

Sec. 402. If any clause, sentence, paragraph, or part of this act, or the application thereof to any person, or circumstances, is held invalid, the application thereof to other persons, or circumstances, and the remainder of the act, shall not be affected thereby.

Sec. 403. This act may be cited as the "Anti-Smuggling Act."

EXECUTIVE SESSION

Mr. BARKLEY. 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 several nominations (and withdrawing a post-office 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(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)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

Mr. HARRISON, from the Committee on Finance, reported favorably the nomination of William W. Arnold, of Illinois, to be a member of the Board of Tax Appeals for the unexpired portion of a term of 12 years from June 2, 1932, vice Jed C. Adams, deceased.

He also, from the same committee, reported favorably the nominations of sundry medical and other officers in the United States Public Health Service.

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.

If there be no further reports of committees, the calendar is in order.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Parker W. Buhrman, of Virginia, to be consul general.

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 unanimous consent that nominations of postmasters may be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the calendar.

ADJOURNMENT TO MONDAY

Mr. BARKLEY. I move that the Senate adjourn until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate, in legislative session, adjourned until Monday, July 29, 1935, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate July 26 (legislative day of Monday, May 13), 1935

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Hugh Gladney Grant, of Alabama, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Albania.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Second Lt. Clifford Christopher Wagner, Infantry (detail in Quartermaster Corps), with rank from June 11, 1931.

PROMOTION IN THE REGULAR ARMY

VETERINARY CORPS

To be captain

First Lt. Maurice Wendell Hale, Veterinary Corps, from July 25, 1935.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 26 (legislative day of Monday, May 13), 1935

CONSUL GENERAL

Parker W. Buhrman to be consul general.

POSTMASTERS

GEORGIA

James Paul Williams, Chipley.
William Peyton Cravey, Milan.
Doddridge K. Houser, Shannon.
Ralph Waldo Harris, Wrens.

ILLINOIS

Arthur H. Schuler, Forest Park.
William K. Lyon, Niles Center.

MASSACHUSETTS

Paul E. Haley, Chester.
Bartholomew C. Downing, Hanover.
Mary E. Healy, Littleton.
James L. Ivory, Millbury.
Mary E. Glispin, North Grafton.
Dennis P. Sweeney, Pittsfield.
James F. Desmond, Reading.
Franklin F. Collins, South Yarmouth.
Hugh L. Lyons, West Medway.

MINNESOTA

Bernhard Levins, Crookston.

WITHDRAWAL

Executive nomination withdrawn from the Senate July 26 (legislative day of May 13), 1935

W. Edward Hudson to be postmaster at Vandergrift, in the State of Pennsylvania.

SENATE

MONDAY, JULY 29, 1935

The Reverend Harry Lee Doll, rector-elect of Christ Church, Alexandria, Va., offered the following prayer:

O eternal God, who hast intrusted the bringing of Thy kingdom to the hands of men, breathe upon us anew the gifts of Thy Holy Spirit, that with consecrated wills and rekindled energies we may serve Thee as Thou deservest and be true to the trust which in Thy name we have promised to fulfill. And so touch our hearts with the fire of Thy love that we may ask no greater reward than knowing that we do Thy will. We ask it for the merits of Him who gave His life that we might live abundantly—Thy Son, Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, July 26, 1935, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On July 25, 1935:

S. 2830. An act to repeal sections 1, 2, and 3 of Public Law No. 203, Sixtieth Congress, approved February 3, 1909.

On July 26, 1935:

S. 1065. An act to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen;

S. 2326. An act to authorize the Secretary of War to sell to the Eagle Pass & Piedras Negras Bridge Co. a portion of the Eagle Pass Military Reservation, Tex., and for other purposes;

S. 2965. An act to amend the Hawaiian Homes Commission Act of 1920; and

S. 3269. An act to amend the act entitled "An act authorizing the Reconstruction Finance Corporation to make loans to nonprofit corporations for the repair of damages caused by floods or other catastrophes, and for other purposes", approved April 13, 1934.

