivered as soon as practicable to an authorized officer of Canada at the Canadian port or place nearest to the place of detention, or at such other port or place as such officers of the United States and of Canada may agree upon. If any such person on any such vessel of Canada is a national or inhabitant of the United States, such person shall be arrested as provided for in subsection (b) of this section.

(d) Officers or employees of the Coast Guard, Customs, and Fisheries may be directed to attend as witnesses and to produce such available records and files or certified copies thereof as may be produced compatibly with the public interest and as may be considered essential to the prosecution in Canada of any violation of the provisions of the Convention or any Canadian law for the enforcement thereof when requested by the appropriate Canadian authorities in the manner prescribed in article V of the convention to suppress smuggling concluded between the United States and Canada on June 6, 1924 (44 Stat. (pt. 3), 2097).

SEC. 6. (a) Any person violating any provision of section 3 of this act upon conviction shall be fined not more than $1,000 nor less than $100 or be imprisoned for not more than 1 year, or both.

(b) The cargo of halibut of every vessel employed in any manner in connection with the violation of any provision of section 3 of this act shall be forfeited; upon a second violation of the provisions of section 3 of this act, every such vessel, including its tackle, apparel, furniture, and stores may be forfeited and the cargo of halibut of every such vessel shall be forfeited; and, upon a third or subsequent violation of the provisions of section 3 of this act, every such vessel, including its tackle, apparel, furniture, cargo, and stores shall be forfeited.

(c) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a vessel for violation of the customs laws, the disposition of such vessel or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this act: *Provided*, That except as provided in section 5 hereof all rights, powers, and duties conferred or imposed by this act upon any officer or employee of the Treasury Department shall, for the purposes of this act, be exercised or performed by the Secretary of Commerce or by such persons as he may designate.

SEC. 7. Any person violating section 4 of this act shall be subject to a penalty of $50 for each such violation. The Secretary of Commerce is authorized and empowered to mitigate or remit any such penalty in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws.

SEC. 8. None of the prohibitions contained in this act shall apply to the Commission or its agents when engaged in any scientific investigation.

SEC. 9. The Secretary of the Treasury and the Secretary of Commerce are authorized to make such joint rules and regulations as may be necessary to carry out the provisions of this act.

SEC. 10. This act shall take effect on the date of exchange of ratifications of the Convention signed by the United States of America and Canada on January 29, 1937, for the preservation of the halibut fishery of the northern Pacific Ocean and Bering Sea, unless such date shall be prior to the date of approval of this act, in which case it shall take effect immediately.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider and a similar House bill (H. R. 6149) were laid on the table.

INSTRUCTIONS TO JURIES IN FEDERAL COURTS

The Clerk called the next bill, H. R. 4721, relative to pleading and practice in civil and criminal causes in the district courts of continental United States.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That upon the trial of any case, civil or criminal, before a jury, in any district court of continental United States, or in any other Federal court of the continental United States, authorized to try cases with the aid of a jury, the practice and procedure in such courts, including the granting of instructions to the jury, shall be the same as is followed in the State courts of the State in which such trial may be had.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That upon the trial of any case, civil or criminal, before a jury, in any district court of continental United States, or in any other Federal court of the continental United States, authorized to try cases with the aid of a jury, the form, manner, and time of giving and granting instructions to the jury shall be governed by the law and practice in the State courts of the State in which such trial may be had, and the judge shall make no comment upon the weight, sufficiency, or credibility of the evidence or any part thereof, or upon the character, appearance, demeanor, or credibil-

ity of any witness or party, unless such comment is authorized in trials of such cases by the law and practice in the State courts of the State where such trial is had."

Mr. WOLCOTT. Mr. Speaker, I rise in opposition to the committee amendment for the purpose of asking the author of the bill if consideration has been given to the wording on page 2, line 9. As I understand the purpose of the bill, it is to make the rules concerning the charging of juries in district courts the same as the rules in the State courts.

Mr. RAMSAY. That is right.

Mr. WOLCOTT. Would it not be better language and more understandable if the words "unless such", on page 2, line 9, were stricken out and the words "except as" substituted?

Mr. RAMSAY. The gentleman's suggestion is agreeable to me.

Mr. WOLCOTT. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLCOTT to the committee amendment: Page 2, line 9, strike out the words "unless such" and insert in lieu thereof "except as."

The amendment to the committee amendment was agreed to.

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 of the bill was amended to read: "A bill relative to granting and giving instructions in civil and criminal cases in the district courts of continental United States."

ONE HUNDRED AND FIFTIETH ANNIVERSARY OF INAUGURATION OF GEORGE WASHINGTON AS FIRST PRESIDENT OF THE UNITED STATES

The Clerk called House Joint Resolution 366, providing for the preparation and completion of plans for a comprehensive observance of the one hundred and fiftieth anniversary of the inauguration of George Washington as first President of the United States and authorizing the President to invite foreign countries to participate therein.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the joint resolution may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BLOOM. Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. WOLCOTT. Mr. Speaker, I object.

COMMEMORATIVE 50-CENT PIECES OF OPENING OF GOLDEN GATE BRIDGE

The Clerk called the next bill, H. R. 4087, to reduce by 100,000 the number of 50-cent pieces authorized to be coined in celebration of the opening of the San Francisco-Oakland Bay Bridge, and to authorize the coinage of not to exceed 100,000 50-cent pieces in celebration of the opening of the Golden Gate Bridge.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to authorize the coinage of 50-cent pieces in celebration of the opening of the San Francisco-Oakland Bay Bridge", approved June 26, 1936, is amended by striking out the words "two hundred thousand silver 50-cent pieces" and inserting in lieu thereof the words "one hundred thousand silver 50-cent pieces."

SEC. 2. In celebration of the opening of the Golden Gate Bridge, San Francisco, Calif., there shall be coined at a mint of the United States, to be designated by the Director of the Mint, not to exceed 100,000 silver 50-cent pieces of standard size, weight, and composition, and of a special appropriate single design to be fixed by the Director of the Mint, with the approval of the Secretary of the Treasury, but the United States shall not be subject to the expense of making the necessary dies and other preparations for this coinage.

SEC. 3. The coins herein authorized shall bear the date 1937, irrespective of the year in which they are minted or issued, shall be legal tender in any payment to the amount of their face value, and shall be issued only upon the request of the Bank of America, upon payment by it of the par value of such coins, but not less than 25,000 such coins shall be issued to it at any one time, and no such coins shall be issued after the expiration of 1 year after the date of enactment of this act. Such coins may be disposed of at par or at a premium by such bank, and the net proceeds shall be used by it in defraying the expenses incidental and appropriate to the celebration of such event.

SEC. 4. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of coins, for the prevention of debasement or counterfeiting, for the security of the coins, or for any other purposes, whether such laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized.

With the following committee amendments:

Page 2, line 2, strike out the word "a" and insert in lieu thereof the word "one."

Page 2, line 3, after the word "mint", insert the word "only."

Page 2, line 20, after the word "bank", insert a comma and the words "subject to the approval of the Director of the Mint."

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.

ADMISSION TO THE UNITED STATES AND EXTENSION OF NATURALIZATION PRIVILEGES TO ALIEN VETERANS OF THE WORLD WAR

The Clerk called the next bill, H. R. 6176, to admit to the United States and to extend naturalization privileges to alien veterans of the World War.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (a) as used in this act, the term "alien veterans" means an individual, a member of the military or naval forces of the United States at any time after April 5, 1917, and before November 12, 1918, who is now an alien not ineligible to citizenship but does not include (1) any individual at any time during such period or thereafter separated from such forces under other than honorable conditions, (2) any conscientious objector who performed no military duty whatever or refused to wear the uniform, or (3) any alien at any time during such period or thereafter discharged from the military or naval forces on account of his alienage.

(b) Terms defined in the Immigration Act of 1924 shall, when used in this act, have the meaning assigned to such terms in that act.

SEC. 2. An alien veteran shall for the purposes of the Immigration Act of 1924 be considered as a nonquota immigrant, but shall be subject to all the other provisions of that act and of the immigration laws, except that—

(a) He shall not be subject to the head tax imposed by section 2 of the Immigration Act of 1917;

(b) He shall not be required to pay any fee under section 2 or section 7 of the Immigration Act of 1924;

(c) If otherwise admissible, he shall not be excluded under section 3 of the Immigration Act of 1917, unless excluded under the provisions of that section relating to—

(1) Persons afflicted with a loathsome or dangerous contagious disease, except tuberculosis in any form;

(2) Polygamy;

(3) Prostitutes, procurers, or other like immoral persons;

(4) Contract laborers;

(5) Persons previously deported; and

(6) Persons convicted of crime.

SEC. 3. The unmarried child under 18 years of age, the wife, or the husband, of an alien veteran shall, for the purposes of the Immigration Act of 1924, be considered as a nonquota immigrant when accompanying or following within 6 months to join him, but shall be subject to all the other provisions of that act and of the immigration laws.

SEC. 4. The foregoing provisions of this act shall not apply to any alien unless the immigration visa is issued to him before the expiration of 1 year after the enactment of this act.

SEC. 5. An alien veteran admitted to the United States under this act shall not be subject to deportation on the ground that he has become a public charge.

SEC. 6. Nothing in the immigration laws shall be construed as subjecting any person to a fine for bringing to a port of the United States an alien veteran who is admissible under the terms if this act, even though such alien would be subject to exclusion if this act had not been enacted.

With the following committee amendments:

Page 3, line 1, strike out "18" and insert "21."
Page 3, line 10, strike out "1 year" and insert "2 years."

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 to read as follows: "A bill to admit to the United States certain alien veterans of the World War."

NATURALIZATION OF CERTAIN ALIEN SPOUSES OF CITIZENS OF THE UNITED STATES

The Clerk called the next bill, H. R. 6607, to provide for the naturalization of certain alien spouses of citizens of the United States, and to validate the naturalization of certain persons.

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

Mr. BARDEN. Mr. Speaker, reserving the right to object, may I ask the gentleman who introduced this bill, the gentleman from Alabama [Mr. SPARKMAN], to explain the bill?

Mr. SPARKMAN. Mr. Speaker, I may say that in 1934 an act was passed amending the so-called Cable Act, and an interpretation was given to the amendment uniform in all courts except two of our circuit courts and the District Court of the District of Columbia. The latter court differs with the others and this act is simply to clarify the law in order to make uniform the application of the amendment. The purpose of the amendment is to remove discrimination as between husbands and wives.

Mr. BARDEN. I am wondering why the Department of Justice, the Department of State, or some other department, was not informed about this matter and asked for a report.

Mr. SPARKMAN. I may say that the bill was drawn at the suggestion of and with the help of the Labor Department, which Department submitted a memorandum. One of their members testified before the committee at the time and stated it was desirable to accomplish this purpose.

Mr. BARDEN. Mr. Speaker, there is no report available. However, I will withdraw my reservation of objection.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That any alien who, prior to 12 o'clock noon, eastern standard time, May 24, 1934, and after September 21, 1922, married a citizen of the United States, or any alien who was married prior to 12 o'clock noon, eastern standard time, May 24, 1934, to a spouse who was naturalized during such period and during the existence of the marital relation may, if eligible to naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required.

(b) In lieu of the 5-year period of residence within the United States, and the 6 months' period of residence in the county where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States, Hawaii, Alaska, or Puerto Rico for at least 1 year immediately preceding the filing of the petition.

SEC. 2. Any alien who, after 12 o'clock noon, eastern standard time, May 24, 1934, has married or shall hereafter marry a citizen of the United States, or any alien whose husband or wife was naturalized after such date and during the existence of the marital relation or shall hereafter be so naturalized may, if eligible to naturalization, be naturalized upon full and complete compliance with all requirements of the naturalization laws, with the following exceptions:

(a) No declaration of intention shall be required.

(b) In lieu of the 5-year period of residence within the United States, and the 6 months' period of residence in the county where the petitioner resided at the time of filing the petition, the petitioner shall have resided continuously in the United States, Hawaii, Alaska, or Puerto Rico for at least 3 years immediately preceding the filing of the petition.

SEC. 3. The naturalization of any women since 12 o'clock noon, eastern standard time, May 24, 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen or the naturalization of her husband and proof of 1 year's residence in the United States is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws.

SEC. 4. The naturalization of any male person after 12 o'clock noon, eastern standard time, May 24, 1934, by any naturalization court of competent jurisdiction, upon proof of marriage to a citizen of the United States after September 21, 1922, and prior to 12 o'clock noon, eastern standard time, May 24, 1934, or the naturalization during such period of his wife, and upon proof of 3 years' residence in the United States, is hereby validated only so far as relates to the period of residence required to be proved by such person under the naturalization laws and the omission by such person to make a declaration of intention.

SEC. 5. The act of September 22, 1922 (42 Stat. 1021), as amended, and the act of May 24, 1934 (48 Stat. 926), are amended from and after the effective date of this act to the extent provided in this act and not otherwise.

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.

SUSPENSION OF ANNUAL ASSESSMENT WORK ON MINING CLAIMS

The Clerk called the next bill, S. 187, providing for the suspension of annual assessment work on mining claims held by location in the United States.

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

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, this bill would suspend the annual assessment work on all mining claims in the United States during the year beginning at 12 o'clock, July 1, 1936, and ending at 12 o'clock, July 1, 1937, 9 days from the present time. I notice the reason why this bill has been reported out by the committee at this late time is to keep faith with those who have filed their claims but were not given notice that the policy of the Congress of suspending assessment work would be discontinued. The suspension has been approved each year since 1932.

I also notice that the committee has agreed that any further attempt to waive the annual assessment work will not be considered. I think we may consider therefore that notice is given to those holding claims upon which the assessments have been suspended that we stop right here the policy of continuing these suspensions.

Mr. O'CONNOR of Montana. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Montana.

Mr. O'CONNOR of Montana. I may say to the distinguished gentleman from Michigan I sincerely hope he will not insist upon his objection for the reason that many of the owners of small mining claims have relied upon the passage of this law. They have had no notice otherwise, and the result is they have not done their assessment work.

The policy of the suspension of the assessment work was necessary on account of the depression we have been going through. Many of the people who have had these mining claims are in the same condition now as they were then. If we do not pass this act now many of the peopie who own these claims would lose them and the claims would be jumped, so to speak, by other parties and it would work an injustice to the miners of our western country, particularly Montana.

Mr. MURDOCK of Arizona. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Arizona.

Mr. MURDOCK of Arizona. This bill is for the protection of the prospector who goes out in the hills with his burro or has gone out into the wilderness with that useful, stoical, little Asiatic beast as his sole companion, to search out the treasures of the mountains and make them available to the Nation. It is not a bill for the protection of the big mining companies. There is a provision which safeguards only a few claims for each hard-pressed individual. We have only 9 days in which to enact this legislation. While we do not expect to extend this again, I do feel we have a moral duty to offer this last-minute relief. For this reason I hope the gentleman will not insist on his objection.

Mr. ENGLEBRIGHT. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from California.

Mr. ENGLEBRIGHT. Permit me to say to the gentleman that there are a great many prospectors and miners of extremely limited financial means throughout the country

who, in order to support themselves and families, have had to work in other capacities or apply their resources for living purposes. Many are on relief. These men in many instances have been working their claims for years and have a large investment in time and money tied up in these claims, and now have neither resources nor time element to hold their titles. Claims in many portions of the West are in the mountain regions in the snow country, which will make it impossible at this late date to perform their assessment work. At this late date for Congress to refuse to grant them the relief afforded through this bill that they fully expected to be enacted into law would do them a great injustice. Many have a life savings in their mining claims and have worked for years in an endeavor to build up and contribute to the mining industry of this country. I sincerely hope the gentleman will not object to the passage of the bill.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. I should like to call attention to the exact wording here:

Notwithstanding the report of the Department, the committee recommends the passage of the bill, because prospectors were not put on notice that the practice of granting moratoriums from year to year would be discontinued. The committee agreed that any further attempt to waive the annual assessment work or payment will not be considered.

Mr. WOLCOTT. I understand if this bill is passed it may be considered by the prospectors that this is the last time we will extend this right?

Mr. CASE of South Dakota. Yes. It seems to me it is important that it be understood at this time so that they will be on notice during the coming year.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. I may say to the gentleman from Michigan [Mr. WOLCOTT] that as one who asked for the passage of this bill I have no quarrel with the ultimatum served by the Committee on Mines and Mining. I realize that the Government has exercised extraordinary forbearance in the matter of suspending this annual assessment work so many years in succession, and I shall not be among those who may be here in the future pressing such legislation. But the gentleman himself has stated the present urgent situation when he said that, after the expiration of 9 days, without the passage of this bill, all mining claims that are now suspending assessment work under the law will be forfeited. They should be given another year to get their houses in order, and I hope the gentleman will not press his objection.

Mr. McFARLANE. Mr. Speaker, I demand the regular order.

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

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of section 2324 of the Revised Statutes of the United States, which requires on each mining claim located, and until a patent has been issued therefor, not less than $100 worth of labor to be performed or improvements aggregating such amount to be made each year, be, and the same is hereby, suspended as to all mining claims in the United States during the year beginning at 12 o'clock meridian July 1, 1936, and ending at 12 o'clock meridian July 1, 1937: *Provided*, That the provisions of this act shall not apply in the case of any claimant not entitled to exemption from the payment of a Federal income tax for the taxable year 1936: *Provided further*, That every claimant of any such mining claim, in order to obtain the benefits of this act, shall file, or cause to be filed, in the office where the location notice or certificate is recorded, on or before 12 o'clock meridian July 1, 1937, a notice of his desire to hold said mining claim under this act, which notice shall state that the claimant, or claimants, were entitled to exemption from the payment of a Federal income tax for the taxable year 1936: *Provided further*, That such suspension of assessment work shall not apply to more than 6 lode-mining claims held by the same person, nor to more than 12 lode-mining claims held by the same partnership, association, or corporation: *And provided further*, That such suspension of assessment work shall not apply to more than 6 placer-mining claims not to exceed 120 acres (in all) held by the same person, nor to more than 12 placer-mining claims not to exceed 240 acres (in all) held by the same partnership, association, or corporation.

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.

FORMER EMPLOYEES OF THE FEDERAL SUBSISTENCE HOMESTEAD CORPORATIONS

The SPEAKER. The Clerk will call Calendar No. 264.

The Clerk called the bill (H. R. 3058) for the relief of former employees of the Federal Subsistence Homestead Corporations.

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

Mr. WOLCOTT. Mr. Speaker, I reserved the right to object and asked that this bill go to the foot of the call only for the purpose of getting some information on it. I stated at that time I should like to know what corporations were owned entirely by the Subsistence Homesteads Corporations, and how much money there was involved in the differences between the salaries of the employees of these corporations then and at the present time.

Mr. COLMER. Is this H. R. 4740?

Mr. WOLCOTT. No. This is H. R. 3058, which provides that where persons have been employed by any corporation, all of the stock of which was owned by the Federal Subsistence Homesteads Corporations of Delaware, and have been transferred to a position in the Department of the Interior, they shall be reimbursed for the difference between their salaries with the corporation from which they came and the salaries paid in a like class in the department where they are now working. What I particularly wanted to know was, What are the names of these corporations the entire stock of which was owned by the Subsistence Homesteads Corporations?

Mr. COLMER. Mr. Speaker, I regret that I cannot give the gentleman that specific information. There were a number of these corporations organized for the purpose of carrying out the Subsistence Homesteads program. Among them was one at Richmond, in my own State.

Mr. WOLCOTT. I may say to the gentleman I think that information should be in the RECORD in order that we may have the information and have some idea as to how much is involved.

Mr. COLMER. As to how many corporations there were?

Mr. WOLCOTT. As to the names of the corporations, the entire stock of which was owned by the Subsistence Homesteads Corporations, from which these employees were transferred to the Subsistence Homesteads Corporations, or any other department.

Mr. COLMER. As I have stated, I cannot give the gentleman that information.

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

Mr. WOLCOTT. In view of the fact we do not have the information before us, and until it is available, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. This concludes the call of the calendar with respect to the bills eligible for consideration today.

FEDERAL SURPLUS COMMODITIES CORPORATION

Mr. BARDEN. Mr. Speaker, I ask unanimous consent that we may return to Consent Calendar No. 300, the bill (S. 2439) to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation.

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object, and yield to the gentleman from North Carolina.

Mr. BARDEN. Mr. Speaker, the gentleman from Michigan asked that this bill be passed over when we were considering it a few minutes ago. I have since been informed that the present act will expire July 1, and that this Corporation at present is rendering a very valuable service in the potato belt, which includes my district in North Carolina, and is expected to move farther north. It has rendered very, very valuable service to the State of Florida in the citrus fruit section and to the dairy industry. In view of these facts, I thought the gentleman from Michigan would like to withdraw his objection to the bill.

Mr. WOLCOTT. I may say to the gentleman I consider this a very important bill. The Federal Surplus Commodities Corporation is a Delaware corporation, organized, as I understand it, primarily to carry out the intent of clause 2 of section 32 of the act approved August 24, 1924, which seeks to encourage domestic consumption of commodities or products by diverting them by the payment of benefits or indemnities or by other means from the normal channels of trade and commerce.

A very serious question is also involved in this bill, which may be subject to a point of order, of whether the funds appropriated by Congress to the Secretary of Agriculture may be diverted and transferred to a private corporation without a reappropriation of such funds. If this constitutes a reappropriation of the funds, it may be subject to a point of order, the Committee on Agriculture not being a committee which has the authority under our rules to appropriate money or recommend the appropriation of money.

There are so many points in this bill that I think it should be considered by the House at a time when we would have a chance to discuss it more fully than we have today. This is why I asked that the bill be passed over without prejudice.

Mr. BARDEN. At the time the gentleman made the request I was not informed of just the status of the Corporation. I may say that it is one organization which, I understand, spent only approximately 10 percent of the funds available to it out of the last appropriation and has rendered invaluable service to sections such as the citrus-fruit section of Florida, the dairy industry, and Irish-potato growers.

Mr. WOLCOTT. I do not doubt that it is true, because I understand the Corporation takes the surplus agricultural commodities and distributes them to the poor in the States, which is a very worthy undertaking.

Mr. BARDEN. We are just experiencing a bad potato situation now in North Carolina.

Mr. WOLCOTT. In that particular, also, I call the attention of the House to the fact that we on this side of the aisle have been belabored with criticism of the Farm Board since 1932. Your President's election was in part based on his opposition to the Farm Board.

Mr. BARDEN. I do not care to get into that argument at this time. We are talking about the Surplus Commodities Corporation.

Mr. WOLCOTT. The Commodity Credit Corporation is doing exactly the same work now that the Farm Board was set up to do in the Hoover administration.

Mr. BARDEN. I disagree with the gentleman on that. I think if the gentleman will investigate, he will find his statement is entirely unjustified.

Mr. WOLCOTT. Mr. Speaker, we should consider this bill more thoroughly in the House.

Mr. BOILEAU. Many people who are interested in the dairy problem confronting this country are of the opinion more benefit has been derived by the dairy industry of the gentleman's State and my State through the operations of this agency than all the other programs put together. I have personally received communications and requests from those who are interested in dairying to support this legislation. I hope the gentleman will not ultimately force the House to delay its consideration.

Mr. WOLCOTT. I may say to the gentleman I think this bill is one of the best sounding boards to show what this Administration is doing in my State and the gentleman's State of all that has come before us, and this is the reason we want time to talk about it. I doubt not that if the bill is considered on the floor and there is time for it, I will take the floor and say what I have already said, that I think in all probability this is a pretty good set-up. However, I am surprised nobody from the Committee on Appropriations, which has always been so jealous of its jurisdiction, has raised the point of order I suggested awhile ago. Merely for the purpose of protecting the integrity of one of our greatest committees I want to give further consideration to this bill, and determine if it is not one, perhaps, for the Committee on Appropriations to consider as well as the Committee on Agriculture.

Mr. BOILEAU. I may say to the gentleman that the committee had hearings, which, while not extensive, were sufficient, and at the request of several Republican members of the committee we had additional hearings, at which time I felt every member of the committee was satisfied the bill should be passed.

Mr. WOLCOTT. I have no doubt that all that the gentleman has said, and all that all the gentlemen here have said, is true, but I think we should be given an opportunity to express ourselves on the bill; and I may add that probably I would be one who would express himself as favorable to a continuation of the Federal Surplus Commodity Corporation, but I am not so sure I am in favor of transferring funds appropriated to the Department of Agriculture to a private corporation without some discussion on this floor by which the fact is generally known and recorded that that is what we are doing. I may say now that I think this Federal Surplus Commodities Corporation is doing a wonderfully fine work, but I think we should either make appropriations directly to it or know most definitely we are transferring these funds from the Department of Agriculture to this Corporation to do the same thing which we have been so often criticized for trying to do under the Farm Board. I do not hold any brief for the old Farm Board, but I do want to stop you gentlemen from criticizing the Republican administration for setting up the Farm Board and then trying to prevent us from criticizing your administration for setting up similar agencies to do the same thing.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina to return to the bill?

Mr. WOLCOTT. Mr. Speaker, I do not object to returning to the bill.

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

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. BOILEAU. I object, Mr. Speaker.

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

Mr. WOLCOTT. Mr. Speaker, I make a point of order against consideration of the bill——

The SPEAKER. The gentleman cannot make a point of order against the bill because it is not before the House.

Mr. WOLCOTT. Then I object to the present consideration of the bill, Mr. Speaker.

THE LATE HONORABLE FRANKLIN W. FORT

Mr. WOLVERTON. 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 Jersey?

There was no objection.

Mr. WOLVERTON. Mr. Speaker, it is with profound sorrow I announce to the membership of the House the death of our former colleague, Franklin W. Fort, who served in this House as a Representative from the State of New Jersey.

During his service he took an active part in the proceedings of the House. He rendered outstanding and distinguished service to the congressional district he represented and to the country at large. He always gave careful, studious, and serious consideration to every problem that came before the House for action. He never treated any matter lightly.

When he had made a decision he was zealous in upholding the principle involved. His ability and honesty of purpose were recognized by all and gained for him the respect and confidence of his colleagues.

Nor are we unmindful of all the splendid qualities of heart and mind he possessed, and the friendly disposition that made for him a host of enduring friends in this House, on both sides of the aisle who, today, mourn his passing away.

RAILROAD RETIREMENT ACT

Mr. CROSSER. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 7519) to amend an act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935, as amended.

The Clerk read the bill, as follows:

Be it enacted, etc.,

PART I

That the act of August 29, 1935, entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", be, and it is hereby, amended to read as follows:

"DEFINITIONS

"SECTION 1. For the purposes of this act—

"(a) The term 'employer' means any carrier (as defined in subsection (m) of this section), and any company which is directly or indirectly owned or controlled by one or more such carriers or under common control therewith, and which operates any equipment or facility or performs any service (except trucking service, casual service, and the casual operation of equipment or facilities) in connection with the transportation of passengers or property by railroad, or the receipt, delivery, elevation, transfer in transit, refrigeration or icing, storage, or handling of property transported by railroad, and any receiver, trustee, or other individual or body, judicial or otherwise, when in the possession of the property or operating all or any part of the business of any such employer: *Provided, however,* That the term 'employer' shall not include any street, interurban, or suburban electric railway, unless such railway is operating as a part of a general steam-railroad system of transportation, but shall not exclude any part of the general steam-railroad system of transportation now or hereafter operated by any other motive power. The Interstate Commerce Commission is hereby authorized and directed upon request of the Board, or upon complaint of any party interested, to determine after hearing whether any line operated by electric power falls within the terms of this proviso. The term 'employer' shall also include railroad associations, traffic associations, tariff bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as hereinbefore defined and engaged in the performance of services in connection with or incidental to railroad transportation; and railway labor organizations, national in scope, which have been or may be organized in accordance with the provisions of the Railway Labor Act, as amended, and their State and national legislative committees and their general committees and their insurance departments and their local lodges and divisions, established pursuant to the constitution and bylaws of such organizations.

"(b) The term 'employee' means (1) any individual in the service of one or more employers for compensation, (2) any individual who is in the employment relation to one or more employers, and (3) an employee representative. The term 'employee' shall include an employee of a local lodge or division defined as an employer in subsection (a) only if he was in the service of or in the employment relation to a carrier on or after the enactment date. The term 'employee representative' means any officer or official representative of a railway labor organization other than a labor organization included in the term 'employer' as defined in section 1 (a) who before or after the enactment date was in the service of an employer as defined in section 1 (a) and who is duly authorized and designated to represent employees in accordance with the Railway Labor Act, as amended, and any individual who is regularly assigned to or regularly employed by such officer or official representative in connection with the duties of his office.

"(c) An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer not conducting the principal part of its business in the United States only when he is rendering service to it in the United States.

"(d) An individual is in the employment relation to an employer if he is on furlough, subject to call for service within or outside the United States and ready and willing to serve, or on leave of absence, or absent on account of sickness or disability; all in accordance with the established rules and practices in effect on the employer: *Provided, however,* That an individual shall not be deemed to have been on the enactment date in the employment relation to an employer not conducting the principal part of its business in the United States unless during the last pay-roll period in which he rendered service to it prior to the enactment date, he rendered service to it in the United States.

"(e) The term 'United States', when used in a geographical sense, means the States, Alaska, Hawaii, and the District of Columbia.

"(f) The term 'years of service' shall mean the number of years an individual as an employee shall have rendered service to one or more employers for compensation or received remuneration for time lost, and shall be computed in accordance with the provisions of section 3 (b): *Provided, however,* That where service prior to the enactment date may be included in the computation of years of service as provided in subdivision (1) of section 3 (b), it may be included as to service rendered to a person which was on the enactment date an employer, irrespective of whether, at the time such service was rendered, such person was an employer; and it may also be included as to service rendered to any express company, sleeping-car company, or carrier by railroad which was a predecessor of a company which, on the enactment date, was a carrier as defined in subsection (m), irrespective of whether, at the time such service was rendered to such predecessor, it was an employer. Twelve calendar months, consecutive or otherwise, in each of which an employee has rendered such service or received such wages for time lost, shall constitute a year of service. An ultimate fraction of 6 months or more shall be taken as 1 year. An ultimate fraction of less than 6 months shall be taken at its actual value.

"(g) The term 'annuity' means a monthly sum which is payable on the 1st day of each calendar month for the accrual during the preceding calendar month.

"(h) The term 'compensation' means any form of money remuneration earned by an individual for services rendered as an employee to one or more employers, or as an employee representative, including remuneration paid for time lost as an employee, but remuneration paid for time lost shall be deemed earned in the month in which such time is lost. Such term does not include tips, or the voluntary payment by an employer, without deduction from the remuneration of the employee, of any tax now or hereafter imposed with respect to the compensation of such employee.

"(i) The term 'Board' means the Railroad Retirement Board.

"(j) The term 'enactment date' means the 29th day of August 1935.

"(k) The term 'company' includes corporations, associations, and joint-stock companies.

"(l) The term 'employee' includes an officer of an employer.

