

AMMON McCLELLAN

MAY 4, 1934.—Committed to the Committee of the Whole House and ordered
to be printed

Mr. KENNEDY of Maryland, from the Committee on Claims, submitted the following

REPORT

[To accompany S. 2467]

The Committee on Claims, to whom was referred the bill (S. 2467) for the relief of Ammon McClellan, having considered the same, report thereon with the recommendation that it do pass with the following amendments:

In line 6, strike out the words "as compensation" and insert in lieu thereof the clause "in full settlement of all claims against the Government of the United States".

In line 8, at the end of the bill, add:

: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this Act in excess of 10 per centum thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

STATEMENT OF FACTS

This claim has been approved by the Senate and the Department of Agriculture, and the report of the Senate Committee on Claims, containing the facts is appended hereto and made a part of this report.

[S.Rept. No. 444, 73d Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (S. 2467) for the relief of Ammon McClellan, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The bill provides for the payment of \$376.27 to Ammon McClellan as compensation for services rendered from July 18, 1933, to August 31, 1933, in the Department of Agriculture.

The claimant was appointed to a position in the office of the chief hearing clerk of the General Counsel's Office in the Agricultural Adjustment Administration on July 18, 1933; but owing to the large number of appointments that were being made, and because of delays incident to securing the approval of his appointment, his actual appointment did not become effective until August 30, 1933. During this time, however, Mr. McClellan performed his duties without compensation.

Secretary Wallace states that—

"Since Mr. McClellan performed his duties during this period in a manner satisfactory to the Department and because of the unusual circumstances attending his appointment, the Department recommends that the bill be passed."

The following letter from the Secretary of Agriculture is appended hereto and made a part of this report.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 15, 1934.

Hon. JOSIAH W. BAILEY,

Chairman Committee on Claims, United States Senate.

DEAR SENATOR: By your reference I have Senate bill 2467, for the relief of Mr. Ammon McClellan, in the amount of \$376.27 for services performed from July 18 to August 31, 1933.

Mr. McClellan reported for duty in the office of the chief hearing clerk of the general counsel's office in the Agricultural Adjustment Administration on July 18, 1933, at a time when it was highly important that the chief hearing clerk immediately function in order to carry out the purposes of the act. Under the procedure in the Department, it was necessary to clear Mr. McClellan's appointment through administrative offices of the Agricultural Adjustment Administration, but because of the large number of appointments that were being made it was realized that some days must elapse before the appointment could be approved.

Mr. McClellan was advised of the above facts and was told that he could assume his duties with the understanding that formal approval of his appointment might be delayed some days. For various reasons, his approval was delayed beyond any reasonable time. On July 18 Mr. McClellan immediately began the work of organizing the office of the chief hearing clerk; and as this was during the early days of the administration of the act, the work was particularly onerous, requiring him to remain at his post from 8 a.m. until 1 and 2 a.m. every day, including Sundays.

According to the records of the Department, the time stated in the bill should read from July 18 to August 29, 1933, inclusive, his appointment becoming effective on August 30, 1933.

Since Mr. McClellan performed his duties during this period in a manner satisfactory to the Department and because of the unusual circumstances attending his appointment, the Department recommends that the bill be passed.

Very truly yours,

H. A. WALLACE, *Secretary.*