ORDER FOR CONSIDERATION OF THE CALENDAR

Mr. ROBINSON. Mr. President, inviting the attention of the Senator from Oregon [Mr. McNARY] to the request I am about to make, I ask unanimous consent that at the conclusion of the morning business the Senate proceed to the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum, in order that all Senators may have an opportunity to be present.

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Costigan	Johnson	Norbeck
Ashurst	Dickinson	King	Nye
Austin	Dieterich	La Follette	O'Mahoney
Bachman	Donahay	Lewis	Pittman
Bankhead	Duffy	Logan	Robinson
Barkley	Fletcher	Loneragan	Russell
Black	Frazier	McAdoo	Schwellenbach
Brown	George	McCarran	Steiwer
Bulkley	Gibson	McGill	Thomas, Okla.
Bulow	Gore	McKellar	Trammell
Burke	Guffey	McNary	Vandenberg
Byrnes	Hale	Metcalf	Wagner
Capper	Harrison	Minton	Walsh
Caraway	Hastings	Murphy	Wheeler
Chavez	Hayden	Murray	White
Clark	Holt	Neely	

Mr. LEWIS. I announce that the Senator from Utah [Mr. THOMAS], the Senator from Mississippi [Mr. BILBO], the Senator from Louisiana [Mr. LONG], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Massachusetts [Mr. COOLIDGE], the senior Senator from South Carolina [Mr. SMITH], the Senator from North Carolina [Mr. BAILEY], the Senator from Connecticut [Mr. MALONEY], the Senator from Rhode Island [Mr. GERRY], the Senator from New Jersey [Mr. MOORE], and the junior Senator from South Carolina [Mr. BYRNES] are necessarily detained from the Senate.

Mr. VANDENBERG. I announce the absence of my colleague the senior Senator from Michigan [Mr. COUZENS] on account of illness.

Mr. AUSTIN. I announce that the Senator from New Hampshire [Mr. KEYES], and the Senator from Pennsylvania [Mr. DAVIS] are necessarily absent from the Senate.

The VICE PRESIDENT. Sixty-three Senators have answered to their names. A quorum is present.

PHILIPPINE INDEPENDENCE—EXPRESSION OF GRATITUDE

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on Territories and Insular Affairs, as follows:

To the Congress of the United States:

In accordance with the notation contained in the text thereof, I transmit herewith a copy of a resolution, No. 1, of the "Liga Patriótica", a civil organization of the city of Manila, P. I., dated May 16, 1935, expressing the gratitude of the people of the Philippine Islands toward the Government and people of the United States for the passage of Public, No. 127, Seventy-third Congress, approved, March 24, 1934, and for the certification of the Constitution of the Philippine Islands.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, July 26, 1935.

PETITIONS

The VICE PRESIDENT laid before the Senate petitions of sundry citizens of the States of Ohio and Pennsylvania, praying for an investigation of charges filed by the women's committee of Louisiana relative to the qualifications of the Sena-

tors from Louisiana (Mr. LONG and Mr. OVERTON), which were referred to the Committee on Privileges and Elections.

REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on Military Affairs, to which was referred the bill (H. R. 2480) for the relief of Charles Davis, reported it without amendment and submitted a report (No. 1160) thereon.

He also, from the same committee, to which was referred the bill (S. 1843) to authorize the presentation of a Distinguished Service Cross to George J. Frank, reported it with amendments and submitted a report (No. 1161) thereon.

Mr. WAGNER, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 2864) to establish the San Juan National Monument, Puerto Rico, and for other purposes, reported it with amendments and submitted a report (No. 1163) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 1793) to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California", approved May 18, 1928 (45 Stat. L. 602), reported it with amendments and submitted a report (No. 1164) thereon.

Mr. NORBECK, from the Committee on Indian Affairs, to which was referred the bill (S. 2691) for the relief of E. E. Sullivan, reported it without amendment and submitted a report (No. 1165) thereon.

He also, from the same committee, to which was referred the bill (S. 3293) providing old-age pensions for Indians of the United States, reported it with amendments and submitted a report (No. 1167) thereon.