"(m) The term 'carrier' means an express company, sleeping-car company, or carrier by railroad, subject to part I of the Interstate Commerce Act.

"(n) The term 'person' means an individual, a partnership, an association, a joint-stock company, or a corporation.

"ANNUITIES

"SEC. 2. (a) The following-described individuals, if they shall have been employees on or after the enactment date, shall, subject to the conditions set forth in subsections (b), (c), and (d), be eligible for annuities after they shall have ceased to render compensated service to any person, whether or not an employer as defined in section 1 (a) (but with the right to engage in other employment to the extent not prohibited by subsection (d)):

"1. Individuals who on or after the enactment date shall be 65 years of age or over.

"2. Individuals who on or after the enactment date shall be 60 years of age or over and (a) either have completed 30 years of service or (b) have become totally and permanently disabled for regular employment for hire, but the annuity of such individuals shall be reduced one one-hundred-and-eightieth for each calendar month that they are under age 65 when the annuity begins to accrue.

"3. Individuals, without regard to age, who on or after the enactment date are totally and permanently disabled for regular employment for hire and shall have completed 30 years of service.

"Such satisfactory proof of the permanent total disability and of the continuance of such disability until age 65 shall be made from time to time as may be prescribed by the Board. If the individual fails to comply with the requirements prescribed by the Board as to proof of the disability or the continuance of the disability until age 65, his right to an annuity under subdivision 2 or subdivision 3 of this subsection by reason of such disability shall, except for good cause shown to the Board, cease, but without prejudice to his rights under subdivisions 1 or 2 (a) of this subsection. If, prior to attaining age 65, such an individual recovers and is no longer disabled for regular employment for hire, his annuity shall cease upon the last day of the month in which he so recovers and if after such recovery the individual is granted an annuity under subdivisions 1 or 2 (a) of this subsection, the amount of such annuity shall be reduced on an actuarial basis to be determined by the Board so as to compensate for the annuity previously received under this subdivision.

"(b) An annuity shall be paid only if the applicant shall have relinquished such rights as he may have to return to the service of an employer and of the person by whom he was last employed; but this requirement shall not apply to the individuals mentioned in subdivision 2 (b) and subdivision 3 of subsection (a) prior to attaining age 65.

"(c) An annuity shall begin to accrue as of a date to be specified in a written application (to be made in such manner and form as may be prescribed by the Board and to be signed by the individual entitled thereto), but—

"(1) not before the date following the last day of compensated service of the applicant, and

"(2) not more than 60 days before the filing of the application.

"(d) No annuity shall be paid with respect to any month in which an individual in receipt of an annuity hereunder shall render compensated service to an employer or to the last person by whom he was employed prior to the date on which the annuity began to accrue. Individuals receiving annuities shall report to the Board immediately all such compensated service.

"COMPUTATION OF ANNUITIES

"SEC. 3. (a) The annuity shall be computed by multiplying an individual's 'years of service' by the following percentages of his 'monthly compensation': 2 percent of the first $50; 1½ percent of the next $100; and 1 percent of the next $150.

"(b) The 'years of service' of an individual shall be determined as follows:

"(1) In the case of an individual who was an employee on the enactment date, the years of service shall include all his service subsequent to December 31, 1936, and if the total number of such years is less than 30, then the years of service shall also include his service prior to January 1, 1937, but not so as to make his total years of service exceed 30: *Provided, however,* That with respect to any such individual who rendered service to any employer after January 1, 1937, and who on the enactment date was not an employee of an employer conducting the principal part of its business in the United States no greater proportion of his service rendered prior to January 1, 1937, shall be included in his 'years of service' than the proportion which his total compensation (including compensation in any month in excess of $300) for service after January 1, 1937, rendered anywhere to an employer conducting the principal part of its business in the United States or rendered in the United States to any other employer bears to his total compensation (including compensation in any month in excess of $300) for service rendered anywhere to an employer after January 1, 1937.

"(2) In all other cases, the years of service shall include only the service subsequent to December 31, 1936.

"(3) Where the years of service include only part of the service prior to January 1, 1937, the part included shall be taken in reverse order beginning with the last calendar month of such service.

"(4) In no case shall the years of service include any service rendered after June 30, 1937, by an individual who is 65 years of age or over, except for the purpose of computing his monthly compensation as provided in subsection (c) of this section.

"(c) The 'monthly compensation' shall be the average compensation earned by an employee in calendar months included in his 'years of service', except (1) that with respect to service prior to January 1, 1937, the monthly compensation shall be the average compensation earned by an employee in calendar months included in his years of service in the years 1924–31, and (2) that where service in the period 1924–31 is, in the judgment of the Board, insufficient to constitute a fair and equitable basis for determining the monthly compensation for service prior to January 1, 1937, the Board shall determine the monthly compensation for such service in such manner as in its judgment shall be just and equitable. If the employee earned compensation after June 30, 1937, and after the last day of the month in which he attained age 65, such compensation shall be disregarded if the result of taking such compensation into account would be to diminish his annuity. In computing the monthly compensation, no part of any month's compensation in excess of $300 shall be recognized.

"(d) The annuity of an individual who shall have been an employee representative shall be determined in the same manner and with the same effect as if the employee organization by which he shall have been employed were an employer.

"(e) If the individual was an employee when he attained age 65 and has completed 20 years of service, the minimum annuity payable to him shall be $40 per month: *Provided, however,* That if the monthly compensation on which his annuity is based is less than $50, his annuity shall be 80 percent of such monthly compensation, except that if such 80 percent is less than $20, the annuity shall be $20 or the same amount as the monthly compensation, whichever is less. In no case shall the value of the annuity be less than the value of the additional old-age benefit he would receive under title II of the Social Security Act if his service as an employee after December 31, 1936, were included in the term 'employment' as defined therein.

"(f) Annuity payments due an individual but not yet paid at death shall be paid to a surviving spouse if such spouse is entitled to an annuity under an election made pursuant to the provisions of section 4; otherwise they shall be paid to the same individual or individuals who may be entitled to receive any death benefit that may be payable under the provisions of section 5.

"(g) No annuity shall accrue with respect to the calendar month in which an annuitant dies.

"(h) After an annuity has begun to accrue, it shall not be subject to recomputation on account of service rendered thereafter to an employer, except as provided in subdivision 3 of section 2 (a).

"(i) If an annuity is less than $2.50, it may, in the discretion of the Board, be paid quarterly or in a lump sum equal to its commuted value as determined by the Board.

"JOINT AND SURVIVOR ANNUITY

"SEC. 4. An individual whose annuity shall not have begun to accrue may elect prior to January 1, 1938, or at least 5 years before the date on which his annuity begins to accrue, or upon furnishing proof of health satisfactory to the Board, to have the value of his annuity apply to the payment of a reduced annuity to him during life and an annuity after his death to his spouse during life equal to, or 75 percent of, or 50 percent of such reduced annuity. The amounts of the two annuities shall be such that their combined actuarial value as determined by the Board shall be the same as the actuarial value of the single-life annuity to which the individual would otherwise be entitled. Such election shall be irrevocable, except that it shall become inoperative if the individual or the spouse dies before the annuity begins to accrue or if the individual's marriage is dissolved or if the individual shall be granted an annuity under subdivision 3 of section 2 (a): *Provided, however,* That the individual may, if his marriage is dissolved before the date his annuity begins to accrue, or if his annuity under subdivision 3 of section 2 (a) ceases because of failure to make the required proof of disability, make a new election under the conditions stated in the first sentence of this subsection. The annuity of a spouse under this subsection shall begin to accrue on the first day of the calendar month in which the death of the individual occurs.

"DEATH BENEFITS

"SEC. 5. The following benefits shall be paid with respect to the death of individuals who were employees after December 31, 1936:

"(a) If the deceased should not be survived by a widow or widower who is entitled to an annuity under an election made pursuant to the provisions of section 4, there shall be paid to such person or persons as the deceased may have designated by a writing filed with the Board prior to his death, or if there be no designation, to the legal representative of the deceased, the amount, if any, by which 4 percent of the aggregate compensation earned by the deceased after December 31, 1936, exceeds the sum of the total of the annuity payments actually made to the deceased plus the total of the annuity payments due the deceased but not yet paid at death. If the person or persons designated to receive the death benefit do not survive the deceased, the death benefit shall be paid to the legal representative of the deceased.

"(b) If the deceased should be survived by a widow or widower entitled to an annuity under an election made pursuant to the provisions of section 4, there shall, on the death of the widow or widower, be paid to such person or persons as the deceased may have designated by a writing filed with the Board prior to his death, or if there be no designation, to the legal representative of the deceased, the amount, if any, by which 4 percent of the aggregate compensation earned by the deceased after December 31, 1936, exceeds the sum of the total of the annuity payments actually made to the deceased plus the total of the annuity payments actually made to the widow or widower under an election made pursuant to the provisions of section 4 and under the provisions of section 3 (f), plus the total of the annuity payments due the widow or widower but not yet paid at death. If the person or persons designated to receive the death benefit do not survive the widow or widower, the death benefit shall be paid to the legal representative of the deceased.

"In computing the aggregate compensation for the purpose of this section, no part of any month's earnings in excess of $300 shall be recognized.

"PENSION TO INDIVIDUALS ON PENSION OR GRATUITY ROLLS OF EMPLOYERS

"SEC. 6. (a) Beginning July 1, 1937, each individual then on the pension or gratuity roll of an employer by reason of his employment who was on such roll on March 1, 1937, shall be paid on July 1, 1937, and on the 1st day of each calendar month thereafter during his life, a pension at the same rate as the pension or gratuity granted to him by the employer without diminution by reason of a general reduction or readjustment made subsequent to December 31, 1930, and applicable to pensioners of the employer: *Provided, however,* That no pension payable under this section shall exceed $120 monthly; *And provided further,* That no individual on the pension or gratuity roll of an employer not conducting the principal part of its business in the United States shall be paid a pension under this section unless, in the judgment of the Board, he was, on March 1, 1937, carried on the pension or gratuity roll as a United States pensioner.

"(b) No individual covered by this section who was on July 1, 1937, eligible for an annuity under this act or the Railroad Retirement Act of 1935, based in whole or in part on service rendered prior to January 1, 1937, shall receive a pension payment under this section subsequent to the payment due on October 1, 1937, or due on the 1st day of the month in which the application for an annuity of such individual has been awarded and certified by the Board, whichever of the two dates is earlier. The annuity claims of such individuals who receive pension payments under this section shall be adjudicated in the same manner and with the same effect as if no pension payments had been made: *Provided, however,* That no such individual shall be entitled to receive both a pension under this section and an annuity under this act or the Railroad Retirement Act of 1935, and in the event pension payments have been made to any such individual in any month in which such individual is entitled to an annuity under this act or the Railroad Retirement Act of 1935, the difference between the amounts paid as pensions and the amounts due as annuities

shall be adjusted in accordance with such rules and regulations as the Board may deem just and reasonable.

"(c) The pension paid under this section shall not be considered to be in substitution for that part of the pension or gratuity from the employer which is in excess of a pension or gratuity at the rate of $120 a month.

"SEC. 7. Nothing in this act or the Railroad Retirement Act of 1935 shall be taken as restricting or discouraging payment by employers to retired employees of pensions or gratuities in addition to the annuities or pensions paid to such employees under such acts, nor shall such acts be taken as terminating any trust heretofore created for the payment of such pensions or gratuities.

"CONCLUSIVENESS OF RETURNS OF COMPENSATION AND OF FAILURE TO MAKE RETURNS OF COMPENSATION

"SEC. 8. Employers shall file with the Board, in such manner and form and at such times as the Board by rules and regulations may prescribe, returns under oath of monthly compensation of employees, and, if the Board shall so require, shall furnish employees with statements of their monthly compensation as reported to the Board. Any such return shall be conclusive as to the amount of compensation earned by an employee during each month covered by the return, and the fact that no return was made of the compensation claimed to be earned by an employee during a particular calendar month shall be taken as conclusive that no compensation was earned by such employee during that month, unless the error in the amount of compensation returned in the one case, or the failure to make return of the compensation in the other case, is called to the attention of the Board within 4 years after the last date on which return of the compensation was required to be made.

"ERRONEOUS PAYMENTS

"SEC. 9. (a) If the Board finds that at any time more or less than the correct amount of any annuity or pension has theretofore been paid to any individual under this act or the Railroad Retirement Act of 1935, then, under regulations made by the Board, proper adjustments shall be made in connection with subsequent payments under such acts to the same individual.

"(b) There shall be no recovery of payments of annuities, death benefits, or pensions from any person who, in the judgment of the Board, is without fault and if, in the judgment of the Board, such recovery would be against equity and good conscience. No disbursing officer shall be held liable for any amount paid by him to any person where the recovery of such amount is waived under this section.

"RETIREMENT BOARD

"Personnel

"SEC. 10. (a) There is hereby established as an independent agency in the executive branch of the Government a Railroad Retirement Board, to be composed of three members appointed by the President, by and with the advice and consent of the Senate. Each member shall hold office for a term of 5 years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of the term and the terms of office of the members first taking office after the enactment date shall expire, as designated by the President, one at the end of 2 years, one at the end of 3 years, and one at the end of 4 years after the enactment date. One member shall be appointed from recommendations made by representatives of the employees and one member shall be appointed from recommendations made by representatives of carriers, in both cases as the President shall direct, so as to provide representation on the Board satisfactory to the largest number, respectively, of employees and carriers concerned. One member, who shall be the chairman of the Board, shall be appointed initially for a term of 2 years without recommendation by either carriers or employees and shall not be in the employment of or be pecuniarily or otherwise interested in any employer or organization of employees. Vacancies in the Board shall not impair the powers or affect the duties of the Board or of the remaining members of the Board, of whom a majority of those in office shall constitute a quorum for the transaction of business. Each of said members shall receive a salary of $10,000 per year, together with necessary traveling expenses and subsistence expenses, or per-diem allowance in lieu thereof, while away from the principal office of the Board on official duties.

"Duties

"(b) 1. The Board shall have and exercise all the duties and powers necessary to administer this act and the Railroad Retirement Act of 1935. The Board shall take such steps as may be necessary to enforce such acts and make awards and certify payments. Decisions by the Board upon issues of law and fact relating to pensions, annuities, or death benefits shall not be subject to review by any other administrative or accounting officer, agent, or employee of the United States.

"2. If the Board finds that an applicant is entitled to an annuity under the provisions of this act or the Railroad Retirement Act of 1935, then the Board shall make an award fixing the amount of the annuity and shall certify the payment thereof as hereinafter provided; otherwise the application shall be denied.

"3. The Board shall from time to time certify to the Secretary of the Treasury the name and address of each individual entitled to receive a payment, the amount of such payment, and the time at which it should be made, and the Secretary of the Treasury through the Division of Disbursements of the Treasury Department, and prior to audit by the General Accounting Office, shall make payment in accordance with the certification by the Board.

"4. The Board shall establish and promulgate rules and regulations to provide for the adjustment of all controversial matters arising in the administration of such acts, with power as a Board or through any member or designated subordinate thereof to require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations in any matter involving annuities or other payments, and shall maintain such offices, provide such equipment, furnishings, supplies, services, and facilities, and employ such individuals and provide for their compensation and expenses as may be necessary for the proper discharge of its functions. In the employment of such individuals under the civil-service laws and rules the Board shall give preference over all others to individuals who have had experience in railroad service, if, in the judgment of the Board, they possess the qualifications necessary for the proper discharge of the duties of the positions to which they are to be appointed. All rules, regulations, or decisions of the Board shall require the approval of at least two members, except as provided in subdivision 5 of this subsection, and they shall be entered upon the records of the Board, which shall be a public record. Notice of a decision of the Board, or of an employee thereof, shall be communicated to the applicant in writing within 30 days after such decision shall have been made. The Board shall gather, keep, compile, and publish in convenient form such records and data as may be necessary to assure proper administration of such acts. The Board shall have power to require all employers and employees and any officer, board, commission, or other agency of the United States to furnish such information and records as shall be necessary for the administration of such acts. The several district courts of the United States and the District Court of the United States for the District of Columbia shall have jurisdiction upon suit by the Board to compel obedience to any order of the Board issued pursuant to this section. The orders, writs, and processes of the District Court of the United States for the District of Columbia in such suits may run and be served anywhere in the United States. The Board shall make an annual report to the President of the United States to be submitted to Congress. Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"5. The Board is authorized to delegate to any of its employees the power to make decisions on applications for annuities or death benefits in accordance with rules and regulations prescribed by the Board: *Provided, however,* That any person aggrieved by a decision so made shall have the right to appeal to the Board.

"COURT JURISDICTION

"SEC. 11. An employee or other person aggrieved may apply to the district court of any district wherein the Board may have established an office or to the District Court of the United States for the District of Columbia to compel the Board (1) to set aside an action or decision of the Board claimed to be in violation of a legal right of the applicant or (2) to take action or to make a decision necessary for the enforcement of a legal right of the applicant. Such a court shall have jurisdiction to entertain such application and to grant appropriate relief. The decision of the Board with respect to an annuity, pension, or death benefit shall not be subject to review by any court unless suit is commenced within 1 year after the decision shall have been entered upon the records of the Board and communicated to the person claiming the annuity, pension, or death benefit. The jurisdiction herein specifically conferred upon the Federal courts shall not be held exclusive of any jurisdiction otherwise possessed by such courts to entertain actions at law or suits in equity in aid of the enforcement of rights or obligations arising under the provisions of this act or the Railroad Retirement Act of 1935.

"EXEMPTION

"SEC. 12. No annuity or pension payment shall be assignable or be subject to any tax or to garnishment, attachment, or other legal process under any circumstances whatsoever, nor shall the payment thereof be anticipated.

"PENALTIES

"SEC. 13. Any officer or agent of an employer, as the word 'employer' is hereinbefore defined, or any employee acting in his own behalf, or any individual whether or not of the character hereinbefore defined, who shall willfully fail or refuse to make any report or furnish any information required, in accordance with the provisions of section 10 (b) 4, by the Board in the administration of this act or the Railroad Retirement Act of 1935, or who shall knowingly make or cause to be made any false or fraudulent statement or report when a statement or report is required to be made for the purpose of such acts, or who shall knowingly make or aid in making any false or fraudulent statement or claim for the purpose of causing an award or payment under such acts, shall be punished by a fine of not more than $10,000 or by imprisonment not exceeding 1 year.

"SEPARABILITY

"SEC. 14. If any provision of this act or the Railroad Retirement Act of 1935, or the application thereof to any person or circumstance, should be held invalid, the remainder of such act, or the application of such provision to other persons or circumstances, shall not be affected thereby.

"RAILROAD RETIREMENT ACCOUNT

"SEC. 15. (a) There is hereby created an account in the Treasury of the United States to be known as the Railroad Retirement Account. There is hereby authorized to be appropriated to the account for each fiscal year, beginning with the fiscal year ending June 30, 1937, as an annual premium an amount sufficient, with a reasonable margin for contingencies, to provide for the payment of all annuities, pensions, and death benefits in accordance with the provisions of this act and the Railroad Retirement Act of 1935. Such amount shall be based on such tables of mortality as the Railroad Retirement Board shall from time to time adopt, and on an interest rate of 3 percent per annum compounded annually. The Railroad Retirement Board shall submit annually to the Bureau of the Budget an estimate of the appropriation to be made to the account.

"(b) At the request and direction of the Board, it shall be the duty of the Secretary of the Treasury to invest such portion of the amounts credited to the account as, in the judgment of the Board, is not immediately required for the payment of annuities, pensions, and death benefits in accordance with the provisions of this act and the Railroad Retirement Act of 1935 in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purpose such obligations may be acquired on original issue at par or by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the account. Such special obligations shall bear interest at the rate of 3 percent per annum. Obligations other than such special obligations may be acquired for the account only on such terms as to provide an investment yield of not less than 3 percent per annum. It shall be the duty of the Secretary of the Treasury to sell and dispose of obligations in the account if it shall be in the interest of the account so to do. Any obligations acquired by the account, except special obligations issued exclusively to the account, may be sold at the market price. Special obligations issued exclusively to the account shall, at the request of the Board, be redeemed at par plus accrued interest. All amounts credited to the account shall be available for the payment of all annuities, pensions, and death benefits in accordance with the provisions of this act and the Railroad Retirement Act of 1935.

"(c) The Board is hereby authorized and directed to select two actuaries, one from recommendations made by representatives of employees and the other from recommendations made by representatives of carriers. These actuaries, along with a third who shall be designated by the Secretary of the Treasury, shall be known as the Actuarial Advisory Committee with respect to the Railroad Retirement Account. The committee shall examine the actuarial reports and estimates made by the Railroad Retirement Board and shall have authority to recommend to the Board such changes in actuarial methods as they may deem necessary. The compensation of the members of the committee of actuaries, exclusive of the member designated by the Secretary, shall be fixed by the Board on a per-diem basis.

"(d) The Board shall include in its annual report a statement of the status and the operations of the Railroad Retirement Account. At intervals not longer than 3 years the Board shall make an estimate of the liabilities created by this act and the Railroad Retirement Act of 1935 and shall include such estimate in its annual report. Such report shall also contain an estimate of the reduction in liabilities under title II of the Social Security Act arising as a result of the maintenance of this act and the Railroad Retirement Act of 1935.

"APPROPRIATION FOR ADMINISTRATIVE EXPENSES

"SEC. 16. There is hereby authorized to be appropriated from time to time such sums as may be necessary to provide for the expenses of the Board in administering the provisions of this act and the Railroad Retirement Act of 1935.

"SOCIAL SECURITY ACT

"SEC. 17. The term 'employment', as defined in subsection (b) of section 210 of title II of the Social Security Act, shall not include service performed by an individual as an employee as defined in section 1 (b).

"FREE TRANSPORTATION

"SEC. 18. It shall not be unlawful for carriers by railroad subject to this act to furnish free transportation to individuals receiving annuities or pensions under this act or the Railroad Retirement Act of 1935 in the same manner as such transportation is furnished to employees in their service."

PART II

SECTION 201. The act entitled "An act to establish a retirement system for employees of carriers subject to the Interstate Commerce Act, and for other purposes", approved August 29, 1935, as in force prior to its amendment by part I of this act, may be cited as the "Railroad Retirement Act of 1935"; and such act, as amended by part I of this act, may be cited as the "Railroad Retirement Act of 1937."

SEC. 202. The claims of individuals (and the claims of spouses and next of kin of such individuals) who, prior to the date of the enactment of this act, relinquished all rights to return to the service of a carrier as defined in the Railroad Retirement Act of 1935 or ceased to be employee representatives as defined therein, and became eligible for annuities under such act, shall be adjudicated by the Board in the same manner and with the same effect as if this act had not been enacted: *Provided, however,* That with respect to any such claims no reduction shall be made in any annuity certified after the date of the enactment of this act because of continuance in service after age 65: *And provided further,* That service rendered prior to August 29, 1935, to a company which on that date was a carrier as defined in the Railroad Retirement Act of 1935, shall be included in the service period in connection with any annuity certified in whole or in part by the Board after the date of the enactment of this act, irrespective of whether at the time such service was rendered such company was a carrier as defined in the Railroad Retirement Act of 1935; and service rendered prior to August 29, 1935, to any express company, sleeping-car company, or carrier by railroad which was a predecessor of a company which on that date was a carrier as defined in the Railroad Retirement Act of 1935, shall also be included in the service period in connection with any annuity certified in whole or in part by the Board after the date of the enactment of this act, irrespective of whether at the time such service was rendered such predecessor was a carrier as defined in the Railroad Retirement Act of 1935: *And provided further,* That annuity payments due an individual under the Railroad Retirement Act of 1935 but not yet paid at death shall be paid to a surviving spouse if such spouse is entitled to an annuity under an election made pursuant to the provisions of section 5 of such act; otherwise they shall be paid to such person or persons as the deceased may have designated by a writing filed with the Board prior to his death, or if there be no designation, to the legal representative of the deceased.

SEC. 203. Any individual who, prior to the date of the enactment of this act, relinquished all rights to return to the service of a carrier as defined in the Railroad Retirement Act of 1935 or ceased to be an employee representative as defined in such act, and who is not eligible for an annuity under that act but who would have been eligible for an annuity under the Railroad Retirement Act of 1937 had such act been in force from and after August 29, 1935, shall have his right to an annuity adjudicated under the Railroad Retirement Act of 1937: *Provided, however,* That no such annuity shall begin prior to the date of the enactment of this act.

SEC. 204. The Railroad Retirement Act of 1935 shall continue in force and effect with respect to the rights of individuals granted annuities prior to the date of the enactment of this act.

SEC. 205. The enactment of this act shall have no effect on the status, tenure of office, or compensation of the present members, officers, and employees of the Railroad Retirement Board; except that individuals who have had experience in railroad service shall be retained in the employ of the Board, whether or not qualified under the civil-service laws and rules, if in the judgment of the Board they possess the qualifications necessary for the proper discharge of the duties of the positions which they are holding.

The SPEAKER. Is a second demanded?

Mr. MAPES. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. CROSSER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LEA], chairman of the Committee on Interstate and Foreign Commerce.

Mr. LEA. Mr. Speaker, in 1934 the gentleman from Ohio [Mr. CROSSER] introduced a Railroad Retirement Act which Congress passed and which was subsequently held unconstitutional in the Supreme Court by a vote of 5 to 4.

In 1935 Congress passed another retirement act which was contested in the courts, but, so far, has not been passed upon by the Supreme Court.

In December 1936 the President suggested that railway management and the men in railway industry negotiate with a view of agreeing upon a railway retirement act.

Representatives of the 21 standard railway employees' organizations representing substantially all railway employees on class I railroads participated in the negotiations. Railway management representing 98½ percent of the total mileage of class 1 railways of the United States participated in the negotiations. Class 1 railroads, as the membership of the House is aware, embrace every railroad whose annual income is over $1,000,000.

Members of the Federal Railroad Retirement Board participated with representatives of the management and men in these conferences. Finally an agreement was reached, the substance of which was embodied in a bill brought before the Interstate and Foreign Commerce Committee of the House. As a result of the hearings and further consid-

eration of that measure by our committee a number of changes were made which were approved of by these two groups and embodied in the bill now presented to the House.

This is the most far-reaching agreement ever entered into between capital and labor in this or any other country.

It is accomplished in noticeable contrast with the deplorable conflicts and strife now abroad in our country and sapping at its economic life.

This plan completely carried out would place one-half of its burden upon the employees and the other half upon the employers. The burden thus borne will include administrative expense of the Federal Government.

The legislation affects 1,150,000 employees in the service and is based on the pay roll of about $2,200,000,000.

I will not attempt to make a detailed analysis of the provisions of the bill but will roughly refer to some of its important features.

EMPLOYERS

Employers subject to the act are express companies, sleeping-car companies, rail carriers subject to the Interstate Commerce Act, companies controlled by one or more of the employers in the transportation business or in railway service, and certain railroad and labor organizations having slightly less than 4,000 employees, which are also treated as employers in the bill.

EMPLOYEES

The employee is one in the service, for compensation, of an employer under the act. The relationship is one where the employee is subject to the direction and continued authority of the employer.

An important feature of the bill is a provision making those in "employment relation" subject to benefits under the bill. That term includes, outside of those actually working in the service of the employer, those who are not actually working but who are temporarily absent because of reductions in business or on account of sickness or disability or under furlough. Such persons might be entitled to an annuity at 65 years of age; or after 60 years of age without 30 years of service in case of permanent and total disability, or after 30 years of service.

These provisions will cover the cases of about 8,000 who were disabled on the enactment date, August 29, 1935.

Employees on carrier pension rolls on March 1, 1937, will be transferred and receive annuities after July 1, 1937. The annuity granted to such employees under this act will not exceed $120 per month. The remainder, if any, annuity in excess of that amount which they are now receiving will be paid by the carrier.

These pensioners are also to have restored any general reduction made in their pensions by the carriers since December 31, 1930.

ANNUITIES

Annuities are based on an employment relation on the enactment date, August 29, 1935; on an age of 65 years or over and on a voluntary surrender of the employment on which the annuity is based; also on a 60-year basis as above indicated.

This bill provides for no compulsory retirement. The existing law reduces annuity benefits by one-fifteenth for each year after the employee remains for service after 65 years of age. That restriction is removed from this bill. It was originally intended for the purpose of inducing men to leave employment after 65 years of age.

Annuities are computed on a basis of monthly compensation and years of employment.

July 1, 1937, is the controlling date for computing prior and subsequent service. Service prior to that date is computed so far as necessary to make up the 30 years required to qualify for an annuity. Full credit is given for all service subsequent to that date in computing an annuity.

The computation for an annuity includes increased compensation after 65 years of age, if any. The employee is not charged with lower compensation after that date in computing his annuity.

The average annuity received under this legislation will be slightly less than one-half of the compensation received by the employee while in the service.

RETIREMENT AGE

The employee acquires retirement rights at 60 years after 30 years of service; or when he becomes totally and permanently disabled, but subject to a deduction of one-fifteenth of the annuity for each year less than 65 years of age.

The average entrance of age of the present railway employee is 26 years. This rather high age of entrance is due to the fact that skill is required in so many branches of railway employment and to the further fact that to a large extent the nature of the work calls for men of mature judgment.

Generally, the railroads do not employ unexperienced persons after 35 years of age or experienced persons after 45 years of age.

NUMBER OF EMPLOYEES

In 1929 class 1 railroads employed 1,600,000; in 1933 the number had decreased to 931,000, or 669,000 less than 4 years before. At the last report for 1937 there were 1,150,000 employees on these railroads. It is now estimated that a return to the business level of 1929 would require the employment of 1,400,000 employees, or 200,000 less than required in 1929. This decreased number would be due to more efficient and labor-saving methods adopted in the last 8 years.

COST OF PLAN

There are uncertainties as to the number who may become beneficiaries under this act; the age and amount to which they will be entitled when they apply. The best estimates available indicate that an appropriation of $118,250,000 will be required for the fiscal year 1938 and that the maximum appropriation required will be in 1950, $162,250,000.

For a good many years to come it is estimated the taxes received will largely exceed the necessary expenditures to carry the plan. Funds accumulated in excess of current requirements will develop a contingent reserve which, to a material degree, will lighten the load when disbursements reach their peak, about 1975.

It is estimated that the disbursements for 1938 will be $58,280,000, or $60,000,000 less than the receipts.

It is estimated by 1948 the disbursements will be $107,099,000, or over $50,000,000 less than receipts for that year.

By 1975 it is estimated the maximum annual expense will be reached amounting to $231,390,000.

It may be safely assumed that experience developed in the administration of this act will demonstrate the desirability of changes to adjust the plan. The maintenance of a proper balance between receipts and disbursements will of necessity require adjustment from time to time. No doubt at least minor adjustments will be required as to the extent of liabilities or the amount of funds estimated to meet such liabilities. The general plan, however, seems to be on a sound basis. There is no reason to anticipate any such changes will be found necessary as to destroy the substantial features of the plan embodied in this legislation.