Mr. SCHALL, from the Committee on Indian Affairs, to which was referred the bill (H. R. 6228) authorizing a capital fund for the Chippewa Indian Cooperative Marketing Association, reported it with an amendment and submitted a report (No. 1168) thereon.

IMPORTS WITHOUT TARIFF PAYMENT FOR TEXAS CENTENNIAL EXPOSITION

Mr. CONNALLY. From the Committee on Finance I report back favorably without amendment the joint resolution (H. J. Res. 335) to permit articles imported from foreign countries for the purpose of exhibition at the Texas Centennial Exposition and celebrations to be admitted without payment of tariff, and for other purposes, and I submit a report (No. 1166) thereon. I ask unanimous consent that the joint resolution be placed at the end of the calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS INTRODUCED

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

By Mr. FLETCHER:

A bill (S. 3327) to authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Light-house Reservation, Fla., and for other purposes; to the Committee on Commerce.

By Mr. ASHURST:

A bill (S. 3328) to provide an official seal for the United States Veterans' Administration, and for other purposes; to the Committee on the Judiciary.

By Mr. LOGAN:

A bill (S. 3329) to authorize the transfer to the jurisdiction of the Secretary of the Treasury of portions of the property within the Fort Knox Military Reservation, Ky., for the construction thereon of certain public buildings, and for other purposes; to the Committee on Military Affairs.

By Mr. McNARY and Mr. STEIWER:

A bill (S. 3330) to authorize completion, maintenance, and operation of certain facilities for navigation on the Columbia River, and for other purposes; to the Committee on Commerce.

By Mr. McNARY (for Mr. DAVIS):

A bill (S. 3331) granting a pension to Katie Yoos; to the Committee on Pensions.

A bill (S. 3332) providing for the advancement on the retired list of the Navy of Louis J. Gulliver; and

A bill (S. 3333) for the relief of DeForest Loys Trautman, lieutenant, United States Navy; to the Committee on Naval Affairs.

PROPOSED FINAL ADJOURNMENT

The VICE PRESIDENT. Resolutions coming over from a previous day are in order.

Mr. McNARY. Mr. President, in order that I may be advised, I desire to submit a parliamentary inquiry. Some days ago the distinguished Senator from Delaware [Mr. HASTINGS] submitted a concurrent resolution providing for the sine die adjournment of Congress. After having been read, the resolution was ordered to lie on the Secretary's desk, where it now may be found, and, I think, under the heading under which the Senate is proceeding, probably comes up for consideration. As I understand the rule, however, it would not automatically come up, but would come up as a result of a motion to that effect.

The VICE PRESIDENT. That is the Chair's understanding of the rule.

Mr. McNARY. I now move that the Senate proceed to the consideration of Senate Concurrent Resolution 21.

Mr. ROBINSON. I move to lay on the table the motion of the Senator from Oregon.

Mr. HASTINGS and Mr. LA FOLLETTE asked for the yeas and nays, and they were ordered.

Mr. McNARY. Mr. President, may we not have the concurrent resolution read?

The VICE PRESIDENT. The clerk will read the concurrent resolution.

The Chief Clerk read the concurrent resolution (S. Con. Res. 21) submitted by Mr. HASTINGS on the 23d instant, as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall adjourn on Saturday, the 10th day of August 1935, and that when they adjourn on said day they stand adjourned sine die.

The VICE PRESIDENT. The yeas and nays having been ordered, the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. DICKINSON (when his name was called). I have a general pair with the junior Senator from Mississippi [Mr. BILBO], who is necessarily absent. I am not advised how he would vote if present. If permitted to vote, I should vote "nay."

Mr. McKELLAR (when his name was called). On this vote I am paired with the Senator from Delaware [Mr. TOWNSEND], who is necessarily absent, and who would vote "nay" if present. I transfer that pair to the senior Senator from North Carolina [Mr. BAILEY] and vote "yea."

The roll call was concluded.

Mr. CHAVEZ. My colleague the senior Senator from New Mexico [Mr. HATCH] is detained on official business. If present, he would vote "yea."