It is the belief of the committee that this act, and particularly its substantial features, will be held constitutional should the Supreme Court be called upon for its decision.

Friends of this legislation, in my judgment, need not particularly fear ultimate Court disposal of this problem.

The two great groups entering into agreement resulting in this legislation have agreed not to contest it. Other interested parties may possibly do so. The time may easily come when the Government or friends of the legislation will desire the certainty of a Supreme Court decision to finally define the rights and liabilities under this legislation.

COMMENDS COOPERATION OF MEN AND MANAGEMENT

This legislation is the most notable action taken for age-retirement benefits in private industry in the history of this country. It is expected legislation will, in effect, place the burden of maintaining the system directly upon the men and

management whose agreement led to this legislation. Like all retirement systems however, the burden of its maintenance must ultimately reach the consumer. To the employer a retirement system is part of his labor cost which must in the main, be passed on to the consumer of his products or service. To the employee, his retirement benefit is an additional compensation. To the extent that he may contribute, it is in effect a savings account, or a premium for insurance of age benefits.

Students of retirement systems seem to agree they tend to reduce the current compensation of the employee, but to increase the ultimate reward of his employment. The payments he receives after retirement more than compensate for the decreased pay he receives during his employment.

The employee acquires an assurance against age and disabilities that tends to stabilize him from an economic standpoint and gives him an assurance for aid that should add to his comfort and happiness.

Probably no other class of employees in the country, engaged in private industry, can more readily be adjusted to a retirement system under the general plan of this bill than railway employees. Their employment is well graded and standardized, comparatively constant, with a comparatively limited number of employers who are always subject to public regulation.

The fixing of pay and benefits, as well as the employer pay roll, are comparatively easy of ascertainment as contrasted with most employment in private industry.

OLD-AGE PENSIONS

Most of our present private retirement systems are founded on labor cost and include increased pay or at least a different method of payment for labor performed. In this respect such systems must be contrasted with general old-age pensions based on age and need.

The greatest reason for old-age pensions is the humane reason; the need of protecting worthy people against poverty and misfortune against which they are unable to protect themselves. Generally speaking, the care of such persons cannot be based on assessment against pay rolls. The support of such a system is more equitably placed among the tax liabilities of the Nation, local, State, or Federal. Men and women do not need or deserve age pensions primarily on account of what they may have collected from pay rolls.

The burden of pensions to the aged must rest on the consumers of the country. Taxes of all kinds primarily add to the living cost of the Nation, and the consumers of the country pay the bill.

Consumer contributions and increasing compensation to limited groups increases costs to all consumers and give the benefits to limited groups of beneficiaries. All of the needy pay with our whole population, but only part of the needy are beneficiaries of the plan. This situation, with due regard to justice and equity, leads us to seek a more universal application of age-retirement benefits. In turn, we must seek a more universal and just distribution of the burden of age retirement.

I regard our social-security plan as transitory because it fails in a just distribution of both its burdens and its benefits. It is too limited in its benefited classes from a humane standpoint of need and too limited in applying its burdens. There is a sane and necessary balance that must be maintained between what the Nation would like to do and what it is practicable to do.

It is with hope that this act may be wisely administered with wholesome advantages to the Nation and that it may contribute toward a yet more widespread and equitable system of social security.

We submit this measure to the Members of Congress.

For those who may be interested in comparisons of this proposed law with the existing act I submit a more detailed explanation.

DIFFERENCES BETWEEN THE RAILROAD RETIREMENT ACTS OF 1937 AND 1935

The Railroad Retirement Act of 1937 differs in many points from the Railroad Retirement Act of 1935. Apart from minor changes in phraseology, these differences may be discussed under six headings:

First. The Railroad Retirement Act of 1937 has a broader coverage, both as to employers and employees, than the present act.

(a) All employees of American lines, wherever they may be, are employees under the act. For example, American lines operate extensively in Canada; employees of these American railroads in Canada would be covered by the act.

(b) Railroad labor organizations are now to be included as employers. While it had been thought that the present act embraces railroad traffic associations, bureaus, and similar organizations, the doubt has now been removed by specific inclusion of such organizations in definite terms.

(c) Under the present act employees include, among others, persons who are on furlough or leave of absence, subject to call for service and ready and willing to serve. Many railroad employees, most of them old, comply with all the parts of this definition except that, because of permanent and total physical disability, they are not now, and never will be, ready to serve. The bill would include such persons as employees.

Second. Requirements for the receipt of benefit have been changed.

(a) Under the bill an employee would be required to cease rendering compensated service to any person, whether an employer under the act or not, before he may become eligible to receive an annuity. At the present time an employee who leaves the railroad service may begin to receive his annuity even though he may be employed regularly in another industry. The new provision is fortified by another which specifies that the annuity shall cease if the annuitant renders compensated service to an employer as defined in the act, or to the last person by whom he was employed prior to the date on which the annuity begins to accrue.

(b) An annuity may be paid under the present act to an employee who has completed 30 years of service if he shall have been, after the enactment date, retired by a carrier on account of mental or physical disability. The bill will provide that the annuity is payable only if the employee is permanently and totally disabled for regular employment for hire.

(c) Under the present act an employee may begin to receive an annuity when under the age of 65, even though not disabled, provided he has completed 30 years of service, but the annuity is to be reduced at the rate of one-fifteenth for each year by which he is under 65 at the time of the first annuity payment. This means that annuities of this character may begin as early as 50 years and 1 month, although in such case the annuity would be reduced to almost nothing. Under the bill annuities of this class may not begin prior to age 60, at which time the reduction would be one-third.

(d) Persons who are permanently and totally disabled for regular employment for hire may, under the bill, be eligible for annuities, irrespective of the length of service, but with the provision that such annuity is to be reduced by one-fifteenth for each year by which the employee is under 65 when the annuity begins to accrue.

Third. Benefits have been changed in several respects.

There have been several changes which affect the amount of benefits. The benefit that is paid upon death has been changed both as to deaths for which compensation is paid and as to form, and finally a new benefit has been added.

(a) The first change affecting the amount of benefits is one which removes the limitation on creditability of future service. At the present time no annuity may be based on more than 30 years of service, irrespective of the length

of the service period. This change in the bill will mean that in 1967 and thereafter annuities may be based on more than 30 years of service.

(b) Annuities based on prior service would not be paid under the bill to persons who are not employees on the date of enactment. Such persons will, of course, receive annuities based on all subsequent service. At the present time all persons who become employees may receive annuities based on both prior and future service.

(c) The reductions in annuities which are prescribed, except for officials, for employees over the age of 70, or over the age of 65, unless an agreement to continue in service is filed, have been removed. Under the present act these reductions in annuity have been at the rate of one-fifteenth for each year of continued service after the age of 65.

(d) In the event an employee is granted an annuity because of permanent and total disability and subsequently recovers, the annuity payable on retirement at the age of 65 or thereafter is to be reduced to take account of the payments made because of the disability. This is a new provision.

(e) Provision is made for a minimum annuity of $40 per month for persons who retire at the age of 65 or over, after 20 years or more of service, and whose average compensation on which the annuity is based is $60 or more. If such average compensation is less than $60, the annuity is to be 80 percent thereof, unless such 80 percent is less than $20, in which case the annuity is to be $20 or the average monthly compensation, whichever is less. Moreover, the annuity is not to be less than the additional amount which would be payable under title II of the Social Security Act if the employment under the retirement act were employment under title II of the former. No minimum is provided at the present time.

(f) Service after the age of 65 is to be disregarded in calculating annuities; except that if the compensation is such that it would increase the average which would be used to calculate the annuity at age 65, such compensation will be taken into account for the purpose of calculating the average.

(g) The death benefit is changed in two respects: First, instead of being payable only in respect of persons receiving or entitled to receive an annuity, it now becomes payable on the death of any person who has been an employee, and who has received compensation for service after December 31, 1936; second, instead of being one-half of the annuity which the deceased was receiving or entitled to receive, the benefit is to be 4 percent of the compensation, not in excess of $300 a month, for service on or after January 1, 1937.

(h) The present act instructs the Railroad Retirement Board to make a report as to the feasibility and practicability of substituting the provisions of the act for any existing provisions for the voluntary payment of pensions to employees not subject to the act. This provision has been deleted in the bill, and instead provision is made for the payment to persons now in receipt of voluntary pensions and gratuities of pensions equal to those granted by the employer, but without reduction caused by changes or adjustments of any plan after December 31, 1930.

Fourth. Railroad retirement account.

The present Railroad Retirement Act authorizes the appropriation of only such moneys from time to time as will be necessary to carry the act into effect. This provision has been understood to mean that every year there will be appropriated an amount necessary to pay the benefits currently due. Following the precedent of the Social Security Act, in language substantially the same, and having the same meaning, the new bill would create a reserve account to which there is authorized to be appropriated as annual premiums amounts "sufficient with a reasonable margin for contingencies to provide for the payment of all annuities, pensions, and death benefits, according to the provisions of this act and the Railroad Retirement Act of 1935."

It is not always possible to determine in advance (ordinarily, in fact, more than a year and a half in advance) how many deaths and retirements will take place. Consequently, unless there is a reserve to draw upon, it is possible that at some time embarrassing situations will arise because of unexpected drains on the appropriation. Moreover, it is clear that for a number of years there will be a strong tendency for benefit disbursements to rise. This rise will occur because of the inevitable increase in the number of employees who will attain retirement age and because of the fact that of any considerable number who do attain retirement age, some will survive for periods as long as 30 to 40 years. In view of this inescapable tendency for disbursements to rise, it is entirely reasonable and prudent that reserves be accumulated in anticipation thereof.

The amount of the appropriations to be made will depend on experience as it develops under the act. There will necessarily be involved the ages of retirement and entry into service; the rates of mortality, permanent and total disability, withdrawal from the industry, change in compensation by age and length of service, and so on. Since the appropriation contemplates the accumulation of reserves in anticipation of future payments, the basis of premiums must necessarily be recomputed from time to time in order to make allowance for variations between experience and estimates. Increases and decreases in the volume of employment and general decreases and increases in wage levels, all rising out of variations in general economic conditions, must also be taken into account from time to time as they occur. The provision for contingencies is intended to safeguard against sudden changes in these factors. All these factors, of course, have a bearing not only on the amounts to be appropriated but the amounts to be disbursed for benefits.

Fifth. Free transportation.

Section 1, subsection 7, of the Interstate Commerce Act prohibits the giving of free transportation except to certain enumerated classes of people. Among the excepted classes are employees and their families. The term "employees" is defined as including "furloughed, pensioned, and superannuated employees." It has been clear that the railroads could grant free transportation to employees on their own pension rolls, and those who might be superannuated even though not on such rolls. It is not clear whether there is any change in the status of such employees when they do not receive pensions from their employers, but rather annuities or pensions from the United States Treasury. It is clear that Congress, in passing the present Railroad Retirement Act, did not intend to preclude the giving of free transportation to employees receiving benefits from the United States Treasury rather than under the private pension systems of the carriers. The new bill would make it clear that the carriers may continue to furnish free transportation to employees in receipt of annuities or pensions under the Railroad Retirement Act in the same manner as they furnish free transportation to employees in the service.

Sixth. Administrative changes.

A considerable number of administrative changes would be effected by the bill. Some of the more important of these follow:

(a) The status of American employees of Canadian lines would be clarified.

(b) All service with an employer who was such on the enactment date is to be made creditable, removing the necessity for laborious searching into past records to determine the former status with respect to the Interstate Commerce Act. Until recent years, and particularly before 1908, the Interstate Commerce Commission did not make definite rulings as to the applicability of the act in many instances. At the present time the Retirement Board must attempt to determine whether a company was subject to the Interstate Commerce Act, for example, in 1887 or in 1900, as the case may be. The Board at the present time must also fix the date at which the act did become applicable.

(c) The definition of "compensation" would be clarified by making it clear that the earning of compensation rather than its receipt is what is significant, and by specifically excluding tips and taxes levied against the employees' compensation but paid by the employer, without deduction from the employees' pay.

(d) The Board is to be given discretion in fixing a compensation base for prior service where there was no service, or insufficient service, in the 8-year period 1924–1931, which will normally form the base for the determination of prior service compensation.

(e) No greater amount of prior service will need to be taken into account beyond that necessary to bring the total service up to 30 years. At the present time it is necessary to secure service records as far back as 1887, even though no more than 30 years will be used as the multiplier in computing the annuity.

(f) Returns as to compensation are to be made incontestable after 4 years. The Board is authorized to require that employers shall furnish to their employees statements of their monthly compensation as reported to the Board.

(g) The payment of death benefits is facilitated by providing for the designation of beneficiaries. At the present time all death settlements must be made under the laws of the several States.

(h) The provisions for the election of the joint and survivor annuity form, in lieu of the life annuity, is changed so as to preclude adverse selection and increased cost but without impairing the element of protection.

(i) Recovery of payments may be waived if such recovery would defeat the purposes of the benefits otherwise authorized or would be against equity and good conscience. Authority is given to the Board to adjust erroneous payments in subsequent payments to the same individual.

(j) The Board is to be authorized to delegate to any of its employees the power to make decisions on applications for annuities or death benefits in accordance with rules and regulations prescribed by the Board.

(k) The district courts of the United States and the District Court of the United States for the District of Columbia would have jurisdiction, upon suit by the Board, to compel obedience to such orders, and it would also provide that the orders, returns, and processes of the Supreme Court of the District of Columbia may run and be served anywhere in the United States. At present, though the act provides that the Board shall have the power to require carriers and employees of the United States to furnish information and records needed for the administration of the act, it contains no provision pursuant to which the Board can compel obedience to its orders.

(l) Suits against the Board by a person aggrieved by a decision are barred unless filed within 1 year after the decision has been entered upon the records of the Board and communicated to the claimant.

(m) An actuarial advisory committee is to be created to examine the actuarial reports and valuations made by the Retirement Board.

(n) The exclusion of employments covered by the act from the provisions of title II of the Social Security Act would be clarified.

Mr. MAPES. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Speaker and Members of the House, the Railroad Retirement Act now under consideration deserves the unanimous support of the Membership of the House. It provides a safe and sound system of retirement pensions or annuities for all who are employed, in any capacity, by the railroad systems of the country, and represents another outstanding achievement of the cooperative effort of management and men in the Nation's largest industry, to improve working conditions.

The circumstances under which this legislation is presented to the House are of such a character as to deserve special emphasis. Never during my experience in this House has legislation of such widespread importance been presented under more favorable conditions. First and foremost is the fact that it represents absolute and complete unanimity of thought and desire between management and men. There is no feature of this bill that presents any controversy or disagreement as between these two parties. Every provision has the support of both without any reservation upon the part of either. It represents a united effort to produce legislation that will be satisfactory and mutually beneficial, and comes before the House with the united support of railroad management and all the standard brotherhoods.

At a time when the Nation is sorely distressed with industrial turmoil, arising from conflicting interests, this action of management and men in the railroad industry comes as an assurance of what can be accomplished when both parties are willing to sit down together in a cooperative spirit that recognizes the respective rights and obligations of the other. And it is particularly gratifying to realize that the results have been attained without leaving that feeling of bitterness which so often accompanies agreements where either one side or the other feels that they have been driven to conclusions with which they are not in full accord. The absence of any such feeling in this instance is a splendid testimonial of the sincerity, fairness, and consideration with which the representatives of management and men approached and solved the many complex problems that demanded settlement in order that a satisfactory plan of retirement might result.

It is also worthy of note that the same spirit of cooperation that has been shown by both of the interested parties to the retirement plan was also shown by the membership of the Committee on Interstate and Foreign Commerce. At no time was there any appearance of partisan division nor divisions of any other character.

There was at all times a manifest desire upon the part of members of both political parties to make this worth-while legislation as perfect as it was humanly possible to do. It was realized that the problems, legal, financial, and economical, were of a character that required the most thoughtful consideration. In all of the discussions within the committee the underlying and controlling thought was to produce a plan that would be secure and prove beneficial to those who through the years would come within its provisions. And it is pleasing to report that this bill comes before the House with the unanimous support of the entire membership of the Committee on Interstate and Foreign Commerce.

This background of cooperative effort, first, upon the part of all those engaged in the railroad industry, management and men, and, secondly, by the membership of the committee, that has labored diligently and thoughtfully to provide worth-while legislation, creates, it seems to me, an obligation upon the part of the membership of this House to support wholeheartedly the result that has been reached.

There is, in my opinion, a very definite duty upon the part of the House to give approval to this type of legislation. No one will doubt that it is mutually beneficial to all parties, the railroad company, the railroad workers, and the traveling public. It provides a sense of security for old age that will create a satisfied state of mind upon the part of the workers. It removes doubt and uncertainty as to the future when the worker, because of advanced age can no longer measure up to the high standards that railroading, today, requires in all of its branches. A satisfied mind, wherein worry and fear are removed, enables the worker to give attention to his duties without disturbing influences that otherwise result, thereby promoting the element of safety for the traveling public, and giving to the company a quality of service that cannot be measured in dollars and cents.

The present bill is the third to be presented to Congress dealing with railroad retirement legislation. The first act was signed by the President on June 27, 1934. It was declared unconstitutional by the Supreme Court on May 6, 1935. Another act to take its place was passed and became law on August 29, 1935. This act is now and has been in

litigation since it became effective. Because of this fact it has been impossible for the Railroad Retirement Board to function effectively. This condition prompted the President to suggest to representatives of railroad labor organizations and railroad management that an effort be made to work out between them a retirement plan which would be mutually satisfactory.

In accordance with the suggestion of the President, a committee was appointed by the Association of American Railroads to confer with a committee appointed by the Railway Labor Executives Association, representing the employees. As a result of the conferences held by these two representative groups a plan of retirement was agreed upon and is embodied in amendments to the existing law. The bill now before the House (H. R. 7519) represents the plan as agreed upon by the carriers and their employees and approved by the Committee on Interstate and Foreign Commerce after careful study and extensive hearings. The enactment of this bill in its present form has been agreed upon by all the interested parties. Furthermore, it has been agreed by each of the parties that they will upon its enactment support and defend its provisions and cease further litigation of the present act to which this pending bill is an amendment. Consequently, the enactment of this bill will bring to a satisfactory conclusion all pending legislation, clear up all doubts and uncertainties, and provide a safe, sound, and highly beneficial plan of retirement for all railroad and affiliated employees.

For many years some of the railroads of the country have voluntarily maintained pension systems for the benefit of those who are retired from active service. In some instances the pension benefits have been highly satisfactory, but, it is also true that in some other instances the system in effect was not entirely satisfactory to the employees. And on some railroads there was no pension or retirement benefits whatsoever for retired employees. This bill will create a national system, uniform throughout the country, and eliminate the ever-present fear that a voluntary plan might, because of economic conditions, be discontinued by the company or the payments greatly reduced at any time. With the enactment of this bill into law, the basis for any such fears in the future will be removed. It makes permanent and sure that which was formerly uncertain or doubtful.

The enactment of this legislation will represent one of the most forward and progressive steps ever taken by any single industry.

I hope that the approval of this bill by the House will also indicate to industry in general the favorable results that can be attained when the spirit of cooperation prevails in the settlement of problems affecting the welfare of those who labor.

It is a privilege to have had a part in the enactment of this legislation that will mean so much to those who through a period of years have rendered faithful, efficient, and conscientious service in the different branches of railroad transportation. [Applause.]

Mr. MAPES. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. WITHROW].

Mr. WITHROW. Mr. Speaker, I regret very much that it is necessary to take this bill up under suspension of the rules, because I realize it is not possible to amend it and also that there is not sufficient time to properly discuss it. My purpose in obtaining this time is to clear up what I believe to be a misunderstanding which exists relative to the agreement entered into between the carriers and the representatives of the employees. There has been agreement entered into, but it is being misconstrued that that agreement pertains to all railroad legislation, and that the rest of the railroad legislation now pending before the Congress is to be thrown into the scrap heap and that the retirement act is to be passed, and no more of the brotherhood legislative program. I challenge any Member of the House to contradict my statement that that agreement has nothing to do with any other legislation than the retirement act, which is before us today, and this retirement act stands on its own feet, because it has merit and because it is generally recognized by the railroad carriers and the employees that men who work on the railroads should be retired when they become 65 years of age. In order to substantiate that argument I call attention to the testimony before the Interstate and Foreign Commerce Committee of the House in respect to it. I quote the testimony of Mr. Harrison, who appeared on behalf of the 21 railroad labor organizations, including the brotherhoods, and who spoke officially for them at that time. He was asked a question by Mr. BOREN:

> Does this agreement between the carriers and the employees' representatives in any way affect other legislation that might be introduced as regards railroad labor or railroads?
>
> Mr. HARRISON. I am glad you asked that question. This agreement we made with the railroads stands on its own bottom. It has no relation whatever to any other legislation. There were no promises made by representatives of labor that anything would be forgotten because of this agreement, nor did the railroads make any promises that they would even give up anything because of this agreement. It stands by itself on its own bottom.

Then I quote from the testimony of Mr. Fletcher, general counsel of the railroads of the United States. In his testimony, in referring to the agreement between the railroad carriers and the employees' representatives relative to this legislation, he said:

> I rise, therefore, mainly for the purpose of asserting what has been said by Mr. Harrison as to the complete agreement between the parties with reference to this measure and largely to emphasize and reiterate what he said in that respect.

Mr. Speaker, the above-mentioned agreement has nothing to do with other pending railroad legislation, and I realize that the argument is being made in the cloak rooms and elsewhere in this Chamber from mouth to ear, that this agreement between the railroad carriers and the employees' representatives pertains to other legislation than this retirement act, and it does not, and at this time if anyone has that argument in mind, if anyone believes that there are such agreements entered into, now is the time for him to speak up, and not when we are considering other railroad legislation in the committee or on the floor of this House. [Applause.]

Mr. CROSSER. Mr. Speaker, I yield now to the gentleman from Kentucky [Mr. FRED M. VINSON].

Mr. FRED M. VINSON. Mr. Speaker, it is a pleasure to see what can be accomplished when patriotic men sit around the same table and work toward the same objective. It should be pointed out in respect to the history of social legislation, particularly old-age retirement benefits, that the railroad boys have blazed the trail. They are the pioneers in this character of legislation. I think we would be remiss in our duty if we did not pay compliment to the old war horse BOB CROSSER, our colleague from Ohio, who has done such valiant service in this cause. [Applause.]

In my connection with this legislation, it has been a most heartening sight to observe the conduct of George Harrison, and Judge Charles Hay, of St. Louis, on behalf of the Railroad Brothedhood, and Mr. Pelley, and Judge Fletcher, of the Railroad Executives, working out this far-reaching humanitarian problem. It is a splendid job, and we all can look forward to increased pleasure in having participated in it. [Applause.]

Mr. CROSSER. Mr. Speaker, I yield now to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, in its origin this piece of legislation is probably without precedent in the history of American legislation. As has been already stated, it is the result of an agreement in writing between the railroad systems of the United States and their 1,200,000 employees. This is their bill, written by them. More extraordinary than that, however, is the fact that not only the pensions to be paid under this law but the cost of the administration of the law will be borne by self-imposed assessments upon the railway companies and the railway employees.

All the facts may not appear in this bill, but in my opinion, since the Social Security Act decision by the Supreme

Court, they could be made to appear, and this great forward step in social security in a great industry could now be safely taken in one act instead of two acts.

This measure may not be entirely satisfactory to all the railroad employees of the country. It is not in every respect entirely satisfactory to me. It may require future revision. But to those of the employees who are not satisfied with one feature or another of the bill, I want to remind them that the railroad companies of the country voluntarily agreed with the employees on this measure after the railroad companies had been virtually assured by the Supreme Court that no compulsory pension act for railroad employees could stand the test of the Constitution. This measure had been agreed upon before the rendition of the Social Security Act decision, and when it seemed certain that the contributory old-age pension title and the unemployment insurance title of that act would be held unconstitutional, and when it seemed certain that the fate of the first Railroad Retirement Act awaited the second act.

In order that the foregoing statements may not rest simply on my word, I want to quote three very short paragraphs from the able dissenting opinion of Chief Justice Hughes in the first Railroad Retirement Act case.

The Chief Justice opened his dissenting opinion with these statements:

> The gravest aspect of the decision is that it does not rest simply upon a condemnation of particular features of the Railroad Retirement Act but denies to Congress the power to pass any compulsory pension act for railroad employees.
>
> That is a conclusion of such serious and far-reaching importance that it overshadows all other questions raised by the act. Indeed, it makes their discussion superfluous.

Now, while this measure is produced and agreed upon by the railway companies and their employees, it will nonetheless be a compulsory pension law when it gets on the statute books. That is why I say that when it was entered into it was known by the contracting parties that in all human probability it could not be made binding without their consent. Moreover, it indicates on the part of the contracting parties an apprehension that the second Railroad Retirement Act would be held unconstitutional.

Now, with the fact accomplished, I want to repeat a statement made by me before it was accomplished, which appears in the Appendix of the CONGRESSIONAL RECORD at page 437. I quote:

> If, as is now reported, the railroad companies are getting together with their million-odd employees to accept and establish the provisions of the Railroad Retirement Act and dismiss the pending cases, doing this in the face of the Court's virtual assurance that it will relieve them from the law, full credit should be given the railway managements for such an enlightened and humane step.

Viewed in the right light, perhaps the history of this legislation has been for the best. It has shown us that one of the major industries of the country and their employees, numbering now about 1,200,000, could get together and settle the question for themselves—a major question, materially affecting the public welfare, in a field embracing all industries and all groups and every man, woman, and child in the country. It should prove an encouragement to other industries and groups falling under the Social Security Act to go forward and make an earnest effort to fulfill the provisions of the law. If our mechanized processes contribute to unemployment and create premature superannuation—and I claim that they do—and we have millions in each class, society owes them a living in decency and comfort. These laws are intended to meet that requirement, and this self-imposed act should help to show the way.

Mr. Speaker, I shall not undertake in my brief time to itemize and explain the provisions of this bill or to make a comparison with the act now pending in the courts. That has been done by the sponsor of the bill, the able gentleman from Ohio [Mr. CROSSER], who has the unique distinction of sponsoring the railroad pension acts of the Seventy-third and Seventy-fourth Congresses and now the proposed act of the Seventy-fifth Congress.

Having said so much for the bill, I feel at liberty to point out one unsatisfactory feature. It is in its failure to carry a compulsory retirement provision when the employee reaches the retirement age. I think I know as well as any Member here the genesis of railroad pension legislation. As motive power and other equipment have been improved and vastly increased in capacity, the number of operatives required on the railways of the country has become less and less. I can remember when there was no agitation for train-limit legislation. None was needed. No trains were of sufficient length to raise the question. I know of my own knowledge that one engine and train crew are today moving over the railways of the country a tonnage which 40 years ago would have required four and five crews. So it is the same in transportation as in other lines of industry—the machine displaces the man. In railroading this development has all but destroyed hope for advancement. When I was a young man a locomotive fireman could reasonably hope to become an engineer in 3, 4, or 5 years. Now locomotive firemen on the railways of this country are being superannuated without ever reaching promotion. What is true of this particular class is true of others in the railway service, and this was true before the depression.

Pensions for railway employees have had two objectives, pensions for men when they reached the retirement age, and jobs for younger men. To reach the employment objective the Railroad Retirement Act of 1935 carries not an arbitrary compulsory retirement but a penalty for continuing in the service after retirement age is reached of one-fifteenth of the annutiy for each year the employee continues in service after being entitled to retire on a pension. I regret that that provision is not in this bill and in view of its authorship perhaps cannot now be put in the bill and certainly cannot be put in in the House under the suspension rule. The absence of this provision, in my opinion, will be the most unsatisfactory feature of the law to great numbers of railway employees. I have no doubt if submitted to a referendum compulsory retirement would be approved. As it is, the measure will, of course, provide no new employment.

The very fact that the absence of compulsory retirement will reduce the load thirty-five to forty million dollars a year indicates the failure of the measure to produce new employment. Compulsory retirement in the railway service at the retirement age would be nothing new. Nearly all the railways of the country have their own pension systems, which are noncontributory by the employees. And I know of none without a compulsory retirement age, and I have in mind the principal railroad system in my State, in which every man, from general manager to section hand, is given a retirement notice on his seventieth birthday.

However, a great thing is being accomplished in this bill, and greater even in its origin than in its accomplishment. Should it develop that the feature which I have mentioned calls for consideration at a future time, it will no doubt be given. I offended a constituent recently by writing him that if I agreed with the President on most points, I could not help him or the situation either by throwing rocks at him over something on which I did not agree with him. Judging from his answer my constituent got the point, even if I lost a vote. I feel the same about this measure. To say that I am pleased with it is expressing it mildly. My attitude toward many industrial practices in this country during my lifetime does not rate me as a very friendly critic, but that does not limit me in expressing my approval of such a forward step and very great step.

One more thought. I know labor. I am familiar with its movements, and while, as the result of some experience and long observation, I support all legislative measures tending to protect labor and better its condition, the conviction has abided with me for many years that the self-government of labor in its relationships to industry, so far as practicable, is preferable to a Government paternalism, no matter how kind. The conduct of labor's industrial relationships through organizations of its own choosing gives labor a ca-

pacity for handling its own affairs and a sense of discipline and responsibility which it can never realize in any other way. Government should have laws for the protection of labor and should set up standards, but under this protection and within these standards we will produce a higher and more self-reliant type of citizenship through collective bargaining than if everything is written in the law. This bill embodies a notable achievement in that direction, and it sets an example worthy of emulation in other fields of industry in the United States. [Applause.]

Mr. MAPES. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, as has been stated, this bill was worked out by representatives of the 21 brotherhoods, which include practically all of the employees of the railroads, and the representatives of the railroads, and it is recommended for passage by both of them. It is to take the place of the existing Railroad Retirement Act which was passed in 1935. It is agreed between the representatives of the railroads and the brotherhoods that they will not contest the constitutionality of this legislation, that they will not themselves bring any action to contest its constitutionality, and that they will use their influence against having anyone else bring such action. It is further understood that any suit or suits now pending in court to test the constitutionality of the existing railroad retirement law will be withdrawn.

Speaking generally, this legislation proposes to give an annuity to everyone in the employ of the railroads, from the chief executive down to the section hand. The maximum, however, which can be paid to any one person is $120 per month.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I yield.

Mr. TAYLOR of Tennessee. Does this bill make any provision for old employees who have worked for 25 or 30 years, who are not now actually employed by the railroad company?

Mr. MAPES. Yes. If they were in an "employment relation to an employer", as defined in the act, on August 29, 1935.

The House should know that this bill is to be accompanied by a companion bill to be reported by the Ways and Means Committee to raise the money with which to pay the annuities provided for in this bill. This bill on its face provides for the payment of the annuities out of the general fund of the Treasury, but it is anticipated that the Committee on Ways and Means will report, and I understand that that committee is in session at this very moment for the purpose of reporting a bill which will raise the money with which to meet the obligations incurred by the passage of this bill. The Treasury is to be reimbursed from moneys collected from the railroads and the employees themselves.