Mr. BULKLEY (after having voted in the affirmative). I have just been advised that my pair, the Senator from Wyoming [Mr. CAREY], is detained on official business and unable to be present. I transfer my pair with that Senator to the junior Senator from Massachusetts [Mr. COOLIDGE] and let my vote stand.

Mr. LOGAN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. DAVIS]. I transfer that pair to the junior Senator from New Jersey [Mr. MOORE] and allow my vote to stand.

Mr. METCALF (after having voted in the negative). I have a general pair with the Senator from Maryland [Mr. TYDINGS]. I inquire if he has voted?

The VICE PRESIDENT. The Senator from Maryland has not voted.

Mr. METCALF. In his absence I withdraw my vote.

Mr. AUSTIN. I desire to announce that the Senator from New Hampshire [Mr. KEYES] has a general pair with the

Senator from Utah [Mr. THOMAS]. If the Senator from New Hampshire were present, he would vote "nay", and if present the Senator from Utah would vote "yea."

The Senator from Wyoming [Mr. CAREY] is detained on official business. If present, he would vote "nay."

The Senator from New Jersey [Mr. BARBOUR], the Senator from Pennsylvania [Mr. DAVIS], and the Senator from Delaware [Mr. TOWNSEND] are unavoidably detained.

The Senator from Minnesota [Mr. SHIPSTEAD] is detained on official business.

Mr. NYE (after having voted in the affirmative). I have a general pair with the senior Senator from Virginia [Mr. GLASS], who is necessarily detained. I understand if he were present he would vote as I have voted. Therefore I permit my vote to stand.

Mr. DICKINSON. I have heretofore announced my pair with the junior Senator from Mississippi [Mr. BILBO]. I transfer that pair to the Senator from New Jersey [Mr. BARBOUR] and vote "nay."

Mr. LEWIS. I desire to announce the following-named Senators are necessarily detained and if present each would vote "yea":

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], the Senator from Washington [Mr. BONE], the Senator from Virginia [Mr. BYRD], the Senator from Texas [Mr. CONNALLY], the Senator from Massachusetts [Mr. COOLIDGE], the Senator from New York [Mr. COPELAND], the Senator from Rhode Island [Mr. GERRY], the Senator from New Jersey [Mr. MOORE], the Senator from Idaho [Mr. POPE], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Texas [Mr. SHEPPARD], the Senator from South Carolina [Mr. SMITH], the Senator from Utah [Mr. THOMAS], the Senator from Missouri [Mr. TRUMAN], the Senator from Maryland [Mr. TYDINGS], and the Senator from Indiana [Mr. VAN NUYS].

I also desire to announce that the senior Senator from Louisiana [Mr. LONG] and the junior Senator from Louisiana [Mr. OVERTON] are necessarily detained.

Mr. LONERGAN. I desire to announce the unavoidable absence of my colleague [Mr. MALONEY]. If present and voting, he would vote "yea."

The result was announced—yeas 52, nays 10, as follows:

YEAS—52

Adams	Chavez	Holt	Neely
Ashurst	Clark	King	Norbeck
Bachman	Costigan	La Follette	Nye
Bankhead	Dieterich	Lewis	O'Mahoney
Barkley	Donahay	Logan	Pittman
Black	Duffy	Loneragan	Robinson
Brown	Fletcher	McAdoo	Russell
Bulkley	Frazier	McCarran	Schwollenbach
Bulow	George	McGill	Thomas, Okla.
Burke	Gore	McKellar	Trammell
Byrnes	Guffey	Minton	Wagner
Capper	Harrison	Murphy	Walsh
Caraway	Hayden	Murray	Wheeler

NAYS—10

Austin	Hale	McNary	Vandenberg
Dickinson	Hastings	Steiwer	White
Gibson	Johnson		

NOT VOTING—34

Bailey	Copeland	Metcalf	Shipstead
Barbour	Couzens	Moore	Smith
Bilbo	Davis	Norris	Thomas, Utah
Bone	Gerry	Overtton	Townsend
Borah	Glass	Pope	Truman
Byrd	Hatch	Radcliffe	Tydings
Carey	Keyes	Reynolds	Van Nuys
Connally	Long	Schall	
Coolidge	Maloney	Sheppard	

So the motion of Mr. McNARY was laid on the table.