It is expected that this legislation will involve no additional drain upon the Treasury, but that the tax bill which the Committee on Ways and Means is about to report will raise sufficient funds with which to meet all obligations incurred by this legislation. As has been pointed out, there is no opposition to this bill on the part of the management of the railroads or on the part of the representatives of the 21 brotherhoods. It is a constructive piece of legislation and will provide security in their old age to the railway employees of the country. I congratulate all parties concerned in the successful culmination of years of earnest work and effort in the accomplishment of their objective in the passage of this legislation. At the same time I congratulate my distinguished friend, the gentleman from Ohio [Mr. CROSSER] upon the passage of legislation which has been so dear to his heart. This bill is due very largely to his loyalty to the cause and to his persistence and ability in advancing it at every opportunity.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. MAPES. I yield.

Mr. CRAWFORD. Does this bill in any way provide that employees working for a trucking company, where a railroad ownes a large percentage of the stock, will be covered, or is it restricted to rail employees only?

Mr. MAPES. It covers employees of subsidiary or any other companies which are controlled by the railroads.

Mr. CRAWFORD. Whether overland or by rail?

Mr. MAPES. Whether overland or by rail. In fact, it does not matter what business they may be engaged in so long as that business is "controlled" by a railroad. To give the whole picture I might add that there is a dispute between the representatives of the brotherhoods and the managements of the railroads as to what is meant by the term "controlled." They are agreed upon the language of the bill, but what is to be the interpretation of the term "controlled" is to be the subject of further negotiation and determination. It is a pleasure to support and to speak in behalf of this legislation so dear to the heart of every railroad man or woman.

[Here the gavel fell.]

Mr. CROSSER. Mr. Speaker, I yield ½ minute to the gentleman from Iowa [Mr. EICHER].

Mr. EICHER. Mr. Speaker, as a member of the Committee on Interstate and Foreign Commerce, I simply want to take this opportunity to assure the membership of the House that this measure was given the most sympathetic and careful consideration, not only by the subcommittee but by our full committee. I am hopeful that the House will follow the example of the committee and adopt it unanimously. [Applause.]

Mr. CROSSER. Mr. Speaker, I yield to the gentleman from Maryland [Mr. COLE] such time as he may desire.

Mr. COLE of Maryland. Mr. Speaker, as a member of the Committee on Interstate and Foreign Commerce for several terms, during the entire time the subject of this legislation has been before us, I want to call especially to the attention of my colleagues the outstanding service and signal accomplishment of the gentleman from Ohio [Mr. CROSSER], who has consistently sponsored this legislation and successfully steered it through Congress in two previous sessions. One of the real privileges of service in this body is the opportunity of close association and the development of lasting friendships, which committee service more than in any other contact offers to the members. The gentleman from Ohio has been one of the ranking and admittedly one of the most able members of the Interstate and Foreign Commerce Committee and during the trying days of the depression, during the last two terms of Congress, when the committee was under the leadership of the present distinguished floor leader, Mr. RAYBURN, of Texas, Mr. CROSSER, despite his physical handicap, rendered service of immeasurable value as he is now doing under the present leadership of the industrious and popular chairman, the gentleman from California, Mr. LEA. I am sure that the majority leader, should he have an opportunity in the brief period assigned for the debate on this bill to say something, will find an acknowledgment of Mr. CROSSER'S service while he was chairman of the committee the uppermost thought in his mind.

The first legislation providing for retirement of railroad employees passed in 1934 in a form which I am frank to say, as I explained in the commmittee sessions, was of doubtful constitutionality. The Supreme Court later so declared by a closely divided Court and, in 1935, the second bill was passed. I believe that bill, now the subject of litigation before the Supreme Court, is constitutional, but I have some doubt of the constitutionality of the companion measure, which was the tax bill to provide the necessary revenue. With the hope that some of the apparent difficulties in the existing law—and there must be difficulties in legislation of this magnitude calling for frequent changes by Congress—can be eliminated and the further hope that this bill, coming to us as it does with railroad management and employees pretty much in agreement as to its provisions, will eliminate further litigation which complicates the administration of the entire measure, Mr. CROSSER presents

the third measure and, I believe, the final solution of this important problem.

I have never known a man during my fairly long experience in the House who has sponsored with more fairness, intelligence, and industry than Mr. CROSSER has this and other railroad-labor legislation. As is known, more to the committee members than the House in general, I have seen fit to differ at times with his views on some of the legislation bearing his name, but those differences and discussions which have taken place between us have always ended in a greater enlightment of the legislation and a more satisfied feeling as to its intent. It must be a happy period in the long and capable career which Mr. CROSSER has enjoyed to find at this time the realization of one of the main ambitions of his legislative career, and this with practically the uninanimous support of his colleagues.

Mr. Speaker, there is not time to discuss the provisions of this bill but I commend to those interested the report of the committee and the remarks of Mr. CROSSER. My sole purpose in arising at this time is to give expression to the genuine feeling of regard and esteem I possess for the distinguished author of this bill and one of my colleagues on this great committee.

Mr. MAPES. Mr. Speaker, I yield such time as he may desire to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Speaker and ladies and gentlemen of the House, we have before us H. R. 7519, known as the railroad workers' retirement bill. I am not a member of the Interstate and Foreign Commerce Committee that had under consideration and favorably reported this bill, but it has been stated that the committee was unanimous in its report, and we have also been told that this bill was unanimously agreed upon and its passage urged by the representatives of the 21 standard railroad labor organizations and approved by the representatives of the railroads.

I wish to commend the action of the railroad brotherhoods and railroad managements in presenting this bill to Congress, and I wish to express my appreciation for the unanimous action of this fine committee in approving the action of the railroad workers and management. And may I urge that the House of Representatives show the same fine spirit of cooperation and unanimity in passing this bill without a dissenting vote.

I have been identified with legislation affecting the railroads and railroad workers since 1919 and have had an opportunity to make a study of and compare American railroads and railroad workers with the railroads and workers of other countries. It can be said without fear of successful contradiction that American railroads are the finest and best in all the world and that the railroad workers of this country are the best trained, the most loyal, and most dependable, and can render the highest type and best service of any railroad workers on earth. A single American railroad worker can and does perform as much service as two or even five railroad workers in other countries of the world. American railroad workers receive the highest wages, have the shortest hours, and the best working conditions of any railroad workers.

And, by the way, passenger and freight rates are lower in this country than in any other country. Most of the railroads of other countries are owned and operated by the government. These comparisons, it would seem to me, should prove that in order to give good service and enjoy reasonable rates and pay good wages to the workers it is not necessary for the railroads to be owned and operated by the Government.

INTELLIGENT, DEPENDABLE, AND LOYAL

As a class the railroad workers of our country are intelligent, dependable, and loyal. They constitute a high type of patriotic American citizenship. They strive to own their own homes, they have business interests of their own, they show deep interest in schools and every other measure for the benefit and uplift of their respective communities. All in all, they constitute a great body of God-fearing, honest, law-abiding, patriotic citizens. They have always shown wisdom in the selection of their representatives. The men who head these great brotherhoods have the training, experience, and good judgment to fill with distinction key positions in industry and to occupy high places in the service of the Government. Many of them would make capable members of the President's Cabinet. Some years ago I had the honor to urge the appointment of one of the representatives of one of the great railroad brotherhoods, the Honorable William Doak, as a member of the President's Cabinet. He was appointed and served with great distinction in that high office. There are many others just as capable.

The railroad brotherhoods select as their leaders men of outstanding wisdom, experience, fairness, and high character. The railroad management of this country has in recent years shown a fine spirit of cooperation in dealing with their workers, and in this period of great strife it is most heartening indeed to see the representatives of 1,150,000 workers and the management of the American railroads sit down around a table together and work out a measure that each side considers fair to both. Neither side feels that it has overreached the other.

This bill amends the Railroad Retirement Act of 1935, and while this measure may not be perfect, the representatives of the workers urged and had adopted in this amendment many features that will be, as I understand it, of great benefit to the workers, and it is a great improvement over the act of 1935. If in the operation of this amended retirement act it should be found that amendments are necessary, I have no doubt but what Congress will by appropriate legislation adopt them.

Through all the years the representatives of railroad workers have been not only reasonable and fair with the railroads, but they have also been reasonable and fair with Congress, and it is because of this attitude that measures backed by the representatives of the workers of the railroads have always found favor with Congress. The management and workers in industry might study the record of the railroad workers and the railroads with profit.

It has been hinted that the agreement as to this bill precludes action on other railroad measures urged by the representatives of the workers. I have not so understood it. The agreement, so far as I understand it, applies solely and only to this particular bill before us. I know so far as I am concerned that after speaking and voting for this bill, I shall feel free to support other measures that may appear to be just and necessary.

I cannot refrain from again commending the railroad management, the railroad workers, and the members of the Interstate and Foreign Commerce Committee for their fine contribution in bringing to us this splendid measure that we hope will greatly benefit the railroad workers and at the same time be fair and just to the railroads of this country. [Applause.]

Mr. MAPES. Mr. Speaker, I may announce that the Committee on Ways and Means has already reported the tax bill to which I referred.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. WHITE].

Mr. WHITE of Ohio. Mr. Speaker, I wish to congratulate the committee and all those responsible for this bill—the Railroad Retirement Act of 1937. Regardless of minor changes or additional features that we might like to see included, I think we will all agree that this is a most constructive piece of legislation and that it should be passed with our hearty and enthusiastic endorsement.

National recognition and national commendation is deserved by railroad employees and employers for the example of peaceful mediation they gave the country when they got together and agreed upon the features of this legislation. That action provides an illuminating contrast with the methods of strike warfare we see on all sides today. The contrast should add laurels of respect and confidence for railroad labor and management.

One of the many things about this bill that pleases me a great deal is the action for correction of the disability feature. It covers a number of points. Here is one of them: Under the old law, employees who met the age requirements, who had necessary years of service, who were on the seniority rolls, but unable to report for active service by reason of disability, were excluded from the benefits of the law.

I understand it was not originally intended that way, but that is the way it worked out. When a man reaches the prescribed age, has the required service, and is still on the seniority roster, I do not think it is fair to exclude him on account of his disability. As a matter of fact, a disability under these conditions is all the more reason why he should receive these benefits. Now, in passing this bill we include those cases and extend a fair deal to hundreds of railroad men who were denied it under the old law.

For my part, the privilege of helping make this measure a law is the source of no small amount of satisfaction—the kind of satisfaction that comes from connection with service that is constructive and worth while. [Applause.]

Mr. CROSSER. Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. BOREN] such time as he may desire.

Mr. BOREN. Mr. Speaker, I simply wish to say that this bill is a good example of the splendid cooperation that can be reached by labor and management in all American industries, and I hope it will become a guidepost for labor and management in all industries of the United States. It is evident that the first rule of a happy productive life in the American economic structure is wholehearted cooperation of the various factors of production toward the end of common good.

One of the greatest privileges that has come to me as a member of this body and as a member of the great Committee on Interstate and Foreign Commerce has been to participate as an aid in this legislation which is the product of the great leadership of our colleague Mr. CROSSER. This bill is a splendid tribute to the thoughtful and considerate and careful analytical study that has made Mr. CROSSER an authority on the solution of the problems of the railroad industry. You and I know Mr. CROSSER to be fearless, firm, and forceful in the advocacy of his convictions, and this bill is born of the tireless energy which has been his in arriving at the proper conclusions as to the solution of these problems.

This bill becomes a constructive example for all future legislation of a similar character.

Step by step the investigations Mr. CROSSER has made have brought the truths upon which agreement could be reached. Differences of opinion that at the outset might have existed between labor and management have been reconciled upon the patriotic recognition of justice.

Always persevering, undaunted, tenacious, BOB CROSSER has labored toward the goal that is reached today. In this evidence of agreement between labor and management the railroad industry has given sight to the social blindness that has sometimes existed in our industrial and economic organization.

From the standpoint of the broad problem of industrial cooperation in all enterprises throughout the Nation, this bill is only a step toward victory in the solution of that problem, but it is a force which will be in the years to come continuously conquering the resisting powers. In bringing this legislation to this House today, BOB CROSSER has turned a searchlight on the darkness of confusion that exists in a part of industrial America and has demonstrated to the world that where reason sits at the conference table, patriotism will make sufficient sacrifice and concession to reach the goal of common good.

I feel a deep personal pride in being a participant in the production of this legislation, and the Seventy-fifth Congress will have reason to be lastingly proud of the contribution that we are here today making to the general welfare of this Nation.

Finally, further about the author of this bill, I only want to say that time will long remember though men may soon forget his great achievement in this today. And though the God-kept score of years does not reveal to us the memories that history will hold for this achievement, it still remains that the centuries will show that this great monumental work will live after him to the lasting benefit of mankind.

Mr. CROSSER. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. MEAD].

Mr. MEAD. Mr. Speaker, I am in favor of suspending rules in order that we might pass the bill which has been reported by the Member from Ohio [Mr. CROSSER].

This bill is a move in the right direction. While by no means a perfect bill itself, it is designed to meet certain difficulties which have developed since the enactment of the act approved August 29, 1935.

The purpose of this measure is to make possible and permanent a retirement system for the employees of our railroad-transportation lines. It is in keeping with the philosophy of the present administration for it extends the frontiers of social progress and makes it possible for our veteran railroad workers to enjoy a fair measure of economic security in the closing years of their lives.

This bill is the third of its kind that has come before the House in the last several years. The first act was invalidated by the courts; the second has not run the entire gauntlet of our judicial system but it has been acted upon by our district courts; this, the third measure, we hope will meet all the objections raised against the two previous measures. We have every reason to believe that the issue will now be definitely settled with the passage of this measure and that the principle of retirement will be as permanent as the railroads themselves.

This measure contains the objectives of both of its predecessors. It protects the personnel of the Retirement Board and both the claimants and the annuitants recognized under the law of 1935 are given protection and consideration under the terms of this proposal. This bill adds rail-service associations to the list of employers and organizations, and their representatives, to those who are entitled to retirement. In some respects it broadens existing law, while in some of its provisions it is more restrictive. Taken all in all, it represents a fine accomplishment, a splendid achievement, a forward step along the road of social progress and economic security.

I desire to compliment the sponsor of the measure, the gentleman from Ohio, my colleague [Mr. CROSSER], who has sponsored numerous measures improving the conditions of our railroad workers. His service has been commendable.

Our Committee on Interstate and Foreign Commerce, the President and his advisers, the representatives of the railroad organizations, and the representatives of the railroad management, are to be congratulated for the great part they all played in bringing before us this splendid legislation. The bill is the result of many happy and successful conferences. It is indicative of what can be done when there is real democracy in industry. It is an example which I trust will be emulated throughout the industrial life of our Nation, for it presents a real solution of our difficulties.

With democracy in government and in industry we will enjoy a greater measure of peace, both within and without the confines of our Republic.

The bill provides for the payment of annuities out of the Treasury of the United States to employees upon their retirement from the service of our railroad transportation lines on account of age, service, or disability.

Among the changes from existing law included in this proposal can be listed the following:

This measure extends the provisions of the existing law and includes in the category of employers, in addition to carriers and companies directly or indirectly controlled by them, groups which are not clearly or specifically included

in the law of 1935. These groups include railroad associations, traffic associations, traffic bureaus, demurrage bureaus, weighing and inspection bureaus, collection agencies and other associations, bureaus, agencies, or organizations controlled and maintained wholly or principally by two or more employers as defined in the bill and engaged in the performance of services in connection with or incidental to railroad transportation, as well as railway labor organizations which are national in scope, organized in accordance with the provisions of the Railway Labor Act, and their State and National legislative committees, general committees, insurance departments, local lodges, and divisions.

Another change from present law is that in the bill the language has been amended to include a company or companies owned or controlled in common by several companies.

Casual service and the casual operation of equipment or facilities is excluded by this bill.

Employees coming under the provisions of this bill are those in the service of persons defined as "employers", or in an employment relation to such employers, as well as officers or official representatives of employee organizations, other than labor organizations, included in the term "employer", in the service of such employer, and duly authorized and designated to represent employees, in accordance with the Railway Labor Act.

The term "employment relation" refers to those persons absent on account of sickness or disability. A slight change from existing law is made here in that only persons on furlough will be required to be "ready and willing" to return to service in order to be in an employment relation. Those on leave of absence or absent because of sickness or disability are to be considered, under this bill, to have an employment relation.

The following persons will be eligible for annuities under this bill:

First. Persons who are 65 years old or over.

Second. Persons who were 60 or over on August 29, 1935, with 30 years of service but with a reduction of one one-hundred-and-eightieth of the annuity for each month the person may be under age 65.

Third. Persons 60 years of age, totally and permanently disabled for regular employment for hire, irrespective of the number of years of service, but with a reduction of one one-hundred-and-eightieth for each month under age 65.

Fourth. Persons with 30 years of service who are totally and permanently disabled for regular employment for hire.

The above shows three differences from existing law: First, a disability annuity at the age of 60 is granted to persons having less than 30 years of service; second, the age is changed from 50 to 60 for retirement, with reduced annuity of those with 30 years of service; and third, in granting a disability annuity the requirement that a person be retired by the carrier on account of physical or mental disability is changed so as to require that he be totally and permanently disabled for regular employment for hire according to the decision of the Retirement Board and not of the carrier.

I trust the bill will pass without delay and that it will be improved as time and experience indicates the need for such changes.

Mr. CROSSER. Mr. Speaker, I yield one-half minute to the gentleman from Ohio [Mr. SWEENEY].

Mr. SWEENEY. Mr. Speaker, I want to go on record in support of this legislation and pay a tribute to my colleague, ROBERT CROSSER. I think the House is cognizant of his work and his labor in behalf of the railroad men of the country. Living, as he has, under severe handicap of ill health, it is a tribute to him. In the full vigor of health it is easy for some of us to go forward, but I have watched my colleague, day in and day out, for months, for years, devoting every ounce of his strength trying to pass legislation of this kind. It is a tribute to him, it is a tribute to the great railroad brotherhoods to have him as their spokesman in this House of Representatives, it is a tribute to the great railroad industry to know that he plays the game on the level and plays fair with both sides.

This railroad retirement bill under consideration represents a substitute for the Retirement Act of 1935. It may be termed a compromise measure agreed upon by the representatives of the railroad brotherhoods and the railroad industry of the country.

In these days of industrial discord and bloody strikes the Nation may well look to a precedent established by these groups representing employer and employee of a great industry, demonstrating that it is possible to perfect a meeting of the minds and reach a common agreement satisfactory to both sides through the orderly process of mediation. Not only in the matter of perfecting this Railroad Retirement Act, but in matters of industrial disputes have the railroads and the great brotherhoods averted strikes and inconvenience to the traveling public and the shippers, but they have by their example given a fine demonstration of leadership in the field of organized labor.

With all respect to the leaders of the railroad brotherhoods who have worked untiringly for this and similar legislation, in my opinion there emerges one individual who has all the qualities of leadership so necessary today in this age of collective bargaining. I refer to George Harrison, president of the railroad clerks, whose trained mind and thorough knowledge of the problems that beset organized labor and whose fairness on every occasion has stamped him as a courageous leader with a splendid future before him.

Mr. Speaker, there are thousands and thousands of railroad employees who will rejoice in knowing this measure has passed the House of Representatives. No longer need they fear retirement or lay-offs at the age of 65 without security. It will give opportunity to many more for work in the railroad industry, and with the information before the House today that a tacit agreement has been made between both parties to this controversy that no attempt will be made to test the constitutionality of this act, bringing to the workers good cheer and the incentive to continue loyal in the service where many of them have spent the greater portion of their lives.

I am happy to have this privilege today to express my views on this legislation as a friend of labor for many years, and one who in the past was identified with organized labor in seeking to bring about a shorter working day and better working conditions for those who toil. The tremendous sentiment expressed in the House of Representatives in favor of this sort of legislation, the well-deserved compliments and tributes paid to the gentleman from Ohio [Mr. CROSSER], is an indication that the rank and file of our citizenry are deeply in sympathy with the problem of old-age security, a living wage, and better working conditions for those who struggle in the field of industry, irrespective of its nature.

Mr. LEA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their own remarks on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MAPES. Mr. Speaker, I understand there is to be only one other speech on the part of those having the bill in charge.

Mr. Speaker, I yield such time as he may desire to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Speaker, I was a Member of the House and voted for the first retirement bill. I was a member of the Ways and Means Committee that prepared the second retirement bill. I had much to do with its preparation and consideration before the committee, but the distinguished gentleman from Ohio [Mr. CROSSER] is the father of all this class of legislation. Without him these bills may never have been considered. Too much credit cannot be given him. I have voted for each retirement bill that has passed this House. I expect to support this measure because I think it is the best of all of them, and because I believe that

the bill is so drawn as to successfully withstand any attack on the ground of constitutionality. [Applause.]

The second retirement bill was drawn with two special and distinct parts or sections. One was the provision providing for the amount the railroads and the employees were to pay to be used as a fund out of which the pensions might be paid. The other provision was one that provided who was to be entitled to receive this pension and how much each man was to receive and how long the service must be, and so forth. The Supreme Court had found the first bill to be unconstitutional, and it looked as if the second would also be held to be unconstitutional. It was thought advisable to divide these bills and permit the bill providing the amount the railroads should pay and the amount the employees should pay and the manner of payment and all incidents thereto to be considered by the Ways and Means Committee, which of right should consider it. And it was also thought advisable that another bill should be introduced providing who should be entitled to draw this pension and how much each class should draw, and also to provide what age men should be required or be eligible to draw the pension. Also whether men who had been on furlough, and so forth, should be entitled to a pension. This bill was referred to the Committee on Interstate and Foreign Commerce. That is the bill under consideration by us today. This bill should pass and it will pass today. The other bill has been reported out by the Ways and Means Committee and will, no doubt, come up in a day or two for consideration and will pass. These two bills will make the whole retirement plan complete. One bill is of no benefit without the other. The bill we will pass today is a bill that deals with a great many details. The bill that we will pass in a few days will be a financial bill, and while it is all important in that it supplies all of the money with which to operate both of the bills, it will not deal with so many details.

I am taking the liberty of making a rather extended explanation of the bill, and in doing so am quoting extensively from the report of the Committee on Interstate and Foreign Commerce. The bill is divided into two parts. Part 1 amends the Railroad Retirement Act of 1935. Part 2 sets forth in detail the status of the Retirement Board and its rights and powers, and also the rights and powers of the claimants who have heretofore paid in certain payments, and so forth. Under the terms of the pending bill disabled persons who had lost their right to return to the service and were unable to qualify under the present law may qualify under the law that we are about to pass.

The bill includes as "employees" all who may be in the service of any person defined as an employer or who may be in the employment relation to any such person. The term "employee" also includes any officer or official representative of an organization of employees, other than a labor organization, included in the term "employer", as defined in section 1 (a), who shall have been in the service of such employer and who shall have been duly authorized and designated to represent employees, in accordance with the Railway Labor Act, as amended.

Under the pending bill only persons on furlough will be required to be "ready and willing" in order to be in "employment relation." Persons "on leave of absence or absent on account of sickness or disability", by the terms of the bill, will be considered to be in "employment relation", without regard to their ability to return to service when called.

Under the bill (sec. 2 (a)) the following persons, upon complying with the conditions hereafter stated will be eligible for annuities:

First. Persons 65 years of age or over.

Second. Persons who on the enactment date (Aug. 29, 1935) were 60 or more years of age, with 30 years of service, but with a reduction of one one-hundred-and-eightieth of the annuity for each month the person may be under age 65.

Third. Persons 60 years of age, who shall have been totally and permanently disabled for regular employment for hire, regardless of the number of years of service, but with a reduction of one one-hundred-and-eightieth for each month the person may be under age 65.

Fourth. Persons, regardless of age, who shall have had 30 years of service and who shall have been totally and permanently disabled for regular employment for hire.

The bill differs, therefore, from the existing law in three particulars:

First. It grants a disability annuity at age 60 to one with less that 30 years of service.

Second. It changes from 50 to 60, the age at which one with 30 years service may retire with a reduced annuity.

Third. With respect to a disability annuity, the requirement that a person be "retired by the carrier on account of physical or mental disability" is changed so as to require that he be "totally and permanently disabled for regular employment for hire" according to the decision of the Retirement Board and not of the carrier.

The existing law (sec. 215 (H) and sec. 217), requires a person, in order to be entitled to an annuity, to cease the service of a "carrier."

The bill (sec. 2) requires a person to cease rendering "compensated service to any person", whether or not an "employer" as defined in the act. In other words, he must cease to be employed for hire by any person and relinquish his right to return to carrier or other "employer" service or to the service of the person by whom he may have been employed when he shall have become eligible for his annuity. A person is not required by the bill to relinquish his right to engage in other employment—that is, in the employment of persons other than "employers" as defined in the act, or of other than the last person by whom he shall have been employed before receiving his annuity.

Neither the present act nor the bill makes retirement compulsory.

The present act (sec. 216) requires a person to retire at 65 or suffer a loss of one-fifteenth of his annuity for each year he may continue in service after that age unless he shall file with the Board a written agreement with the carrier each year for his continuance in service beyond age 65 but not beyond age 70. It further provides that regardless of any written agreement he shall suffer a reduction of one-fifteenth of his annuity for each year he continues after 70. The bill does not contain such provision but does provide that the service of a person 65 or more years of age may continue in service after July 1, 1937, shall not be considered in calculating his years of service (sec. 3 (b) (4)). It further provides that his compensation received after July 1, 1937, shall be disregarded in calculating his annuity if to include it would diminish his annuity.

The method of computing an annuity is the same in the bill as in the present act—that is, by multiplying the "years of service" by an amount equaling the total resulting from adding 2 percent of the first $50 of the average monthly compensation, 1½ percent of the next $100, and 1 percent of the next $150. For example, if a person's average monthly compensation should be $250, and his "years of service" 30, we should then add 2 percent of the first $50, or $1; 1½ percent of the next $100, or $1.50; and 1 percent of the next $100, or $1, and this would make a total of $3.50. If we then multiply this amount—$3.50—by 30, the result would be the amount of the annuity—that is, $105.

For service which may have been rendered after December 31, 1936, or what is called in the bill "subsequent service", the average monthly compensation shall be determined by taking the actual pay-roll average for such service rendered after December 31, 1936. For prior service—that is, for service rendered prior to January 1, 1937—the average monthly compensation shall be the average monthly compensation earned by the employee in calendar months in his years of service in the years 1924–31.

According to the terms of the pending bill, service which may have been rendered prior to January 1, 1937, will be included only in the cases of persons who may have been

employees on the enactment date, August 29, 1935. It is not necessary under the pending bill that persons should have been actually engaged in compensated service on the enactment date. Prior service is allowed those on furlough or leave of absence or absent on account of sickness on such date, even though they may not have resumed compensated service since the enactment date. The bill includes in the years of service all service subsequent to December 31, 1936. If prior service should be included in order to make up the service period, the number of years so included is limited by the bill so as to prevent the total service period from exceeding 30 years.

The pending bill (sec. 3 (e)) makes the following provision:

Persons who may be employed when they shall have attained the age of 65 years and shall have completed 20 years' service shall be entitled to a minimum annuity of $40 per month: *Provided, however,* That if the monthly compensation on which his annuity may be based should be less than $50, the annuity shall be 80 percent of such monthly compensation, unless such 80 percent should be less than $20, in which case the annuity shall be either $20 or if such monthly compensation should be less than $20 then the annuity shall be equal to such monthly compensation. The bill also provides that the value of the annuity shall not be less than the value of the old-age benefit he would receive under title II of the Social Security Act if his service as an employee after December 31, 1936, were included in the term "employment" as defined in the Social Security Act.

The pending bill provides that upon the death of any employee at any time there shall be paid his widow, or, if there be no widow, to the person or persons designated by the employee, a sum equal to 4 percent of the total compensation, not exceeding $300 in any one month, paid to the employee on and after January 1, 1937, less any amount which may have been paid as an annuity to the employee or his spouse.

Persons on the carrier pension rolls who, on July 1, 1937, were eligible for annuities based in whole or in part on service rendered prior to January 1, 1937, shall from and after July 1, 1937, be paid an annuity under the Retirement Act and shall not be carried as pensioners transferred from the carrier pension rolls. In order, however, to avoid delay and confusion in qualifying such persons under the Retirement Act, provision is made to continue them as pensioners transferred from the carrier penson rolls until October 1, 1937, or to the date, prior to that time, on which they shall have qualified under the Retirement Act.

It is my confident hope that this bill will be found to be such a success as that in the future it will continue to meet the support of the men and of the railroad companies. This will be a great example of how successfully the employer and the employee can get along when they have an understanding and when each works for the benefit of the other. [Applause.]

Mr. CROSSER. Mr. Speaker, I yield to the gentleman from Texas [Mr. RAYBURN] such time as he may desire.

Mr. RAYBURN. Mr. Speaker, I have asked for this minute to say two things: First, I congratulate industry and labor on this happy conclusion of a long controversy. Second, I would be untrue to my feelings if, when a bill from the Committee on Interstate and Foreign Commerce was being considered, I did not take the floor for a moment and reexpress my loyalty and my love for this great committee and its members. Furthermore, Mr. Speaker, I want to pay a tribute to a man who, in my opinion, is as good a man as there is in Congress or as has ever served in Congress, the man who has led this fight through all these years. I pay tribute to the fine statesman, the splendid gentleman from Ohio, ROBERT CROSSER. [Applause.]

Mr. MAPES. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. TREADWAY.]

Mr. TREADWAY. Mr. Speaker, I am very glad, as a member of the minority, to compliment the remarks that the majority leader has just made in reference to the service of the gentleman from Ohio [Mr. CROSSER.] I served with the gentleman for a good many years, and certainly nothing can be said that he does not fully deserve in the way of compliment for the work he has done in connection with this legislation.

It has been my privilege to be a member of the Ways and Means Committee during the time the companion bill to this measure has been under consideration. And now that the House is about to pass this bill recommended by the Committee on Interstate and Foreign Commerce, I am glad to say that the Ways and Means Committee today unanimously voted the tax measure which is supposed to accompany the bill we now have before us.

I know of nothing that will redound more to the credit of both committees than the passage of these two bills, which benefit so many deserving men who have stood behind the railroads in this country for a long period of years. I therefore join with other Members of the House in congratulating the Committee on Interstate and Foreign Commerce for bringing this matter to a head.

Further, I think it is fair to say that the railroad interests, the employee interests, and the administration interests are united on this measure that we are about to pass. This was brought out in the testimony before the Ways and Means Committee this morning.

Mr. Speaker, I am glad to join with the others in the hope that these two bills will soon become law. [Applause.]

Mr. CROSSER. Mr. Speaker, for the third time in 3 years, I have the privilege of presenting for the approval of the House, legislation providing for the retirement of railway workers on account of age. When, years ago I began the effort to have enacted a law providing a pension for aged railway workers there was enthusiasm in Congress for such a measure, though few were willing to believe that such a law could be passed in less than a decade.

In the year 1934, however, we succeeded in passing a measure providing substantially the benefits which are now provided by the bill before the House. That law was however declared unconstitutional by a 5-to-4 decision of the Supreme Court.

We then immediately started work for the passage of another measure in 1935, we were again successful in passing the present retirement law. I firmly believe that the 1935 law would have been upheld by the Supreme Court.

The desire was expressed, however, by railroad workers, railroad officials, and Government officials that the long conflict might be settled in a friendly way and an effort for such a settlement was begun early in January of this year.

A committee representing the Railway Labor Executives' Association worked with a committee representing the railroad officials, and by the exercise of great patience were remarkably successful in overcoming many of the antagonisms which had heretofore existed between them. These representatives then informed the Congress of the modification of their previous contentions.

The Committee on Interstate and Foreign Commerce have endeavored to report a bill which will remove, as completely as possible, the causes of dissatisfaction on the part of both railroad workers and railroad officials. We have tried to remove the grounds which caused antagonism to the previous railroad-retirement laws. We present for the approval of the House a measure which will assure railroad workers of comfort when the evening of life overtakes them. No longer need railroad men approach old age with the dread of poverty or in fear of want, but may continue through the closing years of life with the assurance that there will be no danger of starvation and that they will never be compelled to be in real want.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from New York.

Mr. O'CONNOR of New York. The gentleman will recall my interest in this bill, especially in one feature. Under the existing situation if a man retires at the age of 60 or 65, he would be prevented from engaging in any occupation. If he is a lawyer, he could not practice law, or he could not run a little gasoline station or engage in any other business.

Mr. CROSSER. I understand what the gentleman means.

Mr. O'CONNOR of New York. I understand this bill has corrected this feature?

Mr. CROSSER. The bill has corrected that in this way: It requires, as it always did require, a man, if he is in the railroad service, to quit his job. In other words, he may not receive a pension and at the same time continue at his work on the railroad. Or, if when he becomes eligible for a pension and should be working for someone else in another line of work, he must discontinue that work. But then he may go to work for whomever he pleases other than a railroad or for the particular employer last mentioned. I think that answers the gentleman's question.

Mr. Speaker, I have probably had more to do with railroad-retirement legislation than any other Member of Congress. While I derive much satisfaction from the feeling that I have done something to assure railroad workers comfort and freedom from worry during the evening of life, yet my chief desire for them is to see such an adjustment to sound economic principles as will assure men equal rights and opportunity and which will make certain that they will receive as compensation the full value of their toil. Then men will be truly independent and will be free from worry. We must abolish unemployment, and by so doing we shall make it unnecessary for anyone to accept as compensation for his work anything less than what is fair and just. When unemployment no longer harasses men I can vision the time when harmony will prevail among the people and men will march arm in arm along the highway of life with songs of joy pealing from their hearts in the glorious cause of brotherhood. Then men will be freemen and the grandeur of creation will be manifest throughout the land.

Mr. DOWELL. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from Iowa.

Mr. DOWELL. The gentleman himself introduced all three of these bills?

Mr. CROSSER. That is so.

Mr. DOWELL. And he has followed them up until their final passage?

Mr. CROSSER. Yes.

Mr. JOHNSON of Oklahoma. Will the gentleman yield?

Mr. CROSSER. I yield to the gentleman from Oklahoma.

Mr. JOHNSON of Oklahoma. I may say to the gentleman that practically every Member of the House appreciates the good work he and the committee has done on this important legislation. The gentleman mentioned a while ago something about another similar retirement act having been declared unconstitutional. The gentleman and his committee, I assume, are now convinced that this bill is constitutional?

Mr. CROSSER. I think the retirement law of 1935 now on the statute books is constitutional. I do not wish to have any misunderstanding about that. The bill now pending before us is based upon the same principle as the act of 1935 but removes some of the grounds of controversy between the railroad companies and the men. It does not add anything to the constitutionality of the legislation. I think the legislation now on the statute books is constitutional. We have tried to be fair and to bring in legislation which will be supported by both the workers and the companies.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. CROSSER. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I know the marvelous work the gentleman has done for the railroad men throughout this country. I know he feels, just as other Members feel, that the railroad men of this country deserve a great deal of credit for carrying safely day after day the great number of human beings who travel on their trains. Their responsibility is heavy, and their record for safety and efficiency excels the performance of those in any other means of transportation. Almost unbelievable safety records have been made by our railroad men. In 1935 not a passenger was killed by collision or derailment; one passenger was killed as the result of the explosion of a heater, while 24 were killed while about to become passengers, in getting on or off of cars. For the year 1936 seven passengers were killed in train accidents and 10 died in getting on or off of trains. What a blessing it would be if our citizens, and particularly automobilists, had the same regard for their lives and the lives of others as do the railroad men.

Mr. CROSSER. I thank the gentlewoman.

Mr. Speaker, there is little more that I can say in the few moments remaining at my disposal on this subject.

The whole purpose of this legislation is to give practical expression to the great principle of human brotherhood—that is fundamental democracy.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. JENKINS of Ohio. In view of the fact the gentleman is the outstanding authority on railroad-retirement legislation, I hope he will extend his remarks copiously in the RECORD so that we may look to his speech as being the authority on the facts and figures of this great legislation.

Mr. CROSSER. I shall endeavor to do so.

I am not under any misapprehension. I think this legislation will, of course, have to be amended in the future in the light of experience, as is the case with all legislation.

Mr. SHORT. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. Yes; briefly.

Mr. SHORT. I merely want to say as a friend of railroad men that I think that all the Members of the House feel deeply indebted to the gentleman from Ohio for his pertinacity and skill and for his untiring efforts and unfailing interest in behalf of this worthy cause.

Mr. CROSSER. I thank the gentleman very much.

Mr. SHEPPARD. May I ask the gentleman if my interpretation is correct with respect to section 2, from line 17 down?

Mr. CROSSER. I cannot stop to answer long questions. I will answer the question in the RECORD, if the gentleman will put the question in the RECORD.

Mr. SHEPPARD. I merely wanted to know if a man who had been employed 29 years and 4 months would enjoy the annuity?

Mr. CROSSER. It would require a long statement to answer that question, and I cannot take the time to do so now.

Mr. Speaker, to those who have been so complimentary and kind in their references to me, let me say, that if I have helped to make this world a better place in which to live, if I have done something to promote the cause of universal brotherhood, I am gratified, for I believe with Edwin Markham, who said:

> There is a destiny that makes us brothers,
> None goes his way alone;
> All that we send into the life of others,
> Comes back into our own.

I have tried and I hope I have succeeded in sending into the lives of others nothing that I would not welcome back into my own. [Applause.]

[Here the gavel fell.]

The SPEAKER. The question is on the suspension of the rules and the passage of the bill as amended.

The question was taken; and on a division (demanded by Mr. CROSSER) there were—ayes 340, noes 0.

Mr. CROSSER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were yeas 363, nays 1, not voting 68, as follows:

[Roll No. 94]

YEAS—363

Aleshire	Andrews	Beiter	Boland, Pa.
Allen, Del.	Arends	Bell	Boren
Allen, Ill.	Arnold	Biermann	Boyer
Allen, La.	Ashbrook	Binderup	Boykin
Allen, Pa.	Atkinson	Bland	Boylan, N. Y.
Amlie	Barden	Bloom	Bradley
Anderson, Mo.	Barry	Boehne	Brooks
Andresen, Minn.	Beam	Bolleau	Brown

Buck	Fries, Ill.	Lewis, Md.	Richards
Buckler, Minn.	Fuller	Long	Robertson
Bulwinkle	Gambrill	Lord	Robinson, Utah
Burch	Garrett	Luce	Robsion, Ky.
Burdick	Gasque	Ludlow	Rogers, Mass.
Byrne	Gavagan	Luecke, Mich.	Rogers, Okla.
Caldwell	Gearhart	McClellan	Rutherford
Cannon, Mo.	Gehrmann	McFarlane	Ryan
Carlson	Gildea	McGehee	Sabath
Carter	Gingery	McGranery	Sacks
Cartwright	Goldsborough	McGrath	Sanders
Case, S. Dak.	Gray, Ind.	McKeough	Sauthoff
Casey, Mass.	Gray, Pa.	McLaughlin	Schaefer, Ill.
Champion	Green	McMillan	Schneider, Wis.
Chandler	Greenwood	McSweeney	Schulte
Chapman	Greever	Maas	Scrugham
Church	Gregory	Magnuson	Secrest
Clark, Idaho	Griffith	Mahon, S. C.	Seger
Clark, N. C.	Griswold	Mahon, Tex.	Shanley
Clason	Guyer	Maloney	Shannon
Claypool	Gwynne	Mansfield	Sheppard
Cochran	Halleck	Mapes	Short
Coffee, Nebr.	Hamilton	Martin, Colo.	Simpson
Coffee, Wash.	Harrington	Martin, Mass.	Smith, Va.
Colden	Hart	Mason	Smith, Wash.
Cole, Md.	Harter	Massingale	Snell
Cole, N. Y.	Hartley	Maverick	Snyder, Pa.
Collins	Havenner	May	Somers, N. Y.
Colmer	Hendricks	Mead	South
Cooley	Hennings	Meeks	Sparkman
Cooper	Higgins	Merritt	Spence
Costello	Hildebrandt	Michener	Stack
Cox	Hill, Ala.	Millard	Starnes
Crawford	Hill, Okla.	Miller	Steagall
Creal	Hobbs	Mills	Stefan
Crosby	Hoffman	Mitchell, Tenn.	Sullivan
Crosser	Honeyman	Moser, Pa.	Sumners, Tex.
Crowe	Hook	Mosier, Ohio	Sutphin
Culkin	Hope	Mott	Sweeney
Cullen	Houston	Mouton	Swope
Curley	Hull	Murdock, Utah	Tarver
Daly	Hunter	Nelson	Taylor, S. C.
Delaney	Imhoff	Nichols	Taylor, Tenn.
Dempsey	Izac	Norton	Teigan
DeMuth	Jarman	O'Brien, Ill.	Terry
DeRouen	Jarrett	O'Brien, Mich.	Thom
Dickstein	Jenckes, Ind.	O'Connell, R. I.	Thomas, Tex.
Dies	Jenkins, Ohio	O'Connor, Mont.	Thomason, Tex.
Dingell	Jenks, N. H.	O'Connor, N. Y.	Thompson, Ill.
Dirksen	Johnson, Luther A.	O'Leary	Thurston
Disney	Johnson, Lyndon	O'Malley	Tinkham
Ditter	Johnson, Okla.	O'Neal, Ky.	Tobey
Dixon	Johnson, W. Va.	O'Neill, N. J.	Tolan
Dondero	Jones	O'Toole	Towey
Dorsey	Kee	Oliver	Transue
Doughton	Keller	Owen	Treadway
Dowell	Kelly, Ill.	Pace	Turner
Doxey	Kelly, N. Y.	Palmisano	Umstead
Drew, Pa.	Kennedy, Md.	Parsons	Vinson, Fred M.
Drewry, Va.	Kennedy, N. Y.	Patman	Vinson, Ga.
Driver	Kenney	Patrick	Voorhis
Duncan	Keogh	Patterson	Wadsworth
Dunn	Kerr	Patton	Wallgren
Eaton	Kinzer	Pearson	Walter
Eberharter	Kirwan	Peterson, Fla.	Warren
Eckert	Kitchens	Pettengill	Wearin
Edmiston	Kleberg	Pfeifer	Weaver
Eicher	Kloeb	Pierce	Welch
Elliott	Kniffin	Poage	West
Engel	Kocialkowski	Polk	Whelchel
Englebright	Kopplemann	Powers	White, Ohio
Evans	Kramer	Quinn	Whittington
Faddis	Lambertson	Rabaut	Wilcox
Fitzgerald	Lambeth	Ramsay	Williams
Fitzpatrick	Lamneck	Ramspeck	Withrow
Flannagan	Lanham	Randolph	Wolfenden
Flannery	Lanzetta	Rankin	Wolverton
Fleger	Larrabee	Rayburn	Wood
Fletcher	Lea	Reece, Tenn.	Woodruff
Forand	Leavy	Reed, Ill.	Woodrum
Ford, Calif.	Lemke	Rees, Kans.	The Speaker
Ford, Miss.	Lesinski	Reilly	
Frey, Pa.	Lewis, Colo.	Rich	

NAYS—1

O'Connell, Mont.

NOT VOTING—63

Bacon	Farley	Kvale	Sadowski
Bates	Ferguson	Lucas	Schuetz
Bernard	Fernandez	Luckey, Nebr.	Scott
Bigelow	Fish	McAndrews	Shafer, Mich.
Brewster	Fulmer	McCormack	Sirovich
Buckley, N. Y.	Gifford	McGroarty	Smith, Conn.
Cannon, Wis.	Gilchrist	McLean	Smith, Maine
Celler	Haines	McReynolds	Smith, W. Va.
Citron	Hancock, N. Y.	Mitchell, Ill.	Taber
Cluett	Hancock, N. C.	Murdock, Ariz.	Taylor, Colo.
Cravens	Harlan	O'Day	Thomas, N. J.
Crowther	Healey	Peterson, Ga.	Vincent, B. M.
Cummings	Hill, Wash.	Peyser	Wene
Deen	Holmes	Phillips	White, Idaho
Dockweiler	Jacobsen	Plumley	Wigglesworth
Douglas	Johnson, Minn.	Reed, N. Y.	Wolcott
Ellenbogen	Knutson	Romjue	Zimmerman

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. BANKHEAD, and he voted "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

Mr. BIGELOW rose.

The SPEAKER pro tempore (Mr. NICHOLS). Was the gentleman present and listening when his name was called?

Mr. BIGELOW. Mr. Speaker, I cannot qualify. I was engaged on committee work. Had I been present, I would have voted "yea."

The Clerk announced the following pairs:

General pairs:

Mr. Taylor of Colorado with Mr. Taber.
Mr. Cravens with Mr. Gifford.
Mr. Deen with Mr. Bacon.
Mr. Fernandez with Mr. Holmes.
Mr. Harlan with Mr. Reed of New York.
Mr. Fulmer with Mr. Thomas of New Jersey.
Mr. McAndrews with Mr. Bates.
Mr. Lucas with Mr. Crowther.
Mr. McReynolds with Mr. Gilchrist.
Mr. Romjue with Mr. Fish.
Mr. Schuetz with Mr. Knutson.
Mr. McCormack with Mr. McLean.
Mr. Zimmerman with Mr. Wigglesworth.
Mr. Sirovich with Mr. Wolcott.
Mr. Smith of West Virginia with Mr. Cluett.
Mr. Haines with Mr. Douglas.
Mr. Peterson of Georgia with Mr. Shafer of Michigan.
Mr. Hancock of North Carolina with Mr. Hancock of New York.
Mr. Dockweiler with Mr. Smith of Maine.
Mr. White of Idaho with Mr. Kvale.
Mr. Ferguson with Mr. Johnson of Minnesota.
Mr. Scott with Mr. Bernard.
Mr. Celler with Mr. Mitchell of Illinois.
Mr. Peyser with Mr. Farley.
Mr. Smith of Connecticut with Mr. Buckley of New York.
Mr. Cummings with Mrs. O'Day.
Mr. Jacobsen with Mr. Beverly M. Vincent.
Mr. Cannon of Wisconsin with Mr. Sadowski.
Mr. Murdock of Arizona with Mr. Wene.
Mr. Luckey of Nebraska with Mr. Hill of Washington.
Mr. Phillips with Mr. McGroarty.
Mr. Citron with Mr. Ellenbogen.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

FEDERAL SURPLUS COMMODITIES CORPORATION

Mr. BARDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2439) to extend the time for purchase and distribution of surplus agricultural commodities for relief purposes and to continue the Federal Surplus Commodities Corporation.

The Clerk read the title of the bill.

Mr. SNELL. Mr. Speaker, reserving the right to object, I think there was a misapprehension when the bill was objected to this morning. As I understand it, the gentlemen who objected are willing that the bill may be considered at this time.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in carrying out the provisions of clause (2) of section 32 of the act approved August 24, 1935 (49 Stat. 774), as amended, the Secretary of Agriculture may transfer to the Federal Surplus Commodities Corporation, which Corporation is hereby continued, until June 30, 1939, as an agency of the United States under the direction of the Secretary of Agriculture, such funds, appropriated by said section 32, as may be necessary for the purpose of effectuating said clause (2) of section 32: *Provided*, That such transferred funds, together with other funds of the corporation, may be used for purchasing, exchanging, processing, distributing, disposing, transporting, storing, and handling of agricultural commodities and products thereof and inspection costs, commissions, and other incidental costs and expenses, without regard to the provisions of existing law governing the expenditure of public funds and for administrative expenses, including rent, printing and binding, and the employment of persons and means, in the District of Columbia and elsewhere, such employment of persons to be in accordance with the provisions of law applicable to the employment of persons by the Agricultural Adjustment Administration.

In carrying out clause (2) of section 32, the funds appropriated by said section may be used for the purchase, without regard to the provisions of existing law governing the expenditure of public funds, of agricultural commodities and products thereof, and such commodities, as well as agricultural commodities and prod-

ucts thereof purchased under the preceding paragraph hereof, may be donated for relief purposes.

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.

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short report from the Department of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. STACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a brief editorial.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

(Mr. LUCE asked and was given permission to revise and extend his own remarks in the RECORD.)

Mr. RICH rose.

The SPEAKER. For what purpose does the gentleman from Pennsylvania rise?

Mr. RICH. Mr. Speaker, may I inquire of the Chair when the special orders set for today will be called?

The SPEAKER. At the conclusion of all legislative business.

Mr. PEARSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I recently delivered at Lexington, Tenn.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their own remarks in the RECORD on the railroad pension bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CIVILIAN CONSERVATION CORPS

Mr. RAMSPECK. Mr. Speaker, I call up the conference report on the bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6551) to create a Civilian Conservation Corps, and for other purposes, having met, after full and free conference, have come to no agreement.

WILLIAM P. CONNERY, Jr.,
MARY T. NORTON,
ROBERT RAMSPECK,
RICHARD J. WELCH,
FRED A. HARTLEY, Jr.,
Managers on the part of the House.

HUGO L. BLACK,
ROYAL S. COPELAND,
DAVID I. WALSH,
WILLIAM E. BORAH,
ROBERT M. LA FOLLETTE, Jr.,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6551) to create a Civilian Conservation Corps, and for other purposes, have been unable to reach an agreement.

WILLIAM P. CONNERY, Jr.,
MARY T. NORTON,
ROBERT RAMSPECK,
RICHARD J. WELCH,
FRED A. HARTLEY, Jr.,
Managers on the part of the House.

The SPEAKER. The Clerk will report the Senate amendment in disagreement.

The Clerk read as follows:

Senate amendment: Strike out all after the enacting clause and insert:

"That there is hereby established the Civilian Conservation Corps, hereinafter called the corps, for the purpose of providing employment and training for citizenship for youthful citizens of the United States who are unemployed, and to a limited extent as hereinafter set out, for war veterans and Indians, through the performance of useful public work in connection with the conservation and development of the natural resources of the United States, its Territories and insular possessions.

"SEC. 2. The President, by and with the advice and consent of the Senate, is authorized to appoint a Director at a salary of $10,000 per annum. The Director shall have complete and final authority in the functioning of the corps, including the allotment of funds to cooperating Federal departments and agencies, subject to such rules and regulations as may be prescribed by the President in accordance with the provisions of this act.

"SEC. 3. In order to carry out the purpose of this act the Director is authorized to provide for the employment of the corps and its facilities on works of public interest or utility for the protection, restoration, regeneration, improvement, development, utilization, maintenance, or enjoyment of the natural resources of lands and waters, and the products thereof, including forests, fish, and wildlife on lands or interest in lands (including historical or archeological sites), belonging to, or under the jurisdiction or control of, the United States, its Territories and insular possessions, and the several States: *Provided*, That the President may, in his discretion, authorize the Director to undertake projects on lands belonging to or under the jurisdiction or control of counties, and municipalities and on lands in private ownership, but only for the purpose of doing thereon such kinds of cooperative work as are or may be provided for by acts of Congress, including the prevention and control of forest fires, forest-tree pests and diseases, soil erosions, and floods: *Provided further*, That no projects shall be undertaken on lands or interests in lands other than those belonging to or under the jurisdiction or control of the United States unless adequate provisions are made by the cooperating agencies for the maintenance, operation, and utilizations of such projects after completion.

"SEC. 4. There are hereby transferred to the corps all enrolled personnel, records, papers, property, funds, and obligations of the Emergency Conservation Work established under the Act of March 31, 1933 (48 Stat. 22), as amended, and the corps shall take over the institution of the camp exchange heretofore established and maintained, under supervision of the War Department, in connection with and aiding in administration of Civilian Conservation Corps work camps conducted under the authority of said act as amended.

"SEC. 5. The Director and, under his supervision, the heads of other Federal departments or agencies cooperating in the work of the corps are authorized within the limit of the allotments of funds therefor to appoint such civilian personnel as may be deemed necessary for the efficient and economical discharge of the functions of the corps, in accordance with the civil-service laws and regulations made thereunder, and their compensation shall be fixed in accordance with the Classification Act of 1923, as amended: *Provided*, That the employment of employees of the Emergency Conservation Work and of the cooperating Federal agencies whose compensation is paid from Emergency Conservation Work funds, as of June 30, 1937, and for at least 2 months prior thereto, may be continued, and such employees who do not have a competitive classified civil-service status appropriate for the positions to be occupied shall be permitted to take an appropriate noncompetitive examination to be given by the Civil Service Commission within a period of 10 months and those employees who do not receive an eligible rating as a result of said examination shall be dropped from the rolls not later than June 30, 1938: *Provided further*, That the provisions of this section shall not apply to Reserve officers on active duty with the corps, enrollees of the corps, or unskilled labor: *Provided further*, That notwithstanding any contrary provisions of this or any other act the employment of Indians shall be in accordance with section 12 of the act of June 18, 1934 (48 Stat. 984).

"SEC. 6. The President may order Reserve officers of the Army and officers of the Naval and Marine Reserves to active duty with the corps under the provisions of section 37a of the National Defense Act and the Act of February 28, 1925, respectively.

"SEC. 7. The Director is authorized to have enrolled not to exceed 300,000 men at any one time, of which not more than 30,000 may be war veterans: *Provided*, That in addition thereto camps or facilities may be established for not to exceed 10,000 additional Indian enrollees and 5,000 additional Territorial and insular-possession enrollees.

"SEC. 8. The enrollees in the corps (other than war veterans, enrollees in the Territories and insular possessions, Indians, not to exceed one mess steward, three cooks, and one leader per each company) shall be unmarried male citizens of the United States between the ages of 17 and 23 years, both inclusive, and shall at the time of enrollment be unemployed: *Provided*, That the Director may exclude from enrollment such classes of persons as he may consider detrimental to the well-being or welfare of the corps, except that no person shall be excluded on account of race, color, or creed: *Provided further*, That enrollments shall be for a period of not less than 6 months and reenrollments shall not exceed a total term of 2 years: *Provided further*, That in the discretion of the Director continuous service by the enrollee during

his period of enrollment shall not be required in any case where the enrollee attends an educational institution of his choice during his leave of absence: *Provided further*, That the Director shall be authorized to issue certificates of proficiency and merit to enrollees under such rules and regulations as he may provide.

"SEC. 9. The compensation of enrollees shall be in accordance with schedules approved by the President, and enrollees shall be permitted, under such regulations as may be prescribed by the Director, to make allotments of pay to dependents; to make deposits of pay in amounts specified by the Director with the Chief of Finance, War Department, to be repaid in case of an emergency or upon completion of or release from enrollment; and to receive the balance of their pay in cash monthly: *Provided*, That Indians may be excluded from these regulations: *Provided further*, That the pay of enrollees shall not exceed $30 per month, unless such enrollees are used as leaders or for special services for which an additional amount of pay is justified.

"SEC. 10. Enrollees shall be provided, in addition to the monthly rates of pay, with such quarters, subsistence, and clothing, or commutation in lieu thereof; medical attention; hospitalization; and transportation as the Director may deem necessary: *Provided*, That burial, embalming, and transportation expenses of deceased enrolled members of the Corps, regardless of the cause and place of death, shall be paid in accordance with regulations of the Employees' Compensation Commission applicable to employees injured in line of duty: *Provided further*, That the provisions of the act of February 15, 1934 (U. S. C., title 5, sec. 76), relating to disability or death compensation and benefits, shall apply to the enrolled personnel of the Corps.

"SEC. 11. The Chief of Finance, War Department, is hereby designated, empowered, and directed, until otherwise ordered by the President, to act as the fiscal agent of the Director in carrying out the provisions of this act: *Provided*, That funds allocated to Government agencies for obligations under this act may be expended in accordance with the laws, rules, and regulations governing the usual work of such agency, except as otherwise stipulated in this act: *Provided further*, That in incurring expenditures the provisions of section 3709, Revised Statutes (U. S. C., title 41, sec. 5), shall not apply to any purchase or service when the aggregate amount involved does not exceed the sum of $300.

"SEC. 12. The President is hereby authorized to utilize the services and facilities of such departments or agencies of the Government as he may deem necessary for carrying out the purposes of this act.

"SEC. 13. The Director and, under his supervision, the cooperating departments and agencies of the Federal Government are authorized to enter into such cooperative agreements with States and civil divisions as may be necessary for the purpose of utilizing the services and facilities thereof.

"SEC. 14. The Director may authorize the expenditure of such amounts as he may deem necessary for supplies, materials, and equipment for enrollees to be used in connection with their work, instruction, recreation, health, and welfare, and may also authorize expenditures for the transportation and subsistence of selected applicants for enrollment and of discharged enrollees while en route upon discharge to their homes.

"SEC. 15. That personal property as defined in the act of May 29, 1935 (49 Stat. 311), belonging to the corps and declared surplus by the Director, shall be disposed of by the Procurement Division, Treasury Department, in accordance with the provisions of said act: *Provided*, That unserviceable property in the custody of any department shall be disposed of under the regulations of that department.

"SEC. 16. The Director and, under his supervision, the heads of cooperating departments and agencies are authorized to consider, ascertain, adjust, determine, and pay from the funds appropriated by Congress to carry out the provisions of this act any claim arising out of operations authorized by the act accruing after the effective date thereof on account of damage to or loss of property or on account of personal injury caused by the negligence of any enrollee or employee of the corps while acting within the scope of his employment: *Provided*, That the amount allowed on account of personal injury shall be limited to necessary medical and hospital expenses: *Provided further*, That this section shall not apply to any claim on account of personal injury for which a remedy is provided by section 10 of this act: *Provided further*, That no claim shall be considered hereunder which is in excess of $500, or which is not presented in writing within 1 year from the date of accrual thereof: *Provided further*, That acceptance by any claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof and the action of the Director or of the head of a cooperating department or agency upon such claim so accepted by the claimant shall be conclusive.

"SEC. 17. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the provisions and purposes of this act: *Provided*, That no part of any such appropriation shall be used in any way to pay any expense in connection with the conduct, operation, or management of any camp exchange, save and except such camp exchanges as are established and operated, in accordance with regulations to be prescribed by the Director, at such camps as may be designated by him, for real assistance and convenience to enrollees in supplying them and their supervising personnel on duty at any such camp with articles of ordinary use and consumption not furnished by the Government: *Provided further*, That the person in charge of any such camp exchange shall certify, monthly, that during the preceding calendar month such exchange was operated in compliance herewith.

"SEC. 18. This act, except as otherwise provided, shall take effect July 1, 1937."

Mr. RAMSPECK (interrupting the reading of the Senate amendment). Mr. Speaker, I ask unanimous consent that the further reading of the Senate amendment be dispensed with.

Mr. DICKSTEIN. Mr. Speaker, reserving the right to object, I would like to hear the amendment read.

Mr. NICHOLS. Mr. Speaker, reserving the right to object, and I shall not object, I think the chairman should explain the Senate amendment.

Mr. RAMSPECK. I shall explain the situation in full.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate to the bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes.

The SPEAKER. The Clerk will report the motion of the gentleman from Georgia.

The Clerk read as follows:

Mr. RAMSPECK moves that the House recede from its disagreement to the Senate amendment to the bill (H. R. 6551) to establish a Civilian Conservation Corps, and for other purposes.

Mr. RAMSPECK. Mr. Speaker, I hope I may have the careful attention of the Members of the House while I offer an explanation which it is absolutely necessary for you to hear if you are to understand what we are trying to do here this afternoon. We have a most unusual parliamentary situation, and, unless you understand what we are trying to do, we are going to have a lot of trouble and confusion.

At the time the Civilian Conservation Corps bill was sent to conference, the gentleman from New York [Mr. SNELL] reserved the right to object and stated that "the important matter in this conference is the continuation of the Civilian Conservation Corps camps. I think the gentleman from Massachusetts should give the House to understand that he will bring this matter back to the House on the question of any permanent extension of the Civilian Conservation Corps." After some discussion of what action the House conferees would take in the conference, the gentleman from Massachusetts, the late Mr. Connery, stated:

I may say that we will not agree to anything upon which the House has passed by a vote until we ask for a further vote in the House.

To carry out Mr. Connery's promise, I am now bringing back to the House for a separate vote the various matters to which the statement relates. First, the matter of vocational education; second, the matter of applicability of the civil-service laws and regulations to the civilian personnel of the Corps; and third, the pay of enrollees who may be classified as leaders. Since the conferees do not propose a permanent Civilian Conservation Corps, but have informally agreed to recommend a 3-year extension for the 2-year extension in the House bill, I do not construe Mr. Connery's promise to apply to that provision and I hope the gentleman from New York [Mr. SNELL] will agree with me.

First, let me explain the parliamentary situation, briefly. After having reported a conference agreement to the House, Mr. Connery asked that the bill be recommitted to the conferees in order to give the House an opportunity to express its choice on the three matters. In pursuance of this desire, the conferees have reported a disagreement. I propose to offer a motion that the House recede from its disagreement to the Senate amendment. If that motion carries, which I trust it will, I then propose to offer three separate amendments to the Senate amendment which will substitute for the Senate provisions in controversy the House provisions. On each of these amendments a separate vote may be had if desired.

After the disposition of the three motions, I shall move to offer as a substitute for the entire Senate amendment a proposal which will contain, first, all the matters tentatively agreed on by the conferees, about which I am sure there is no substantial controversy; and, second, the matters which the House has just voted on in the previous separate three motions.

By following this procedure we shall be able to dispose of the noncontroversial matters, give the House the desired separate votes, and offer a proposition to the Senate which it can agree to or send to conference and which will set forth in definite fashion the position of the House.

I may say further that the reason for this complicated procedure is the fact that the Senate, in considering the House bill, struck out all after the enacting clause and substituted the Senate bill. It therefore became impossible for the conference, under the parliamentary situation, to carry out the promise which Mr. Connery made the gentleman from New York [Mr. SNELL] when the bill was taken from the Speaker's table and sent to conference. This is the only parliamentary method by which we can carry out that promise, and I am sure the Members of the House, in view of what has happened since, will join with me in helping to keep a promise for a man who never broke one. [Applause.]

Mr. SNELL. Mr. Speaker, will the gentleman from Georgia yield?

Mr. RAMSPECK. I yield to the gentleman.

Mr. SNELL. I may say to the gentleman that I think the committee of conference has done all it could in the matter. I had a short talk with our late colleague, Mr. Connery, a few days before he passed away, and he explained the matter to a certain extent, and his explanation was along the same line as that of the gentleman from Georgia. I think under the circumstances you have done all you could, and, while I would have preferred an extension of 2 years rather than 3 years, I think you have done your part, and I shall not raise any further objection. [Applause.]

Mr. RAMSPECK. I thank the gentleman from New York.

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Michigan.

Mr. MAPES. I do not understand clearly the parliamentary situation. As I understand the gentleman's motion, it is to recede and concur in the Senate amendment?

Mr. RAMSPECK. No; the motion now is simply to recede from our disagreement to the Senate amendment. If this motion is adopted, then I have some other motions which embody the position of the House on the question and upon which the House will have the opportunity of voting.

Mr. MAPES. I misunderstood the gentleman's motion.

Mr. RAMSPECK. If the pending motion is adopted, then I shall offer a motion to put back in the bill the provisions of the House bill and we will then go to conference on that.

Mr. MAPES. After the House recedes, the gentleman then proposes to offer amendments to the Senate amendment?

Mr. RAMSPECK. That is correct.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. NICHOLS. Do I understand the gentleman proposes in these three motions to put the bill back in the shape it was in when it passed the House?

Mr. RAMSPECK. The gentleman is absolutely correct with the exception of the difference between 3 years and 2 years.

Mr. NICHOLS. Will the motions of the gentleman be debatable, as the gentleman understands it?

Mr. RAMSPECK. I shall have to ask the Chair that question.

The SPEAKER. If the question is submitted in the form of a parliamentary inquiry, the Chair may state that the motions will be debatable under the 1-hour rule.

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

Mr. RAMSPECK. Mr. Speaker, I offer the following motion, which I send to the desk.

The Clerk read as follows:

Mr. RAMSPECK moves that on page 1, line 3, of the Senate amendment, strike out "and training for citizenship" and insert ", as well as vocational training", and on page 1, line 9, before the period, insert ": *Provided*, That at least 10 hours each week may be devoted to general education and vocational education."

The SPEAKER. The gentleman from Georgia is recognized for 1 hour.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. WADSWORTH. In listening to the second half of the amendment, as I understand it, it reads that at least 10 hours may be devoted each week to vocational training.

Mr. RAMSPECK. The gentleman is correct.

Mr. WADSWORTH. Does not the gentleman mean that not more than 10 hours may be devoted to vocational training?

Mr. RAMSPECK. This is the language that was in the House bill, and what I am attempting to do is to give the House a chance to vote either up or down the provisions of the House bill.

Mr. WADSWORTH. But let us say what we mean. We do not mean to say that at least a certain number of hours may be provided.

Mr. RAMSPECK. I understand the gentleman's point, but I am trying to stick to the agreement to bring this back to the House. Frankly, I like the language of the Senate bill on this particular matter better than I like the language of the House bill, but I am moving to put in the House provision to carry out the promise made.

Mr. WADSWORTH. My only observation is that if the language now proposed ever reaches the statute books, it will not have any meaning.

Mr. FULLER. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. FULLER. If we adopt the gentleman's amendment, the gentleman still has the right on this particular language to change it in conference and bring it back to the House?

Mr. RAMSPECK. That is correct.

Mr. COLLINS. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. COLLINS. Regarding the question of the gentleman from New York [Mr. WADSWORTH] it seems to me, in view of the fact that these boys are expected after their terms of enlistment have expired to go out into the world and earn a livelihood, they ought to have at least 10 hours of training in vocational education as provided in the House bill. I think therefore the language in the House bill is preferable to the language in the Senate bill.

Mr. WADSWORTH. Which is not mandatory. It says at least 10 hours may be provided. If we want the 10 hours, we should say that not less than 10 hours shall be provided.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. WHITTINGTON. I listened as carefully as I could to the reading of the proviso and it occurred to me that it is not in the language of the House bill. Will the gentleman be good enough to repeat it.

Mr. RAMSPECK. The language of the proviso is:

Provided, That at least 10 hours each week may be devoted to general education and vocational education.

Mr. WHITTINGTON. "Vocational education" is not the language originally used in the House bill. It was "vocational training." I have the bill before me.

Mr. RAMSPECK. If that is the case, then the language ought to be changed.

Mr. WHITTINGTON. I suggest that the gentleman ask unanimous consent to correct that language.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent to modify the last word in the amendment and change it from "education" to "training."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER. The Clerk will report the modified amendment.

The Clerk read as follows:

Mr. RAMSPECK moves that on page 1, line 3, of the Senate amendment, strike out "and training for citizenship" and insert ", as well as vocational training"; and on page 1, line 9, before the period insert ": *Provided*, That at least 10 hours each week may be devoted to general education and vocational training."

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. DINGELL. As I understood the gentleman from Georgia has stated that he prefers personally the wording of the Senate.

Mr. RAMSPECK. That is correct.

Mr. DINGELL. They both seek the same objective.

Mr. RAMSPECK. That is correct.

Mr. DINGELL. Then, according to that, for the benefit of the membership of the House, am I correct in presuming that to attain the same objective and to be more certain it would be wiser on the part of the House to vote down the motion of the gentleman from Georgia?

Mr. RAMSPECK. It is a question of language, of course. I think the Senate language is broader, because it uses the words "training for citizenship", which includes everything.

Mr. DINGELL. I have a great deal of confidence in any advice the gentleman from Georgia gives to the House, and for that reason desire to follow him. I realize that he presents a problem here to carry out a certain agreement heretofore entered into, but that is merely the discharge of an obligation on the part of the gentleman from Georgia. I want to vote against the gentleman's motion if he thinks the Senate objects and the Senate wording is better.

Mr. RAMSPECK. Personally, I think the Senate language is preferable from a number of standpoints. However, I am not saying that to influence the vote of any Member. The Members can vote any way they please, but personally I like the Senate provision, because I think "training for citizenship" includes vocational training as well as every other kind of training that they might think would be worth while to make these boys better citizens.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New York.

Mr. DICKSTEIN. As I understand, you are not teaching "training for citizenship", which is very important under that section of the bill. You are adding to the training——

Mr. RAMSPECK. No, no. The gentleman is mistaken. We are moving to substitute "vocational training and general education" for the Senate language, which is "training for citizenship."

Mr. DICKSTEIN. Will your language take care of those who want to train for citizenship, to make them better citizens?

Mr. RAMSPECK. I do not think, under the language which I am moving to substitute, that they could teach anything except general education and vocational training.

Mr. DICKSTEIN. Then you are practically repealing that training for citizenship that some men would like to get while in the camps?

Mr. RAMSPECK. We have taken out the Senate language. The gentleman knows the difference between the two provisions.

Mr. DICKSTEIN. But I think you are taking the heart out of the bill.

Mr. RAMSPECK. We are trying to put back what was in the House bill.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. Would the gentleman kindly report in full the Senate language, especially that portion of it, if it contains any reference, concerning the number of hours they shall teach? Does the Senate language have any provision with reference to the minimum or maximum number of hours?

Mr. RAMSPECK. The Senate has no provision as to the number of hours. They struck out the House bill and substituted an entirely different bill. It contains this language:

That there is hereby established the Civilian Conservation Corps, hereinafter called the corps, for the purpose of providing employment and training for citizenship.

Mr. NICHOLS. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Since the language in the Senate provision is so broad and general in nature, is there not danger of one camp having one idea about what citizenship is, and in following that idea teach some particular thing, while the man in charge of another camp would have an entirely different idea as to citizenship, and he would teach another thing, and would that not encourage lack of uniformity of training among these boys?

Mr. RAMSPECK. Of course the gentleman is as well able to judge that as I am, but I do not think so, for this reason: The educational program is directed from the Washington office of the corps. They have educational advisers in each camp, and I presume they are told what to teach.

Mr. NICHOLS. At least, if we did adopt the Senate provision, it is possible that any person in charge of instruction in any particular camp or section might teach anything so long as he was able to interpret it as being a course in good citizenship. That is right, is it not?

Mr. RAMSPECK. I presume so, subject, of course, to the direction of the chief officer in Washington.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. RANDOLPH. Regardless of what the House does in connection with the matter of vocational education or general education program, personally I believe the Senate language is preferable, because, as the gentleman says, the direction of the educational program is from Washington, and the camp educational directors of course follow their own initiative, and we will provide for it in whichever way we adopt this amendment; but regardless of that fact, we must not overlook that whereas it is important to bring out the educational program for these boys, we must not fail to take into consideration the splendid accomplishments of the work program of the C. C. C.

Mr. GRISWOLD. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. GRISWOLD. I call the gentleman's attention to some statements made in the hearings with relation to this very matter, and if I am wrong I want my colleague to correct me. The basis of Mr. Fechner's testimony on this training was that we were now training them for citizenship, and he did not think the camps could train them vocationally because they were not so equipped, but that they were training them for citizenship. Is not that the basis of his testimony?

Mr. RAMSPECK. I think so, in substance. However, he did say that they were receiving vocational training in connection with the work to a certain extent.

Mr. GRISWOLD. That is, on the job. They obtained that as a part of the work they were doing, but he claimed that the whole system of the camp was an education for citizenship.

Mr. RAMSPECK. Yes; that is correct.

Mr. GRISWOLD. And also the director of education, or whatever his title is, who appeared before the committee along with Mr. Fechner, testified to practically the same thing, I believe.

Mr. RAMSPECK. Yes.

Mr. GRISWOLD. Is it not true, then, that on the basis of that testimony of the present administration, both on the educational system and the camps in general, the Senate language would leave us in the position of having the same educational facilities and the same educational program that we have now, with practically no change?

Mr. RAMSPECK. I think the gentleman's assumption is correct.

Mr. COLDEN. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COLDEN. The phrase in the Senate amendment "training for citizenship" has a very restricted meaning in a great many of the schools and colleges of the country, their contention being that it relates particularly to the question of government. As I understand it, the gentleman does not want to exclude vocational training. I am wondering whether that language is definite enough to cover the purposes of the C. C. C. camps.

Mr. RAMSPECK. I think it is, I will say to the gentleman.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. BOILEAU. I presume that the conferees had some discussion as to the meaning of the term in the Senate amendment "training for citizenship." For the sake of the RECORD, will the gentleman inform us as to whether there was any discussion among the conferees, or any suggestion in the minds of the members of the House Committee on Labor that training for citizenship should include military training?

Mr. RAMSPECK. It was never in the minds of the conferees that it should include military training.

Mr. BOILEAU. Then it is the gentleman's idea that the expression "training for citizenship" does not include military training?

Mr. RAMSPECK. The gentleman is correct; I have no such idea.

Mr. SNYDER of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. SNYDER of Pennsylvania. Regarding this inquiry in respect of military training, may I say that Dr. Fechner appeared before the Appropriations Subcommittee on the War Department and at that time stated very emphatically that he did not want to have military training go any further than it does now in the camps.

I rose, Mr. Speaker, primarily to ask the gentleman if there was any objection to substituting the word "shall" for the word "may" in the amendment, making it read "that not less than 10 hours shall be devoted to educational training"?

Mr. RAMSPECK. Yes; I may say to the gentleman from Pennsylvania that there is a good deal of objection to that. In the first place, if it is made mandatory it would take many millions of dollars to carry it out, for it would involve the building of many buildings and the acquisition of much equipment and facilities that the Administration at present lacks for such a mandatory program.

Mr. WADSWORTH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. WADSWORTH. I do not want to torture this subject, but I do want this sentence to mean something. As it is presently written it does not mean anything. It reads that "at least 10 hours each week may be devoted." That is meaningless. The gentleman from Georgia has raised the objection to the suggestion of the gentleman from Pennsylvania that changing the word "may" to "shall" would be too expensive. Would the gentleman from Georgia favor changing the language to read "not more than 10 hours may be devoted"? This will mean something.

Mr. RAMSPECK. I personally would not have any objection to that; but I do not think we want to start amending these motions.

Mr. JENKS of New Hampshire. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. JENKS of New Hampshire. As I understand the gentleman's motion, it is to eliminate vocational training. Am I right?

Mr. RAMSPECK. Oh, no; my motion is to restore the language that was in the bill as it passed the House. The gentleman is familiar with that, I am sure. It calls for "vocational training and general education."

Mr. JENKS of New Hampshire. In other words, it will be as the House passed the bill.

Mr. RAMSPECK. Exactly.

Mr. JENKS of New Hampshire. I thank the gentleman.

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

Mr. WADSWORTH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. WADSWORTH. To offer an amendment to the amendment.

The SPEAKER. The previous question has already been ordered, the Chair will state to the gentleman. It is too late to offer an amendment to the amendment.

The question is on the amendment offered by the gentleman from Georgia.

The amendment was agreed to.

Mr. RAMSPECK. Mr. Speaker, I offer a further motion.

The Clerk read as follows:

Mr. RAMSPECK moves that on page 3, lines 15 to 25, and page 4, lines 1 to 11, of the Senate amendment, strike out "in accordance with the civil-service laws and regulations made thereunder, and their compensation shall be fixed in accordance with the Classification Act of 1923, as amended: *Provided*, That the employment of employees of the emergency conservation work and of the cooperating Federal agencies whose compensation is paid from emergency conservation work funds, as of June 30, 1937, and for at least 2 months prior thereto, may be continued, and such employees who do not have a competitive classified civil-service status appropriate for the positions to be occupied shall be permitted to take an appropriate noncompetitive examination to be given by the Civil Service Commission within a period of 10 months and those employees who do not receive an eligible rating as a result of said examination shall be dropped from the rolls not later than June 30, 1938: *Provided further*, That the provisions of this section shall not apply to Reserve officers on active duty with the corps, enrollees of the corps, or unskilled labor: *Provided further*, That notwithstanding any contrary provisions of this or any other act the employment of Indians shall be in accordance with section 12 of the act of June 18, 1934 (48 Stat. 984)" and insert "without regard to the civil-service laws and regulations."

Mr. RAMSPECK. Mr. Speaker, in the nearly 8 years I have been a Member of Congress, this is the first time I have ever made a motion to take civil service out of a bill. I am doing it now in order to carry out the promise of my beloved colleague who has passed away.

If the House adopts this motion as I have made it, it will take out the civil-service provision inserted by the Senate and restore the language of the House bill which provides for appointments in the Civilian Conservation Corps without regard to the civil service. Personally, of course, I shall vote against my own motion, but this gives the House a chance to reassert its position.

I think there is probably no necessity for further discussion.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. RAMSPECK) there were—ayes 143, noes 77.

Mr. SNELL. Mr. Speaker, I make the point of order there is not a quorum present, and I object to the vote on that ground.

The SPEAKER. The Chair just announced a vote totaling 220 Members.

Mr. SNELL. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the amendment was agreed to.

A motion to reconsider was laid on the table.

Mr. RAMSPECK. Mr. Speaker, I offer another motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. RAMSPECK moves that, on page 6, lines 3 to 6, of the Senate amendment, strike out "That the pay of enrollees shall not exceed $30 per month unless such enrollees are used as leaders or for special services for which an additional amount of pay is justified" and insert "That the pay of enrollees shall not exceed $30 per month, except for not more than 10 percent who may be designated as leaders and who shall receive not more than $36 a month: *Provided further*, That not to exceed 6 percent shall receive $45 as leader."

Mr. RAMSPECK. Mr. Speaker, this substitutes the language of the House bill in the Senate bill.

Mr. RANDOLPH. That is the present pay schedule, is it not?

Mr. RAMSPECK. I understand so.

Mr. RANDOLPH. That is right.

Mr. NICHOLS. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Does the gentleman know that 10 percent of the present enrollees are now used as assistant leaders and 6 percent are used as leaders? I am frank to say I do not know.

Mr. RAMSPECK. I do not know about the percentage. I know some of them are.

Mr. NICHOLS. As a matter of fact I am heartily in sympathy with this amendment and supported it; however, there is not a great deal of disagreement between the Senate proposal and the House proposal, is there?

Mr. RAMSPECK. The Senate proposal is similar to what we have always had in the law; that is, $30 a month.

Mr. NICHOLS. But it does make an exception?

Mr. RAMSPECK. It makes an exception of the leaders.

Mr. NICHOLS. Is that because of existing law?

Mr. RAMSPECK. In the existing law there is no limit on the pay, as I understand it. That is fixed by the President.

Mr. NICHOLS. Did not the hearings before the gentleman's committee indicate that the percentage of 10 percent and 6 percent were about right as it was being worked now?

Mr. RAMSPECK. I think the gentleman is correct.

Mr. NICHOLS. I wonder if any member of the committee is able to answer that question?

Mr. RANDOLPH. In connection with the percentages which have been discussed by the gentleman from Oklahoma, and in answer to his question, may I say it has been brought out that the 10 percent and the 6 percent are in excess of those who are now what we call leaders in the camps. In relation to the other question that has been raised of the pay schedule, although it is not in existing law, they are operating upon the plan which is offered in the amendment, paying up to $45 a month for a certain number of leaders. That is by virtue of the director of the Emergency Conservation work himself.

Mr. NICHOLS. Then the real purpose of the House provision is to provide a uniform percentage throughout the United States which will apply to all camps alike? That is, so as not to exceed 10 or not more than 10 percent. This fixes the top, but fixes it so that it will be uniform throughout all of the camps in the United States?

Mr. RANDOLPH. The gentleman is absolutely correct in his interpretation, as I understand it.

Mr. FADDIS. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Pennsylvania.

Mr. FADDIS. Will the gentleman tell us which of these provisions in regard to the pay schedule, the Senate or the House provision, is the most economical?

Mr. RAMSPECK. I may say to the gentleman very frankly I do not think anybody could answer that question. It depends on the administration. I do not think they would ever have more than the percentages set out here because where there has been no regulation I do not think they would exceed that; although, of course, under the language of the Senate amendment they could exceed that. The House provision is a limitation which the Senate provision does not provide.

Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

A motion to reconsider was laid on the table.

Mr. RAMSPECK. Mr. Speaker, I offer another amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. RAMSPECK moves that, on page 5, line 10, of the Senate amendment, after "reenrollment", insert "(except in the case of one mess steward, three cooks, and one leader, in each company, and war veterans)."

Mr. RAMSPECK. Mr. Speaker, the necessity for this motion arises from the fact that the language in the bill as adopted by the Senate is considered by the Director and those in charge as a limitation on the time the enrollees could stay in the camps. The Director and those who are responsible for administering this legislation feel that the language would also limit the time war veterans could stay in the camps, and also it would limit the time that the mess steward, the three cooks, and the leader might stay in the camp. Therefore, I have offered this motion amending the Senate bill so as to take those classes out of the limitation.

Mr. NICHOLS. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Oklahoma.

Mr. NICHOLS. Do the provisions of the Senate bill limit the time that enrollees may stay in the camps?

Mr. RAMSPECK. The junior enrollees cannot stay for over 2 years, under the language of the Senate bill. There are war veterans who have already been in camp 2 years who would have to be dismissed without this amendment.

Mr. NICHOLS. In the bill as it passed the House there was no limitation on enrollees?

Mr. RAMSPECK. I cannot answer the gentleman's question. I do not have the bill before me. I do not remember the language. However, this matter was called to my attention by the Acting Director himself, and we are trying to straighten it out here.

Mr. NICHOLS. I can see how the gentleman's amendment is necessary in order to have some nucleus of permanent organization in the camp, but I am wondering if it is wise to go as far as to limit enrollees, when that is an administrative matter which should be handled by those in charge of enrollees, and so forth. If it is left open, they can by administrative order govern the time for enrollees and the number of enrollees as they have done in the past. Of course, the gentleman's amendment will go back to conference, and even if the question is not voted on at this time, I would suggest that the conferees discuss rather thoroughly and consider rather thoroughly the advisability of limiting the time enrollees may stay in the camp, and report back to the House. Of course, I shall support the gentleman's pending amendment.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. RANDOLPH. As the gentleman from Oklahoma has stated, I think that if we pass this amendment it will be in order for the conferees to discuss the matter of the time of enrollees. As the bill passed the House, there was no time limit set upon the enrollee himself, but we realize that today there are about 25,000 war veterans in the C. C. C. program. The language of the amendment offered by the gentleman from Georgia certainly would take care of that

group and protect it. It will also be helpful as the conferees discuss the further subjects of enrollment and of the enrollees themselves. I trust the amendment will be adopted.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to. A motion to reconsider was laid on the table.

Mr. RAMSPECK. Mr. Speaker, I offer a further motion.

The Clerk read the motion, as follows:

Mr. RAMSPECK moves that the House concur in the Senate amendment with an amendment.

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"That there is hereby established the Civilian Conservation Corps, hereinafter called the corps, for the purpose of providing employment, as well as vocational training, for youthful citizens of the United States who are unemployed and in need of employment, and to a limited extent as hereinafter set out, for war veterans and Indians, through the performance of useful public work in connection with the conservation and development of the natural resources of the United States, its Territories, and insular possessions: *Provided*, That at least 10 hours each week may be devoted to general educational and vocational training: *Provided*, That the provisions of this act shall continue for the period of 3 years after July 1, 1937, and no longer.

"SEC. 2. The President, by and with the advice and consent of the Senate, is authorized to appoint a Director at a salary of $10,000 per annum. The Director shall have complete and final authority in the functioning of the corps, including the allotment of funds to cooperating Federal departments and agencies, subject to such rules and regulations as may be prescribed by the President in accordance with the provisions of this act.

"SEC. 3. In order to carry out the purposes of this act, the Director is authorized to provide for the employment of the corps and its facilities, on works of public interest or utility for the protection, restoration, regeneration, improvement, development, utilization, maintenance, or enjoyment of the natural resources of lands and waters, and the products thereof, including forests, fish, and wildlife on lands or interest in lands (including historical or acheological sites), belonging to, or under the jurisdiction or control of the United States, its Territories and insular possessions, and the several States: *Provided*, That the President may, in his discretion, authorize the Director to undertake projects on lands belonging to or under the jurisdiction or control of counties and municipalities and on lands in private ownership, but only for the purpose of doing thereon such kinds of cooperative work as are or may be provided for by acts of Congress, including the prevention and control of forest fires, forest-tree pests and diseases, soil erosion, and floods: *Provided further*, That no projects shall be undertaken on lands or interests in lands other than those belonging to or under the jurisdiction or control of the United States, unless adequate provisions are made by the cooperating agencies for the maintenance, operation, and utilization of such projects after completion.

"SEC. 4. There are hereby transferred to the corps all enrolled personnel, records, papers, property, funds, and obligations of the Emergency Conservation Work established under the act of March 31, 1933 (48 Stat. 22), as amended; and the Corps shall take over the institution of the camp exchange heretofore established and maintained, under supervision of the War Department, in connection with and aiding in administration of Civilian Conservation Corps work camps conducted under the authority of said act as amended: *Provided*, That such camp exchange shall not sell to persons not connected with the operation of the Civilian Conservation Corps.

"SEC. 5. The Director and, under his supervision, the heads of other Federal departments or agencies cooperating in the work of the corps, are authorized within the limit of the allotments of funds therefor to appoint such civilian personnel as may be deemed necessary for the efficient and economical discharge of the functions of the corps, without regard to the civil-service laws and regulations.

"SEC. 6. The President may order Reserve officers of the Army and officers of the Naval and Marine Reserves and warrant officers of the Coast Guard to active duty with the corps under the provisions of section 37a of the National Defense Act and the act of February 28, 1925, respectively.

"SEC. 7. The Director is authorized to have enrolled not to exceed 300,000 men at any one time, of which not more than 30,000 may be war veterans: *Provided*, That in addition thereto camps or facilities may be established for not to exceed 10,000 additional Indian enrollees and 5,000 additional Territorial and insular possession enrollees.

"SEC. 8. The enrollees in the corps (other than war veterans, enrollees in the Territories and insular possessions, Indians, not to exceed one mess steward, three cooks, and one leader per each company) shall be unmarried male citizens of the United States between the ages of 17 and 23 years, both inclusive, and shall at the time of enrollment be unemployed and in need of employment: *Provided*, That the Director may exclude from enrollment such classes of persons as he may consider detrimental to the well-being or welfare of the corps, except that no person shall be excluded on account of race, color, or creed: *Provided further*, That enrollments shall be for a period of not less than 6 months and reenrollments (except in the case of one mess steward, three cooks, and one leader in each company, and war veterans) shall not exceed a total term of 2 years: *Provided further*, That in the discretion of the Director continuous service by the enrollee during his period of enrollment shall not be required in any case where the enrollee attends an educational institution of his choice during his leave of absence: *Provided further*, That the Director shall be authorized to issue certificates of proficiency and merit to enrollees under such rules and regulations as he may provide.

"SEC. 9. The compensation of enrollees shall be in accordance with schedules approved by the President, and enrollees with dependent member or members of their families shall be required, under such regulations as may be prescribed by the Director, to make allotments of pay to such dependents. Other enrollees may make deposits of pay in amounts specified by the Director with the Chief of Finance, War Department, to be repaid in case of an emergency or upon completion of or release from enrollment and to receive the balance of their pay in cash monthly: *Provided*, That Indians may be excluded from these regulations: *Provided further*, That the pay of enrollees shall not exceed $30 per month, except for not more than 10 percent who may be designated as leaders and who shall receive not more than $36 a month: *Provided further*, That not to exceed 6 percent shall raceive $45 as leader.

"SEC. 10. Enrollees shall be provided, in addition to the monthly rates of pay, with such quarters, subsistence, and clothing, or commutation in lieu thereof, medical attention, hospitalization, and transportation as the Director may deem necessary: *Provided*, That burial, embalming, and transportation expenses of deceased enrolled members of the corps, regardless of the cause and place of death, shall be paid in accordance with regulations of the Employees' Compensation Commission: *Provided further*, That the provisions of the act of February 15, 1934 (U. S. C., 1934 ed., title 5, sec. 796), relating to disability or death compensation and benefits shall apply to the enrolled personnel of the corps.

"SEC. 11. The Chief of Finance, War Department, is hereby designated, empowered, and directed, until otherwise ordered by the President, to act as the fiscal agent of the Director in carrying out the provisions of this act: *Provided*, That funds allocated to Government agencies for obligation under this act may be expended in accordance with the laws, rules, and regulations governing the usual work of such agency, except as otherwise stipulated in this act: *Provided further*, That in incurring expenditures, the provisions of section 3709, Revised Statutes (U. S. C., 1934 ed., title 41, sec. 5), shall not apply to any purchase or service when the aggregate amount involved does not exceed the sum of $300.

"SEC. 12. The President is hereby authorized to utilize the services and facilities of such departments or agencies of the Government as he may deem necessary for carrying out the purposes of this act.

"SEC. 13. The Director and, under his supervision, the cooperating departments and agencies of the Federal Government are authorized to enter into such cooperative agreements with States and civil divisions as may be necessary for the purpose of utilizing the services and facilities thereof.

"SEC. 14. The Director may authorize the expenditure of such amounts as he may deem necessary for supplies, materials, and equipment for enrollees to be used in connection with their work, instruction, recreation, health, and welfare, and may also authorize expenditures for the transportation and subsistence of selected applicants for enrollment and of discharged enrollees while en route upon discharge to their homes.

"SEC. 15. That personal property as defined in the act of May 29, 1935 (49 Stat. 311), belonging to the corps and declared surplus by the Director, shall be disposed of by the Procurement Division, Treasury Department, in accordance with the provisions of said act: *Provided*, That unserviceable property in the custody of any department shall be disposed of under the regulations of that department.

"SEC. 16. The Director and, under his supervision, the heads of cooperating departments and agencies are authorized to consider, ascertain, adjust, determine, and pay from the funds appropriated by Congress to carry out the provisions of this act any claim arising out of operations authorized by the act accruing after the effective date thereof on account of damage to or loss of property or on account of personal injury to persons not provided for by section 10 of this act, caused by the negligence of any enrollee or employee of the corps while acting within the scope of his employment: *Provided*, That the amount allowed on account of personal injury shall be limited to necessary medical and hospital expenses: *Provided further*, That this section shall not apply to any claim on account of personal injury for which a remedy is provided by section 10 of this act: *Provided further*, That no claim shall be considered hereunder which is in excess of $500, or which is not presented in writing within 1 year from the date of accrual thereof: *Provided further*, That acceptance by any claimant of the amount allowed on account of his claim shall be deemed to be in full settlement thereof, and the action of the Director or of the head of a cooperating department or agency upon such claim so accepted by the claimant shall be conclusive.

"SEC. 17. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out the purposes

of this act: *Provided*, That no part of any such appropriation shall be used in any way to pay any expense in connection with the conduct, operation, or management of any camp exchange, save and except such camp exchanges as are established and operated, in accordance with regulations to be prescribed by the Director, at such camps as may be designated by him, for real assistance and convenience to enrollees in supplying them and their supervising personnel on duty at any such camp with articles of ordinary use and consumption not furnished by the Government: *Provided further*, That the person in charge of any such camp exchange shall certify, monthly, that during the preceding calendar month such exchange was operated in compliance herewith.

"SEC. 18. This act, except as otherwise provided, shall take effect July 1, 1937."

Mr. RAMSPECK (interrupting the reading of the amendment). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment and that the amendment be printed in the RECORD.

Mr. Speaker, I may state to the House in explanation of the amendment that it contains the amendments which the House has just adopted, together with the other language necessary to carry out the parliamentary procedure. The amendment also contains the noncontroversial matters informally agreed to by the conferees and the substance of House Concurrent Resolution 15. This resolution provides that in the enrollment of the bill there shall be stricken out language which does not permit the payment of cost of shipment home of bodies of deceased enrollees. The resolution was to correct this mistake, and it has been deemed advisable to include its provisions in the present amendment. The conferees and the administration are in agreement that this correction should be made.

The SPEAKER. The gentleman from Georgia asks unanimous consent to dispense with the further reading of the amendment to the Senate amendment, and that it be printed in the RECORD. Is there objection?

Mr. NICHOLS. Mr. Speaker, reserving the right to object, may I ask the gentleman from Georgia if after the conferees have again met on this matter, if there is disagreement regarding the position expressed by the House today the bill will be brought back to the House in such shape the House can again express itself separately on the amendments offered by the conferees?

Mr. RAMSPECK. I may say to the gentleman I do not think that is possible under the parliamentary procedure, because we are dealing with a Senate amendment, which is language inserted after striking out all after the enacting clause of the House bill. The very reason we have gone through this complicated procedure today is simply to carry out a promise similar to the one the gentleman is now asking me to make, which I would have no authority to make, anyway, because I am not in charge of the proposed legislation. I do not think it will be possible, but I certainly would not agree that we should go through this procedure again, because if we did, we would never get through with it, and this law must be enacted by the 30th of June.

Mr. NICHOLS. Of course, it could be done by doing the same thing we have done today.

Mr. RAMSPECK. Yes; by having a complete disagreement and coming back and following this procedure again. I may say to the gentleman I think I know what he has in his mind, and, so far as I am concerned, although I personally do not agree with the action of the House, if I am appointed a conferee again, I expect individually to uphold the position of the House on the civil-service provision, as far as possible.

Mr. NICHOLS. And on the other amendment, too, I presume?

Mr. RAMSPECK. Oh, yes.

Mr. FADDIS. Mr. Speaker, reserving the right to object, would the gentleman explain briefly just what this amendment is which he proposes, so the House will understand?

Mr. RAMSPECK. This amendment includes the amendments which we have adopted and certain other minor changes in the bill which were not in controversy and were not the subject of debate, motions, and votes in the House. This simply puts the bill back in parliamentary shape to go back to the Senate, so they can either accept it or send it to conference again.

Mr. MEAD. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New York.

Mr. MEAD. Not being familiar with the conference report, may I ask the gentleman if the salary of the Director is an item in controversy?

Mr. RAMSPECK. The salary of the Director is not in controversy, and remains as fixed by the House, the Senate having adopted the same amount.

Mr. MEAD. That is too bad.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. RANDOLPH. It is my understanding the action today by the House will bring about this situation. The Senate could agree to what we have done, and then it would not go to conference and we would not have to take it up again on this floor. Am I correct in that understanding?

Mr. RAMSPECK. The gentleman is correct. They could accept the situation and the bill would go into effect.

The SPEAKER. Is there objection to the request of the gentleman from Georgia to dispense with the further reading of the amendment?

There was no objection.

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the amendment.

The previous question was ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

EXCISE TAX UPON CARRIERS AND CERTAIN OTHER EMPLOYERS AND INCOME TAX UPON CERTAIN EMPLOYEES

Mr. DOUGHTON, from the Committee on Ways and Means, submitted a report on the bill (H. R. 7589, Rept. No. 1071) to levy an excise tax upon carriers and certain other employers, and an income tax upon their employees, and for other purposes, which was read a first and second time, and with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

PERMISSION TO ADDRESS THE HOUSE

Mr. SNELL. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from New York [Mr. CULKIN], on Monday next, after the disposition of matters on the Speaker's table and the legislative program for that day, may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. COCHRAN asked and was given permission to revise and extend his own remarks.

STAMP PROVISIONS OF THE BOTTLING IN BOND ACT

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6737) to amend the stamp provisions of the Bottling in Bond Act.

The Clerk read the title of the bill.

Mr. TREADWAY. Mr. Speaker, reserving the right to object, and I shall not object, I think the matter is of sufficient administrative importance for the chairman of the Ways and Means Committee or some member of the majority to explain the measure to the House.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? (After a pause.) The Chair hears none and the gentleman from North Carolina is recognized.

Mr. BOILEAU. Mr. Speaker, a parliamentary inquiry. I understood the gentleman from Massachusetts [Mr. TREADWAY] reserved the right to object, and the gentleman from North Carolina was going to explain the bill.

The SPEAKER. The Chair understood the gentleman from Massachusetts to state that he would not object.

Mr. TREADWAY. Mr. Speaker, I stated that I reserved the right to object, but would not object.

Mr. BOILEAU. Mr. Speaker, I would like at this time to reserve the right to object simply to get an explanation of the bill.

The SPEAKER. The gentleman from North Carolina is recognized to explain the bill, and the gentleman from Wisconsin [Mr. BOILEAU] reserves the right to object.

Mr. DOUGHTON. Mr. Speaker, this bill has a unanimous report from the Committee on Ways and Means. The measure was considered very carefully and is one introduced at the instance of the Treasury Department.

The purpose of H. R. 6737 is to amend the stamp provisions of the Bottling in Bond Act of 1897 so as to permit the stamping of bottled in bond spirits under precisely the same conditions as those which under the provisions of the Liquor Taxing Act of 1934 now attend the stamping of other spirits.

The Bureau of Internal Revenue is now required under the provisions of present statutes to follow two entirely different systems in regulating the distribution and application of strip stamps to be affixed to bottled spirits. One applies to spirits not bottled in bond and the other to spirits bottled in bond.

The system applicable to spirits not bottled in bond is provided pursuant to the Liquor Taxing Act of 1934. The now familiar red strip stamps are supplied under the provisions of this act. Such stamps are manufactured in sheets by the Bureau of Engraving and Printing, serially numbered, and supplied in quantity to all collectors of internal revenue, who keep them in stock awaiting orders from the distillers, rectifiers, and other bottlers. Upon the receipt of any such order, the stamps are registered by the collector in the name of the purchasing bottler and sent by registered mail to the Government officer in charge of the bottling plant. This officer keeps them in his official safe and issues them to the bottler to meet his daily requirements. This system is simple and inexpensive to the Government and convenient for the bottler, and it provides every necessary safeguard against the fraudulent use of the stamps.

In contrast with this simple system, the system applicable to spirits bottled in bond is extremely cumbersome and imposes a heavy burden upon the Bureau of Engraving and Printing. A separate manufacturing job is necessary to produce the stamps required for each separate lot of spirits which any distiller may propose to bottle in bond. This is necessitated by the provisions of the Bottling in Bond Act, which require that the green stamps to be affixed to the immediate containers of distilled spirits bottled in bond state the proof of the spirits, the registered distiller's number, the State and collection district in which the distillery is located, the distiller's name, the year and distilling season, such as spring or fall, and the year and season of bottling. In view of these complicated requirements, it is not practicable to place sheets of bottled-in-bond stamps in the hands of the various collectors of internal revenue as is done in the case of red-strip stamps. These sheets of bottled-in-bond stamps are first printed in blank by the Bureau of Engraving and Printing, and upon the receipt of an order for a stated quantity of particular stamps, it overprints them with the required information. The simplification of the bottled-in-bond stamps, as contemplated under this bill, would in no way alter the requirement that spirits bottled in bond must be of domestic production, straight; that is to say, unmixed or unblended, of precisely 100° proof and at least 4 years old.

Distilleries have been accumulating stocks of liquor since the beginning or resumption of their operations at the time of repeal, and the time will soon come when a very large quantity of distilled spirits will be bottled in bond. When this time arrives, it will become a matter of extreme difficulty to supply the stamps which will be required, if the present law is not changed so as to permit a simplification of the method of manufacture and distribution. The system which has been followed for more than 3 years in the issuance and use of red-strip stamps for distilled spirits not bottled in bond has proved satisfactory in every respect. These stamps are issued under regulations and safeguards which are calculated to insure that they will not fall into unauthorized hands, and that when applied to bottled spirits they may be relied upon both by the public and by officers of internal revenue as positive evidence that the Federal revenue laws have been fully complied with by the bottler. They are proof against counterfeiting.

Moreover, the change contemplated by the bill in the present method of stamping bottled-in-bond spirits will not only not be a source of expense to the Government, but will actually furnish an accretion to the annual revenue of the United States. The application of the unbonded liquor strip-stamp system to bonded liquor will mean an additional cost of at least 2 cents a case for the bottled-in-bond stamps. The distilled-spirits industry, however, will be amply compensated for the increased cost by the convenience of the new spstem. Representatives of the Treasury Department who appeared before the Committee on Ways and Means stated that the present bill has the approval of the distillers.

Thus, both from the standpoint of convenience to the distillers and bottlers and increased revenue to the Government, the passage of H. R. 6737 is desirable so that bottled-in-bond spirits may be stamped under the same conditions as now attend the stamping of other spirits. This bill is strongly recommended by the Treasury Department and is in accord with the program of the President.

The measure has been agreed upon by the distiller, the bottler, and the Government, and I hope the explanation of the bill is satisfactory to the gentleman from Wisconsin.

Mr. BOILEAU. I thank the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the first and fourth paragraphs of section 1 of the act entitled "An act to allow the bottling of distilled spirits in bond", approved March 3, 1897, as amended (U. S. C., 1934 ed., Supp. II, title 26, sec. 1276), are designated "(1)" and "(6)", respectively, and the second and third paragraphs of said section are amended to read as follows:

"(2) Every bottle when filled shall have affixed thereto and passing over the mouth of the same a stamp denoting the quantity of distilled spirits contained therein and evidencing the bottling in bond of such spirits under the provisions of this act, and of regulations prescribed hereunder.

"(3) The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe (a) regulations with respect to the time and manner of applying for, issuing, affixing, and destroying stamps required by this section, the form and denominations of such stamps, applications for purchase of the stamps, proof that applicants are entitled to such stamps, and the method of accounting for receipts from the sale of such stamps, and (b) such other regulations as the Commissioner shall deem necessary for the enforcement of this act.

"(4) Such stamps shall be issued by the Commissioner of Internal Revenue to each collector of internal revenue, upon his requisition in such numbers as may be necessary in his district, and, upon compliance with the provisions of this act and regulations issued hereunder, shall be sold by collectors to persons entitled thereto, at a price of 1 cent for each stamp, except that in the case of stamps for containers of less than one-half pint, the price shall be one-quarter of 1 cent for each stamp.

"(5) And there shall be plainly burned, embossed, or printed on the side of each case, to be known as the Government side, such marks, brands, and stamps to denote the bottling in bond of the whisky packed therein as the Commissioner may by regulations prescribe."

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.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. FARLEY, for 7 days, on account of important business.

To Mr. FERNANDEZ, for 10 days, on account of illness.

To Mr. JACOBSEN, for 5 days, on account of important business.

To Mr. KLEBERG, for today, on account of illness in family.

To Mr. BEVERLY M. VINCENT, for 3 days, on account of important official business.

GOVERNMENT RUM

The SPEAKER. Under special order heretofore made, the gentleman from Pennsylvania [Mr. RICH] is recognized for 15 minutes.

Mr. RICH. Mr. Speaker, I have here a quart of Government rum presented to me by Secretary Harold Ickes, and I suggest the Sergeant at Arms protect it until I need it during the course of my remarks.

For 3 weeks or more I have been trying to get a few moments' time to speak to the House of Representatives. When the minority Members of the House of Representatives do not have a right to talk to the House, then their power is practically gone, because, with a majority in the House such as we have here of the New Deal party, it is very difficult, it is impossible, for a minority member to have any legislation brought to the floor of the House and enacted into law. His principal power is constructive criticism.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman yield?

Mr. RICH. Mr. Speaker, I yield to no man at the present time. When the minority loses that right, then practically they lose all of the power they have. Ever since I have been trying to get this time, the gentleman from Massachusetts [Mr. MCCORMACK] has asked me what I intended to talk about. I told him Jim Farley, and the fact that the Guffey-Earle-Lawrence political machine of Pennsylvania has taken all of the postmasters out of civil service and are putting politics into effect in Pennsylvania, in the Post Office Department, worse than ever the Vare or the Penrose machine could think of. Gentlemen, I have noticed that Mr. MCCORMACK always asked for time after I asked for time. He wanted to follow me. Mr. MCCORMACK has been sent to Massachusetts the past week on a sad mission, the death of our colleague, Mr. Connery. I would not betray that gentleman in his effort to uphold anything that Mr. Farley might do. I know that he is not here today, and for that reason I am not going to use the subject I had intended to use because I do not want to trouble the gentleman from North Carolina [Mr. WARREN], a good friend of mine, to get up here and try his best to take up the time alloted to Mr. MCCORMACK in saying something about the party machine, and I shall protect my colleague from North Carolina [Mr. WARREN] this afternoon to that extent. I could talk about the New Deal legislation, and I could criticize many things that have transpired in the last 3 or 4 years. You gentlemen know that you have passed legislation and that you have found out afterward that it is faulty, and have repeatedly come back to the House of Representatives to have recent laws repealed. You know now that many of the New Deal laws you have still on the statute books should be eliminated or repealed for the country's good. You gentlemen on this side of the House are responsible for the conduct and the running of this Government, but when you pass such legislation as that which you passed several years ago, for the killing of pigs and the plowing under of cotton, for the burning of wheat, and the stamping of potatoes, for the confiscating of gold and taking it down to Kentucky and burying it, for better-housing administration, which you will find is going to be one of the biggest millstones around the neck of the country that was ever placed there, and when you find out what the National Emergency Council is doing, spending $100,000 a month and setting up in 48 States 48 political machines, you will want to consider trying to do away with a little of that legislation, because it will kill you if you do not. Since Frank C. Walker resigned 18 months ago it has been a real farce, a travesty to the taxpayers.

Another thing, you have been talking about these 5-to-4 decisions of the Supreme Court. I wonder what you fellows think about the 10-to-8 decision in the Senate lately, filed just last week, about the Supreme Court. That 10-to-8 decision will stand out for all time as one of the greatest decisions ever rendered for the protection of our Constitution and form of government; and if the President could, he would change that decision today, and you will find out that he is going to try to do something with the Senate when he gets you down to Jefferson Island on Friday and Saturday of this week and Sunday of next week. The New Dealers will all be there; and as for the Jefferson Democrats, are you fellows going to follow them down there and be contaminated with a lot of New Deal ideas? It is a pretty serious thing when the President of the United States has to get you together about every week or two and drive it home that he wants you to be rubber stamps. For God's sake, are you not going to use your own initiative and your own minds? If you have any, you ought to do it.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. RICH. I would if I could get the time, but I am afraid it will not be extended. It is very strange to find the President of the United States condemning the Supreme Court, charging that members should resign when 70 years old, when we find him appointing men like Frederic A. Delano, his uncle, who is 74 years old, to a 6-year term on the National Park and Planning Commission; and Mr. R. Walton Moore, who is 78 years old, to be Counselor of the State Department; and having the Senate confirm them. He is just not consistent. He cannot be consistent, when he promises the American people one thing and then is doing something else. I never in all my life knew one who had so little respect for his own words as the President of the United States.

I come to the subject that I want to talk to you about this afternoon. First let me read you the following letter, which explains itself, and the presence of "the evidence" here this afternoon:

THE VIRGIN ISLANDS CO.,
Washington, D. C., April 26, 1937.

HON. ROBERT F. RICH,
House of Representatives.

MY DEAR MR. RICH: I am sending you herewith a laboratory sample of Government House rum, manufactured by the Virgin Islands Co. in St. Croix.

This is the same rum which is about to be marketed through a distributing agency in the United States. It is distilled from pure sugar cane juice under the most modern conditions. The cane was raised by natives of the Virgin Islands in connection with the rehabilitation program, which has been most sucessful in improving the standards of living on the islands.

Sincerely yours,

HAROLD L. ICKES,
Chairman, Board of Directors.

If there ever was a time in the history of this Congress when you fellows tried to evade the issue it was this afternoon when you would not permit a vote on the civil service in the C. C. C. You talk about civil service, but you do not mean it. You do not want it. You would not even permit a vote to be had on it, you are afraid to be recorded, and there were not enough Republicans to get a roll call. You talk one thing and do another.

Mr. MAVERICK. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state the point of order.

Mr. MAVERICK. Mr. Speaker, I make the point of order that the gentleman has no right to display a liquor bottle in the House of Representatives.

Mr. RICH. Mr. Speaker, this is Government rum, presented to me by Secretary Ickes.

The SPEAKER. The gentleman will suspend. The gentleman from Texas makes the point of order that the gentleman from Pennsylvania has no right to exhibit the bottle without permission of the House. The point of order is well taken.

Mr. TOBEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOBEY. The Speaker called the attention of the gentleman from Texas to the fact that the gentleman had a bottle of liquor.

How does the Speaker know it is liquor, sir?

The SPEAKER. That is a question of which the House cannot take judicial notice. The point of order is well taken.

The Chair will submit it to the House, if the gentleman insists on displaying the exhibit.

Mr. MAVERICK. I insist on the point of order, Mr. Speaker.

The SPEAKER. As many as are in favor of granting the gentleman from Pennsylvania the right to exhibit the bottle which he now holds in his hand will say "aye" and those opposed will say "no."

The vote was taken and the Speaker announced that the ayes have it, and the permission is granted. [Applause and laughter.]

Mr. RICH. I wish to call attention to this bottle of Government House rum.

Mr. HOFFMAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. PETTENGILL). Does the gentleman from Pennsylvania yield?

Mr. RICH. If it is not taken out of my time.

The SPEAKER pro tempore. It will be taken out of the gentleman's time.

Mr. RICH. Then I do not yield, Mr. Speaker.

Mr. HOFFMAN. I will waive it.

Mr. RICH. Mr. Speaker, the design on this bottle of liquor, a ship, according to the record I have here, was suggested to the Secretary of the Interior by the President of the United States. This Government House rum is manufactured by a corporation owned by every individual in the United States who is a taxpayer, and anybody who ever buys anything certainly is a taxpayer. The sole agent is W. A. Taylor & Co. of New York City. Why does the Government confine the sale to one company? The Government, under the New Deal, bought in the Virgin Islands, two old sugar mills, and an old distillery, and 5,000 acres of land. The Government, New Deal, has spent, under W. P. A., $2,520,000 for purchase and to get this Government plant in shape to manufacture rum. They have today, inventory, 600,000 gallons of rum on hand, at $1 a gallon, and 3,800 tons of sugar, at $70 a ton. That would be an inventory of $866,000. That is what you have for the $2,520,000 that you have expended, plus the land and rum mill. Mr. Ickes is president of this company. He is also Secretary of the Interior.

Now, the point is this, that we put the Government in business in more things in the last 4 years than ever in the history of our Nation. Do you not think it is time to take the Government out of business and especially the rum business? The Government is in competition with the distillers of this country who pay taxes. It is in competition with the breweries of this country who are paying taxes to help support this Nation. You are putting the Government into direct competition with them. It is not right to those people. It is not right for any individual citizen of this Government to have the Government in competition with them. I think the time has arrived for you to go back to the promises you made in your platform and that the President made in his speeches. Let me quote the President of the United States from a speech he made in Brooklyn on November 4, 1932:

> The people of America demand a reduction of Federal expenditure. It can be accomplished not only by reducing expenditures of existing departments, but it can be done by abolishing many useless commissions, bureaus, and functions, and it can be done by consolidating many activities of the Government.

Now, if the President meant what he said, then he ought to get the Government out of this business. He ought to get the Government out of many lines of business that it is in today. He ought to try to consolidate offices.

I take my hat off to Senator BYRD. He has been trying in every way he possibly could to consolidate offices. We have a man right here from St. Louis, JACK COCHRAN, who knows more about consolidation of Government offices than anybody else in this House. [Applause.] If he and Senator BYRD will get together they could bring in a bill that you men ought to support for consolidation and economy. I hope you are going to try to carry out these promises, not only the statements of the President but the statements in your Democratic platform, where you claim we ought to eliminate the Government in business? Have you the will to do it? Have you the backbone to do it?

Mr. Speaker, we have come to the point not only where we find the Government in business but to the point where the daily financial statement of the Treasury is very disquieting. In this connection I want to call your attention to the recent statement of the majority leader of the Senate and to the statement made by the gentleman from Virginia [Mr. WOODRUM] a few weeks ago on economy in Government. It is too serious a matter to laugh at when you have jumped the Federal deficit, according to the statement of the Treasury, up to $36,833,907,802.90. The highest in our history and still mounting. It is no laughing matter, it is serious; and I want to plead with you, I want to ask you with all the seriousness that I possess, to take the Government out of business, to get it out of these activities where it loses money every day. I want to ask you to cut down governmental expenses. I ask you to remember that you have now appropriated over $8,000,000,000 at this session of Congress for 1938.

June 30, for the fiscal year 1937, you are going to be over $2,800,000,000 in the red, this at the end of the year during which the President promised that he would balance the Budget. Do you expect him to do it? Your President now is figuring on what the expenditures for 1939 are going to be. If he has a Congress of New Dealers instead of a Congress of Jeffersonian Democrats, we will never get any place with economy in Government.

I ask you in closing to give every consideration to the necessity that you take the Government out of the field of business, as one means of economy.

[Applause.]

The SPEAKER pro tempore (Mr. PETTENGILL). Under special order of the House heretofore made the gentleman from North Carolina [Mr. WARREN] is recognized for 15 minutes.

Mr. WARREN. Mr. Speaker, in view of the speech just made by the gentleman from Pennsylvania it is not my desire to detain the House. I yield back the time allotted to me.

Mr. GILDEA. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GILDEA. Mr. Speaker, when my colleague the gentleman from Pennsylvania [Mr. RICH] asked permission to address the House today, Monday, June 21, I was interested to know on what subject he might choose to lecture this body.

Doubly interested, because if he elected to berate the C. I. O. as an agency of the New Deal, I believed you would want to know that on Friday of last week a delegation came down here to Washington from the gentleman's mill in Pennsylvania to ask action on the part of the National Labor Relations Board on a complaint filed with the district office of that Board at Philadelphia charging discrimination and coercion on the part of the Woolrich Woolen Mills against certain employees of that company.

The charge was signed by Austin C. Derr, district representative of the Textile Workers Organizing Committee; and in the charge was stated:

> Complaint against Woolrich Woolen Mills charging violations of section 8, subsections (1) and (3) of the National Labor Act by reason of discrimination in tenure of employment, also coercion through the discharge of four workers, namely, Lloyd Verbeck, Martin Myers, James Warren, and Harold Bicket, and the demotion of Albert Geise, said suspension and demotion being as of June 1, 1937.

These men have been long-time workers with the Woolrich Woolen Co. Their dismissal can hardly be laid to lack of experience or inefficiency. This afternoon, when the gentleman from Pennsylvania [Mr. RICH] condemned certain

New Deal legislation and referred to split decisions of the Supreme Court, he failed to mention that the Wagner Act stood up under a split decision and that coercion and discrimination today are branded as unfair labor practices, applicable to the Woolrich Woolen Co. as well as to all other industrial concerns throughout the United States.

Conditions imposed by industry on labor make union organization necessary.

"Where are we going to get the money?" is the challenge the gentleman from Pennsylvania continuously hurls at the Members of Congress and at the President of the United States.

We might take a note from the book of the Woolrich Woolen Co., and by assessing everything in sight answer that question to the satisfaction of the gentleman propounding it, if not to the satisfaction of the country.

The Woolrich Woolen Co. deducts from the pay envelopes of its employees—and I quote from the printed slip on the outside of the envelope—these items:

House rent, water rent, lights, insurance, garage rent, store account, Federal O. A. B. tax.

Leaving, as can be noted from the envelopes of two employees which I hold in my hand, absolutely nothing in the way of cash money in the instance of one—Clarence Baker—and very meager cash balance in the envelope of Lloyd Verbeck. Incidentally, Mr. Verbeck is one of the employees dismissed because he had the effrontery to attempt to organize the workers of the Woolrich mill, and I have also been informed the reason Mr. Geise was demoted and not dismissed was because his company-store bill was too high to warrant his dismissal without giving him a chance to work it off.

Mr. Speaker, I yield back the balance of my time, with the suggestion that if the President really wants to know where we are going to get the money, he can learn from the Woolrich Woolen Co. Take everything the country earns, and evict as undesirable any who question the procedure.

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from New York [Mr. DICKSTEIN] is recognized for 15 minutes.

Mr. DICKSTEIN. Mr. Speaker, I again rise to call attention to some matters with which I think the Members and the public should be acquainted, if they are not already acquainted with what is going on in our country. Public opinion in this country is both shocked and amazed at the cruel execution of one Helmuth Hirsch, the 21-year-old American who was convicted and executed in spite of repeated appeals by the Government of the United States to the dictator of Germany, whose name I discovered was not originally Hitler, but Herr Schuckelgruber. That was his name before he controlled the German situation. That was his name before he took the name Hitler, under which he is known as the man who is seeking to bring about the world's destruction.

This boy was convicted after a secret hearing in a so-called people's court, where under the German laws no rules of evidence apply and here any plea can be meted out without any regard to law or justice.

This is another instance of dictatorial brutality. Orders are given and a secret trial held, and before one realizes it his head is on the block, and the ruthless machine of dictatorship pursues its merry course again.

A special dispatch to the New York Times from Berlin under date of June 4, 1937, says:

The utmost secrecy surrounded the execution as it did the trial. To this day virtually nothing is known of the evidence against Hirsch presented to the people's tribunal.

It is most amazing to find in this day and age a country which lays claim to being a civilized community behaving in a manner such as Germany has done during this so-called trial. No evidence of any kind was presented to the public, and it is perfectly obvious that no such evidence was in existence. It reminds me very much of the famous purge of June 30, 1934, when Hitler caused the execution of a hundred or so persons, and when called to task for his act, he bluntly announced that he was the "chief judge of the nation." Not only is he the chief judge of the nation but also the sole and exclusive jury. If anything in Germany displeases its ruler, all he has to do is to order a trial and have the man executed.

The amazing thing about this situation is that even representatives of the American Government had been unable to obtain from Germany a copy of the alleged evidence against this young boy, and the dispatch to the New York Times says, "A record of the evidence has been promised to the United States Embassy for its own information at some future date." And when the American consul requested the prison authorities to let him see the condemned boy before he was executed, he was refused admission on the plea that the condemned boy did not want to see him.

Instances like this are unfortunately not unique in Germany. Nearly every day presents some instance of outrages committed under the guise of law against inoffensive persons. Anyone reading about what is going on in Germany today can only hark back to the Middle Ages and the torture chambers of the Spanish Inquisition to find a parallel. The amazing thing in this whole situation is not so much the disregard of all rules of decency and propriety in Germany but the fact that in spite of all these activities, Germany finds itself so slighted and sulked if any criticisms of its actions finds its way into the newspapers.

I venture the prediction that one of the reasons why Germany is so brazen about its actions in this matter is because this boy was merely a citizen of the United States. If he were a British subject, I dare say Hitler would think twice before he would allow this execution to be carried out, because he knows that any such action would result in reprisals and retaliation. But we are easygoing about things and have never done anything to hurt the feelings of the German Chancelor outside of making feeble and ineffectual protests, and even these slight protestations Germany cannot "take."

The powers that be in Germany refuse to listen to the truth and if an impartial newspaper dares to utter a word of criticism, it is immediately barred from circulation in Germany and the nation to which the paper belongs is assailed and assaulted.

Germany will brook no criticism of its actions, and at the same time is most vitriolic in denouncing other nations.

My question is, "How long, O Lord, how long" is this going to continue?

Mr. Speaker, I wonder what is wrong with us and why we, as a nation, are not entitled to the same courtesy as other nations from this Herr Schuckelgruber, commonly known as Hitler. I am not quarreling with his form of government in Germany, but I do want to call attention to just a few facts concerning the activities of his agents carried on in this country in the way of the most pernicious and un-American activities.

In Chicago, Ill., where they are pretty well organized, in which State the State militia ought to be checked into by somebody, whether it be by the Governor of the State or some committee, there are these alien German spies who are fomenting trouble. One of their headquarters is at Northbrook, Ill. I repeat the name of that place, Northbrook, Ill. At that place are located several thousand German Nazis in uniform. They have ammunition. They are drilling both by foot and in the air, and it is all done by order of the German Government.

Mr. Speaker, before these men are accepted into the aviation outfit their applications must be sent to the German consul in New York, who in turn sends the application to the War Department in Germany. If the man is approved, the application is returned to the German consul in New York, who in turn notifies the alien secret spy system of Illinois. The man is then made a member of the aviation outfit.

I am going to surprise some of my associates in a very few days. I was able to obtain a moving picture photograph

of many hundreds and maybe thousands of men who have taken up arms, who have taken belts with guns and bullets. Some of this outfit with bullets and belts took these pictures for the purpose of sending them to Germany to prove to Hitler that they are well organized in the United States of America and that they are ready at any time to carry out his will and his commands upon call.

Pictures do not lie. Here is the madman of the world trying to destroy every race of people. He started with the Jews; he then picked on the Catholics; he is now trying to destroy the Protestants. He has appointed a god of his own. He is the whole boss and the dictator. He not alone confines his propaganda to his own country, which I have no objection to, but he puts out this propaganda in every section of the world. What I am concerned with is to get some form to stop this drilling and arming of a group of foreign agitators in the United States.

Mr. Speaker, I appeal to the Members of Congress. This is not my job alone. I am calling this to the attention of the Members because I have practically slept with this problem for 3 years. I have definite, positive proof, backed up by pictures. Northbrook, Ill., is the place where they are drilling in German uniforms. They have ammunition, and they have airplanes. They have horses and a cavalry ready to go over to Germany to bring about another World War. Yet we say we are a neutral people; we do not want war. . What are they doing over here? Are we going to sit back and tolerate this? Where are these Members who on April 8 voted down my investigation? Why do they not do something? I will join with them. Why do they not suggest a remedy? They have destroyed my suggestion. I am willing to work with them, and I do not have to talk very much to convince any reasonable man what they are doing in Northbrook, Ill. They are going to do the same in New York City and other places.

Here is a paper that is published by the German Government in this country. This paper was issued last Wednesday. In the German language an order is issued by Mr. William Goer, district leader of the New Nazi Party, calling upon all Germans or all Hitlerites to appear at a convention some place in my own State, somewhere out in the woods, and by orders of their leaders they are to bring their German uniforms and they must be ready to carry out the orders from without.

Mr. BOILEAU. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The gentleman in his quotation said an order had been issued to "all Germans" or "all Hitlerites." I assume he was making a correction and does not mean "all Germans."

Mr. DICKSTEIN. I did not mean all Germans. I mean all Hitlerites. I agree with the gentleman. The committee which investigated un-American activities in this country has no quarrel with the German people. In fact, our committee gives them an excellent report and states they are loyal Americans. It is the newcomers in the last 3 or 4 years—and we have had thousands of them—who have created most of the trouble. They no more pledge allegiance to this country than I would pledge allegiance to Hitler. They are not interested in this country. We are allowing them under our very noses to carry on this drilling in uniform. We permit them to carry arms. They are ready to serve this madman who is ready now, if you want to know it, to declare war against everybody.

Mr. FLETCHER. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Ohio.

Mr. FLETCHER. Does not the Governor of Illinois know all about this, and does not our own State Department know about it, and have we not laws to take care of the situation?

Mr. DICKSTEIN. I agree with the gentleman. They should know about it, but they do not know because we always mind our own business. We never go into these things. We are asleep.

Mr. FLETCHER. This is in our own country. It is up to us to find out.

Mr. DICKSTEIN. I agree with the gentleman, it should be made our business. There should be a standing committee of this House known as the Committee on un-American Activities, which should watch every subversive group in this country—and that applies to the Communists and all other groups that seek to overthrow this Government in one form or another. I say in answer to the gentleman, the Governor of Illinois should know it, the State police should know it, and the country should know it, but they do not take the trouble to find out, and these people are carrying on.

Mr. BOYER. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Illinois.

Mr. BOYER. I am interested in the State of Illinois. I represent a district in Illinois. I do not know where the town of Northbrook is. Will the gentleman tell me where it is? What part of the State is it in?

Mr. DICKSTEIN. I cannot give the gentleman the description, but I shall be very glad to furnish it. I have some affidavits and some documents here, and I shall be glad to have the gentleman locate it for me.

Let me call your attention to something else that is very interesting. Only about 3 or 4 weeks ago some groups, both Fascists and Loyalists, have taken from this country several hundred young Americans by soliciting their aid to join the war in Spain.

They have been taken away from their mothers and fathers. I do not have to tell you it takes very little salesmanship to induce a boy to put on a uniform and to go on a big boat and fight over there. There are recruiting stations upon recruiting stations in this country. Can any man in this House or in this country tell me, should it not be our business to stop it? Have we done anything to stop it? Eighty percent of the boys who were taken over there have already been killed. Have we done anything to be neutral? No. Are we interfering with them? Are we interfering with Germany? No. But Germany is interfering in this country every day in the week.

I venture to say the trouble in Palestine is the result of Mr. Hitler's propaganda. The trouble in Poland is the result of Hitler's maneuvers and propaganda. The taking of Danzig and, pretty soon, Austria, is the work of propaganda. Naturally they could get along much faster in those countries than they can in this country.

Mr. Speaker, my appeal to this House is, Why should we as Americans tolerate any form of "isms" in this country which brings hatred, ill feeling, and fear into the hearts of millions of American citizens who are becoming victims of this propaganda? I am not quarreling with the Members of the House, and I am not criticizing your action. I am merely stating the facts to you. I would be willing to cooperate with any Member or group of Members to submit all the information I have received, because unfortunately I get it every day in the week. However, I submit something ought to be done to eradicate all of these people who seek in one form or another to bring about the rise of foreign idealogies and foreign thoughts. Such people ought to be removed from this country.

[Here the gavel fell.]

CONTROL OF CANCER

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I have introduced a bill which is known as the cancer bill, H. R. 6767. It provides for cancer research, the training of technicians, and the establishment of a central cancer clinic. On Sunday I read a review in the New York Times of a book entitled "Cancer—The Great Darkness", prepared by the editors of Fortune. The introduction is written by Morris Fishbein, Fellow of the American Medical Association. (See below I, Comment by Dr. Morris Fishbein.)

This book tells us a great deal about cancer research in this country. I have been reading the book since I sent out and got it this morning, and it has been scaring me to death. It is a valuable book; it answers some important questions. (See below II, Important Questions Answered by Fortune.)

In the last hour I have done some figuring; I find that according to established statistics that 60 Members of the present Congress, including both the Senate and the House, will inevitably die of cancer. So this is bringing it close to home. One out of every eight persons over 40 who die, die of cancer. As most of us are over 40, I have figured there will be around 60 of us who thus meet death.

GREATEST HINDRANCE—LACK OF FUNDS FOR RESEARCH AND LABORATORIES

This book states the greatest hindrance to the war against cancer is lack of sufficient funds to support the necessary laboratories and research workers. Nevertheless, the American people spend more money on a football afternoon in October than is available in the whole United States for carrying on the fight against this great disease. Think of that, my colleagues.

The book goes on to explain something which I already knew—that one of the reasons people evade the question of cancer is that it absolutely grips them with horror and fear, so they evade the question.

COTTON, $846,000 PER ANNUM FOR RESEARCH; CANCER, $95,000

According to this book concerning the amount of money spent on research, on cotton we spend $846,000 a year; on forest products, $507,000 a year; and on dairy cattle, $387,000. Then there are numerous others, on all of which we spend more than we do on cancer. The average amount we have spent for the last 10 years on cancer is $95,000. (See below III, Foundations on Cancer.)

It is generally recognized throughout the United States that much more money must be spent on cancer research if any progress is to be made at all. The figures I have cited are enough to prove it. But let me read further:

Fortune believes that the eventual solution for cancer can be hastened by financial assistance. Laboratories cannot create genius but they can prepare the way. And laboratories presume money, and money presumes a public interest that the cancer people have failed to enlist.

The bill which I have introduced provides for spending $2,400,000 for a central cancer clinic, which would be established in Washington, D. C., free from any political influence, under the Public Health Service. It also provides for spending a million dollars a year. The Service would coordinate the cancer work of the United States. They find that cancer work west of the Mississippi River is very poorly organized, and is principally organized in the East and New England States. The Service would provide for the distribution of radium and other facilities all over the United States, in a proper way.

This project is not opposed by any member of the medical profession, as far as I know. All of the leading cancer specialists of the United States, including Dr. James Ewing, Dr. C. C. Little, and Dr. George Morris Dorrance, in Philadelphia, and various others, are in favor of this work. Hundreds of doctors have specifically endorsed the bill, including Dr. William Mayo of the famous Mayos' Clinic.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. DICKSTEIN. Would the gentleman include tuberculosis?

CANCER KNOWN FOR 3,000 YEARS—BUT CAUSE UNKNOWN

Mr. MAVERICK. Of course; but they are doing good work on tuberculosis now and great strides have already been made. The disease is under control. Also, they are doing good work on syphilis, and it is under control. May I also say to the gentleman that cancer has been known as a disease for 3,000 years, but no one has ever been able to ascertain its cause.

No one, my friends, has ever found a cause for cancer.

The cause of syphilis is known and it is also known there is a cure for it in a certain phase. The same may be said of tuberculosis and other diseases. Those diseases are known, gentlemen; in syphilis we have the Wassermann test—but there is nothing like that in cancer. The lack of a cure is the reason cancer is called "The Great Darkness."

It just happens that I anticipated that question, and I would like to read two short paragraphs:

The basic reason for the rise in cancer mortality is that medical research in other fields has outstripped medical research in cancer.

Also, my friends, I read on another page:

What the public wants and what the public will never get until research accomplishes a miracle is some cure such as salvarsan provides for syphilis, quinine for malaria, antitoxin for diphtheria. Cancer has nothing like that.

This last quotation explains my reference to the Wassermann test.

FINANCE THE BRAINS AND EQUIPMENT TO FIGHT CANCER

Let me quote from the conclusion of the book:

So, in the end, darkness broods upon cancer. And until the cancer laboratory creates a light that mankind has never before seen, darkness will remain. This is the pessimistic conclusion to which any honest analysis of the cancer situation leads by relentless syllogisms.

And yet the pessimism of the conclusion is in a sense relative. The history of cancer research, as we have reviewed it, is a brilliant history of men working under difficulties, from whose labors some sparks have been struck.

Society has within it the power, if not directly to call forth light from those sparks, at least to finance the brains and equipment by which it might conceivably be called forth. This is a thing which society has not done—which it must do.

HERE IS A CHANCE TO REALLY SERVE HUMANITY

I call upon you to be interested in cancer and do everything you can to combat it. Let us get this bill on the floor, appropriate the money. I have a feeling every Member of Congress favors this bill, but it still lies in the committee. Let us have hearings—let us know the real truth.

If this bill is adopted we can truly say we have done a service to humanity.

I

COMMENT BY DR. MORRIS FISHBEIN

Education of public is of greatest importance

Dr. Morris Fishbein, able Fellow of the American Medical Association, writes the introduction to the book and, therefore, endorses its representations. He recognizes, as all doctors recognize, the importance of the subject. He compliments the editors of Fortune and gives the following important advice:

The editors of Fortune have rendered a service to medicine and the public by the extremely lucid explanation and review of our present knowledge of cancer included in the excellent article which forms the bulk of the content of this book. The one real hope in cancer under present conditions is early diagnosis and early operation, or else the use of the X-ray or of radium, or perhaps a combination of all three methods. Statistical evidence accumulated in many places proves the truth of this statement.

Dr. Fishbein also emphasizes the need of public education, prompt treatment, and diagnosis as follows:

In cancer particularly, therefore, education of the public is of the greatest importance; it should lead to earlier diagnosis and more prompt action in relationship to control of the cancerous growth. It has been said that the chief items which any person over 40 should keep in mind about cancer are four in number:

(1) Early cancers can be cured.
(2) Everyone is liable to cancer.
(3) Diagnosis demands scientific knowledge.
(4) Consult a physician on the slightest suspicion of the presence of cancerous growths.

II

IMPORTANT QUESTIONS ANSWERED BY FORTUNE

1. What is being done to discover the cause of cancer?

Criminally little. This is largely due to public apathy and ignorance. If this book, in even the smallest measure, aids in overcoming that apathy and ignorance its publication will be thoroughly justified.

2. Are deaths from cancer increasing?

Yes. The cancer mortality rate has increased 60 percent in this century!

3. Is cancer infectious—is it hereditary?

Probably not. But you will have to wait until science somewhere finds the money to carry on the necessary research work to prove this before you can be sure.

4. How long has cancer been recognized, if so little is known about it?

About 3,000 years. This book reveals that the ancient Egyptians used remedies as effective as many modern nostrums.

5. Are quack cures still sold?

Yes. If this book can play a part in starting legislation to stop one of the most cruel frauds ever practiced on the American public it will have further justified its publication.

III

FOUNDATIONS ON CANCER

Sums spent "criminally little" in comparison to needs

I insert here from the book information concerning what research is being done. Cancer—The Great Darkness, says that there is a loosely held belief that a tremendous effort is being made to solve the cancer problem, but that "unhappily, such is not the case", and that "the amount of money provided for the search for cancer causes is dramatically small."

It is also emphasized that the work is scattered throughout 48 States; that much of the work is repetitive, some of it elementary, and not a little of it wasted. It proceeds concerning the various foundations:

In the entire cancer field there are only two funds whose capitalizations are in excess of $1,000,000. The biggest is the International Cancer Research Foundation founded in Philadelphia in 1932 by William H. Donner with a capital of $2,000,000, which that shrewd ex-steel master (Donner Steel, Republic Steel) has ably administered ever since. Headed by Mr. Donner, an advisory committee of scientists, and a board of trustees, the foundation's income is parceled out to a number of cancer-research projects in various parts of the world.

The next biggest fund is that of the Crocker Cancer Research Fund, of New York, created by the will of George Crocker in 1911 with a capital of $1,400,000, and headed by the distinguished cancer authority, Dr. Francis Carter Wood. The income from this fund goes entirely to Columbia University's Institute of Cancer Research, which is therefore the most heavily endowed cancer research organization in the United States.

Smaller funds are the $650,000 Anna Fuller fund of New Haven; the $400,000 Jonathan Bowman fund at the University of Wisconsin; the $200,000 Henry Rutherford fund at the Rockefeller Institute, which aids the Institute's division of cancer research, headed by Dr. James B. Murphy; the $100,000 C. P. Huntington fund, which goes to New York's Memorial Hospital, headed by the renowned Dr. James Ewing (but of $500,000 spent on cancer by this institution in 1936, only $50,000 went to research); the $100,000 Bondy fund at Columbia University; the $100,000 Charles F. Spang Foundation, whose income goes to the University of Pittsburgh's medical school; and the $100,000 Mack Memorial Foundation, which is partly for cancer research and goes entirely to the University of California.

All other funds in the field are less than $100,000. A vital unit in the research field is Dr. Clarence Cook Little's laboratory in Bar Harbor, Maine (the Roscoe B. Jackson Memorial Laboratory), which has virtually no working capital at all save that which Dr. Little raises by personal efforts. Dr. Little breeds pedigreed mice and sells about 50,000 of them a year to cancer researchers.

Mr. MAGNUSON. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MAGNUSON. Mr. Speaker, my only purpose in rising on this occasion is because I have listened with great interest to the speech of the gentleman from Texas [Mr. MAVERICK] with reference to his cancer bill, and I wish to call the attention of the House at this time to the fact that there are pending in the House and Senate numerous cancer bills, the most prominent of which is one introduced in the Senate and signed by 94 Senators, which was likewise introduced in the House by myself sometime previous to the introduction of the bill of the gentleman from Texas.

There are to be public hearings in the Senate on this bill, and these hearings are to take place within the next month. I have no quarrel with the gentleman from Texas [Mr. MAVERICK], or any other Member of the House, and what the gentleman points out is absolutely correct, and there should be something done in the matter.

I spent the last week-end at Bar Harbor with Dr. Little, one of the most eminent specialists in the United States, and, as the gentleman from Texas [Mr. MAVERICK] has stated, they are all in agreement about the matter.

I want the House at this time to be informed of the fact that within the next month we are going to try, in conjunction with the gentleman from Texas [Mr. MAVERICK] and anyone else who may be interested, to get action in the matter, and I shall be pleased to cooperate with the gentleman from Texas [Mr. MAVERICK] in support of his bill.

RAILROAD RETIREMENT BILL

Mr. HARRINGTON. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HARRINGTON. Mr. Speaker, my colleague the gentleman from Iowa, Mr. JACOBSEN, was not able to be present today when the bill H. R. 7519, the railroad retirement bill, was under consideration. He was absent on official business. Had he been present, he would have voted "yea" on the passage of the bill.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOLCOTT. Mr. Speaker, when the railroad retirement bill was voted upon this afternoon I was necessarily absent from the Chamber. Had I been present, I would have voted "yea."

EXTENSION OF REMARKS

Mr. GILDEA. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon and to include therein the authority from which I derived the statements I made.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 713. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926.

ADJOURNMENT

Mr. WARREN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 44 minutes p. m.) the House adjourned until tomorrow, Tuesday, June 22, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the firearms subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, June 22, 1937, for the consideration of S. 3, firearms bill.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization Wednesday, June 23, 1937, at 10:30 a. m., on H. R. 4710 and H. R. 4353, H. R. 4354, H. R. 4355, and H. R. 4356 (Starnes). Executive session.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Tuesday, June 29, 1937, at 10 a. m., on H. R. 6039 and H. R. 7309, known as the Fishery Credit Act bills.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Tuesday, June 29, 1937, on H. R. 5182 and H. R. 6917, textile bills.

EXECUTIVE COMMUNICATIONS, ETC.

674. Under clause 2 of rule XXIV, a letter from the Chairman, Securities and Exchange Commission, transmitting a further part of the Commission's study and investigation of the work, activities, personnel, and functions of

protective and reorganization committees, was taken from the Speaker's table and referred to the Committee on Interstate and Foreign Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. HILL of Washington: Committee on Indian Affairs. H. R. 4290. A bill to authorize acquisition of complete title to the Puyallup Indian Tribal School property at Tacoma, Wash., for Indian sanatorium purposes; without amendment (Rept. No. 1070). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGHTON: Committee on Ways and Means. H. R. 7589. A bill to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes; without amendment (Rept. No. 1071). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 7430) for the relief of Mary Lucia Haven; Committee on Claims discharged, and referred to the Committee on Foreign Affairs.

A bill (H. R. 5259) for the relief of John S. Monahan; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 6531) for the relief of Bertha Hymes Sternfeld; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 6992) for the relief of John Toko; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7065) granting a pension to Georgia A. Tinney; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 7097) for the relief of Minnie D. Gadle; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7121) for the relief of Ella B. Kimball; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7169) for the relief of Sanford N. Schwartz; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 7303) for the relief of David W. Morgan; Committee on Claims discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DOUGHTON: A bill (H. R. 7589) to levy an excise tax upon carriers and certain other employers and an income tax upon their employees, and for other purposes; to the Committee on Ways and Means.

By Mr. SPARKMAN: A bill (H. R. 7590) to quiet title and possession to certain islands in the Tennessee River in the counties of Colbert and Lauderdale, Ala.; to the Committee on the Public Lands.

By Mr. DUNCAN: A bill (H. R. 7591) to make available to each State enacting in 1937 an unemployment-compensation law a portion of the proceeds from the Federal employers' tax in such State for the years of 1936 and 1937; to the Committee on Ways and Means.

By Mr. CANNON of Missouri: A bill (H. R. 7592) to regulate the manufacture and sale of stamped envelopes; to the Committee on the Post Office and Post Roads.

By Mr. STEAGALL: A bill (H. R. 7593) to provide for the establishment of Fort Mitchell National Park in Russell County, Ala.; to the Committee on the Public Lands.

By Mr. VINSON of Georgia: A bill (H. R. 7594) to give the United States Board of Tax Appeals jurisdiction to decide controverted questions relating to manufacturers' excise taxes in certain cases; to the Committee on Ways and Means.

By Mr. BEITER: A bill (H. R. 7595) to provide that the wording of Medals of Honor and accompanying certificates for blind ex-service men shall be in Braille; to the Committee on Military Affairs.

By Mr. DISNEY: A bill (H. R. 7596) to authorize a preliminary examination and survey of the Neosho River and its tributaries in the States of Kansas and Oklahoma with a view to the control of its floods; to the Committee on Flood Control.

By Mr. ALLEN of Delaware: A bill (H. R. 7597) to provide for the construction of a highway bridge across Chesapeake Bay at the most advantageous location in the immediate vicinity of Annapolis, Md., and Matapeake, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. HOFFMAN: A bill (H. R. 7598) to amend the act of June 24, 1936, the same being chapter 746, United States Statutes at Large, entitled "An act making it a felony to transport in interstate or foreign commerce persons to be employed to obstruct or interfere with the right of peaceful picketing during labor controversies" by adding four new sections thereto; to the Committee on the Judiciary.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 7599) to provide for the acquisition of all additional, suitable, and appropriate acreage necessary for a national historical park at Fort Necessity site (Fayette County, Pa.); to the Committee on the Public Lands.

By Mr. DEMPSEY: A resolution (H. Res. 246) to provide for inquiry into the administration of law in Puerto Rico; to the Committee on Rules.

By Mr. HOFFMAN: A resolution (H. Res. 247) requesting the Administrator of the Works Progress Administration to furnish certain information to the House of Representatives; to the Committee on Appropriations.

Also, a resolution (H. Res. 248) requesting the Secretary of Labor to furnish the House of Representatives with information; to the Committee on Labor.

By Mr. RANKIN: Resolution (H. Res. 249) providing for the printing of the report of the De Soto Expedition Celebration Commission; to the Committee on Printing.

By Mr. TEIGAN: Resolution (H. Res. 250) authorizing the chairman of the House Committee on Labor to request the chairman of the subcommittee of the Senate Committee on Education and Labor to arrange for a showing of a Paramount newsreel before House Members, showing the riot at the Republic Steel Plant in Chicago, Ill., May 31, 1937; to the Committee on Rules.

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 California, memorializing the President and the Congress of the United States relative to conscription of wealth and industry in wartimes and the effective barring of war profits; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to amend the Social Security Act; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to designate Armistice Day as a holiday; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United States to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of California, memorializing the President and the Congress of the United

States to extend the life of the Federal Public Works Administration for a period of 2 years after next June 30, and further memorializing Congress to earmark the sum of $350,000,000 of the pending Federal relief appropriation for a continuance of loans and grants under Public Works Administration to local communities; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY (by request): A bill (H. R. 7600) for the relief of Julius Zimmern; to the Committee on Claims.

By Mr. BOYKIN: A bill (H. R. 7601) for the relief of Eula Scruggs; to the Committee on Claims.

By Mr. DALY: A bill (H. R. 7602) for the relief of A. D. Cummins & Co., Inc.; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 7603) for the relief of San Juan Coal & Coke Co.; to the Committee on Claims.

Also, a bill (H. R. 7604) for the relief of Maria J. Martinez; to the Committee on Claims.

By Mr. DEMUTH: A bill (H. R. 7605) for the relief of William G. Dean; to the Committee on Claims.

By Mr. LESINSKI: A bill (H. R. 7606) for the relief of Albert Richard Jeske; to the Committee on Immigration and Naturalization.

By Mr. MOTT: A bill (H. R. 7607) for the relief of Frank B. Decker; to the Committee on Claims.

By Mr. MURDOCK of Utah; A bill (H. R. 7608) to authorize the cancelation of deportation proceedings in the case of Christian Josef Mueller; to the Committee on Immigration and Naturalization.

By Mr. NICHOLS: A bill (H. R. 7609) for the relief of Iona Cazenave; to the Committee on Claims.

By Mr. ROBINSON of Utah: A bill (H. R. 7610) granting an increase in compensation to William B. Lancaster; to the Committee on Claims.

PETITIONS, ETC.

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

2676. By Mr. BEITER: Petition of the Propeller Club of the United States, port of Jacksonville, Fla., opposing any bill which may be brought before Congress proposing to transfer the supervision, maintenance, and improvement of the navigable waters of the United States, including flood control, from the Engineer Corps of the United States Army to other agencies; to the Committee on Military Affairs.

2677. By Mr. BUCK: Petition of residents of city of St. Helena, Napa County, Calif., protesting against the passage of Senate bill 1270 and House bill 3291; to the Committee on the District of Columbia.

2678. Also, memorial of the State of California Legislature, Senate Joint Resolution No. 24, relative to memorializing the President and Congress to enact legislation relative to the conscription of wealth and industry in wartime and the effective barring of war profits; to the Committee on Foreign Affairs.

2679. Also, memorial of the State of California Legislature, Assembly Joint Resolution No. 18, relative to memorializing the President and the Congress of the United States to amend the Social Security Act so as to enable such States as may desire to do so to bring the employees of such State and the employees of its counties, cities, and other political subdivisions within the provisions of such act relating to old-age benefits; to the Committee on Ways and Means.

2680. Also, memorial of the State of California Legislature, Senate Joint Resolution No. 26, relative to memorializing the President of the United States and the Members of Congress to extend the life of the Federal Public Works Administration for a period of 2 years after next June 30, and further memorializing Congress to earmark the sum of $350,000,000 of the pending Federal relief appropriation for a continuance of loans and grants under Public Works Administration to local communities; to the Committee on Appropriations.

2681. Also, memorial of the State of California Legislature, Assembly Joint Resolution No. 51, relative to memorializing the President and Congress to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; to the Committee on Rivers and Harbors.

2682. By Mr. COFFEE of Washington: Petition of the Everett District Council of Lumber and Sawmill Workers, Everett, Wash., resolving that they unanimously endorse President Roosevelt's program for reorganization of the United States Supreme Court, and urge the United States Congress to carry out the expressed will of the American people by immediately passing this legislation, and further resolving that copies of this resolution be sent to Senators BONE and SCHWELLENBACH, and to Congressmen MONRAD WALLGREN and JOHN M. COFFEE; to the Committee on the Judiciary.

2683. Also, petition of the District Council Sawmill and Timber Workers and Central Labor Council, Everett, Wash., unanimously endorsing the President's proposals for reform of the Federal judiciary, and urging adoption by Congress of the Supreme Court plan; to the Committee on the Judiciary.

2684. Also, petition of the International Association Heat and Frost Insulators and Asbestos Workers, Local No. 7, Seattle, Wash., urging the revocation of administrative order no. 197 of the Federal Emergency Administration of Public Works which restricts pending projects of Public Works Administration for approval to relief labor only; to the Committee on Appropriations.

2685. By Mr. LUTHER A. JOHNSON: Petition of R. H. McCoy, of Ennis, and Mrs. R. P. Garrett, of Corsicana, Tex., favoring the so-called agricultural adjustment bill now being considered by the Committee on Agriculture; to the Committee on Agriculture.

2686. Also, petition of J. M. Fountain, of Bryan; H. H. Porter, of Maypearl, and C. F. Farrar, of Maypearl, Tex., favoring the so-called agricultural adjustment bill now being considered by the Committee on Agriculture; to the Committee on Agriculture.

2687. By Mr. KEOGH: Petition of the Endicott Johnson Corporation, Endicott, N. Y., concerning a tariff on shoes coming from Czechoslovakia; to the Committee on Ways and Means.

2688. Also, petition of the Welfare Council of New York City, concerning the Maverick Joint Resolution 395; to the Committee on Labor.

2689. By Mr. KRAMER: Resolution of the Assembly and the Senate of the State of California, relative to memorializing Congress to designate Armistice Day as a holiday; to the Committee on Military Affairs.

2690. By Mr. LAMNECK: Petition of Mrs. William S. Van Fossen and other citizens of Columbus, Ohio, opposing any bills proposing to change our present form of Government; to the Committee on the Judiciary.

2691. By Mr. LESINSKI: Resolution of the Michigan State Senate (House of Representatives concurring), memorializing the Congress of the United States to continue their appropriations to the Public Works Administration for non-Federal public works; to the Committee on Appropriations.

2692. By Mr. MOTT: Petition signed by Lenora A. Gilm and 10 other citizens of Medford, Oreg., protesting against the passage of Senate bill 1270 and House bill 3291, both of which are compulsory Sunday observance bills; to the Committee on the District of Columbia.

2693. Also, memorial of the Southwestern Oregon Miners Association, Grants Pass, Oreg., urging the enactment of Senate bill 187 and House bill 2254, providing for the suspension of annual assessment work on mining claims held by location in the United States; to the Committee on Mines and Mining.

2694. By Mr. SPARKMAN: Petition of Nancy Vintson and various other citizens of Madison County, Ala., urging the enactment of the old-age pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

2695. Also, petition of Matilda Allen and various other citizens of Limestone County, Ala., urging the enactment of the old-age pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

2696. Also, petition of Paul D. Blaxton and various other citizens of Lawrence County, Ala., urging the enactment of the old-age-pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

2697. Also, petition of Sam Williams and various other citizens of Jackson County, Ala., urging the enactment of the old-age-pension bill as embodied in House bill 2257, introduced by Representative WILL ROGERS, of Oklahoma; to the Committee on Ways and Means.

2698. By Mr. WELCH: Resolution relative to memorializing the President and Congress to take such steps as may be necessary to cut a channel through the southerly end of the Coronado Silver Strand to allow seagoing vessels to enter the bay of San Diego at its southerly end; to the Committee on Rivers and Harbors.

2699. Also, resolution relative to memorializing the President and Congress to enact legislation relative to the conscription of wealth and industry in wartime and the effective barring of war profits; to the Committee on Foreign Affairs.

2700. By Mr. BUCK: Memorial of the State of California Legislature, Assembly Joint Resolution No. 10, relative to memorializing the Congress of the United States to designate Armistice Day as a holiday; to the Committee on Military Affairs.

2701. By Mr. WELCH: Resolution relative to memorializing the President of the United States and the Members of Congress to extend the life of the Federal Public Works Administration for a period of 2 years after next June 30, and further memorializing Congress to earmark the sum of $350,000,000 of the pending Federal relief appropriation for a continuance of loans and grants under Public Works Administration to local communities; to the Committee on Appropriations.

2702. Also, resolution relative to memorializing the President and the Congress of the United States to amend the Social Security Act so as to enable such States as may desire to do so to bring the employees of such State and the employees of its counties, cities, and other political subdivisions within the provisions of such act relating to old-age benefits; to the Committee on Ways and Means.

2703. Also, resolution relative to memorializing the Congress of the United States to designate Armistice Day as a holiday; to the Committee on Military Affairs.

2704. By Mr. WIGGLESWORTH: Petition of the Revere Post, No. 61, American Legion, urging the enactment of special legislation for the establishment of a lifetime annuity to Marie Antionette Connery, widow of the late Representative William P. Connery, Jr.; to the Committee on Pensions.

2705. By the SPEAKER: Petition of the United Spanish War Veterans, Washington, D. C., with reference to House bill 5030, affecting Spanish War veterans; to the Committee on Pensions.

2706. Also, petition of the Board of Aldermen of the city of Chelsea, Mass., protesting reported Works Progress Administration lay-offs; to the Committee on Appropriations.

2707. Also, petition of Revere Post, No. 61, American Legion, Massachusetts, memorializing the Congress to enact special legislation for the establishment of a lifetime annuity to Marie Antoinette Connery, widow of the late William P. Connery, Jr., a late Representative to Congress from the State of Massachusetts; to the Committee on Pensions.

2708. Also, petition of the Board of Aldermen of the city of Chelsea, Mass., urging elimination of the present reciprocity treaty; to the Committee on Ways and Means.

SENATE

TUESDAY, JUNE 22, 1937

(Legislative day of Tuesday, June 15, 1937)

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

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, June 21, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum, and ask for a roll call.

The PRESIDENT pro tempore. The clerk will call the roll.

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

Adams	Clark	Johnson, Colo.	Reynolds
Andrews	Connally	La Follette	Robinson
Ashurst	Copeland	Lee	Russell
Austin	Davis	Lewis	Schwartz
Bailey	Dieterich	Lodge	Schwellenbach
Bankhead	Duffy	Logan	Smathers
Barkley	Ellender	Longeran	Smith
Bilbo	Frazier	Lundeen	Steiwer
Black	George	McAdoo	Thomas, Okla.
Bone	Gerry	McGill	Thomas, Utah
Borah	Gibson	McKellar	Townsend
Bridges	Gillette	McNary	Truman
Brown, Mich.	Glass	Minton	Tydings
Brown, N. H	Guffey	Moore	Vandenberg
Bulkley	Harrison	Murray	Van Nuys
Bulow	Hatch	Neely	Wagner
Burke	Hayden	Nye	Walsh
Byrd	Herring	O'Mahoney	Wheeler
Byrnes	Hitchcock	Overton	White
Capper	Holt	Pittman	
Caraway	Hughes	Pope	
Chavez	Johnson, Calif.	Radcliffe	

Mr. LEWIS. I announce that the Senator from Utah [Mr. KING] and the Senator from Connecticut [Mr. MALONEY] are absent because of illness.

The Senator from Tennessee [Mr. BERRY], the Senator from Rhode Island [Mr. GREEN], the Senator from Ohio [Mr. DONAHEY], the Senator from Nevada [Mr. MCCARRAN], the Senator from Florida [Mr. PEPPER], and the Senator from Texas [Mr. SHEPPARD] are detained from the Senate on important public business.

Mr. POPE. I announce that the Senator from Nebraska [Mr. NORRIS] is detained from the Senate because of a slight illness.

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] is necessarily absent.

The PRESIDENT pro tempore. Eighty-five Senators having answered to their names, a quorum is present.

RETIREMENT OF RAILROAD EMPLOYEES

Mr. WAGNER. Mr. President, yesterday the House of Representatives, with but one dissenting vote, passed the bill (H. R. 7519) to establish a retirement system for employees of the railroads. As a similar Senate bill (S. 2395) has been reported by the Committee on Interstate Commerce and is now on the Senate calendar, the bill passed by the House, under our rules may be placed on the calendar without reference to the committee.

I desire to give notice, if Senators wish to study the bill, that on tomorrow, in the course of the day, I hope to bring the bill up for the consideration of the Senate. I do not anticipate any opposition to it in the Senate, since on two other occasions similar bills were passed by unanimous vote of the Senate.

REPORT OF RECONSTRUCTION FINANCE CORPORATION

The PRESIDENT pro tempore laid before the Senate a letter signed by the Chairman and secretary of the Reconstruction Finance Corporation, reporting, pursuant to law, relative to the operations of the Corporation for the first quarter of 1937, and also for the period from the organization of the Corporation on February 2, 1932, to March 31, 1937, inclusive, which, with the accompanying papers, was referred to the Committee on Banking and Currency.