FARMERS' VISIT TO WASHINGTON

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk proceeded to read the resolution (S. Res. 139) submitted by Mr. HASTINGS on May 15, 1935.

Mr. ROBINSON. Mr. President, I move to lay the resolution on the table.

Mr. McNARY. Mr. President, I am a little confused as to the nature of the resolution.

The VICE PRESIDENT. The clerk will state the resolution by title.

The CHIEF CLERK. Senate Resolution 139, calling on the Secretary of Agriculture for certain information concerning a recent gathering of farmers in Washington, D. C.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas to lay the resolution on the table.

Mr. CLARK. Mr. President, may we have the resolution stated again?

The VICE PRESIDENT. The clerk will read the resolution in full.

The Chief Clerk read the resolution (S. Res. 139), as follows:

Resolved, That the Secretary of Agriculture be, and is hereby, requested to furnish to the Senate any and all correspondence in his Department touching the gathering of some three or four thousand farmers in the city of Washington during the last 2 or 3 days; whether any instructions had been given by him, or any person in his Department, or any of the various county agents or farm organizations receiving Federal aid, with respect to getting these farmers to come to Washington; how the particular group was selected and by whom, and the purpose of having the said farmers come to Washington at this particular time; and

Resolved further, That the Secretary of Agriculture give to the Senate all information in his possession with respect to any cost borne by the Federal Government, directly or indirectly, in meeting the expense of the farmers gathered as aforesaid.

The VICE PRESIDENT. The question is on the motion of the Senator from Arkansas to lay the resolution on the table.

The motion was agreed to.

WAR DEBTS, DISARMAMENT, CURRENCY STABILIZATION, AND WORLD TRADE

The VICE PRESIDENT. The clerk will state the next resolution coming over from a previous day.

The Chief Clerk read the resolution (S. Res. 141) submitted by Mr. TYDINGS on May 21, 1935, as follows:

Whereas the people of the United States, irrespective of political affiliations, have been desirous of promoting in every practical way the peace of the world and the economic and political welfare of other nations as well as their own, and have never failed to respond to the call of distress of other peoples and countries; and

Whereas the people of the United States are equally desirous of correcting any misapprehensions in this regard and to proclaim that no reason shall exist for questioning their desire to aid in every reasonable way the solution of the acute problems of the world arising from the war and depression; and

Whereas the present administration has frequently declared that national economic recovery and world economic recovery are inextricably bound together and that the principle of the good neighbor should characterize the relationship between the United States and all other nations; and

Whereas similar views have been held by Republican administrations and leading statesmen of the Republican Party, so that these broad views have the endorsement of both our major political parties; and

Whereas it is universally recognized that there is no problem existing today which is operating more directly, constantly, and powerfully to make understanding and good will between nations difficult, and therefore to postpone the return of economic well-being and durable world peace than the chronic problem of intergovernmental debts arising and resulting from the war; and

Whereas the next installment of allied war debts owing to the United States is due and payable on the 15th of June 1935, and no payment on these debts was made when the last installment came due on December 15, 1934, and the value and collectibility of these debts are becoming more and more jeopardized by the passing of time and the failure to devise and consummate a workable and mutually reasonable settlement thereof; and

Whereas such officials and leaders of European public opinion and action as Premier Flandin, of France; Economic and Finance Minister Schacht, of Germany; and the Chancellor of the Exchequer Chamberlain, of Great Britain, have within recent weeks given public indication of their recognition of the gravity of the problem created by the unsettled state of intergovernmental debts and of their desire for an equitable settlement that will promote and not retard world trade and that is in keeping with the present economic and financial conditions of the world; and

Whereas in June and also in December of 1934, in the exchange of notes on the allied-debt subject, both France and Great Britain did not repudiate them but frankly acknowledge that validity and legality of their respective war debts to the United States and expressed a desire and willingness to make a reasonable and feasible settlement of these debts; and

Whereas it is the desire of the people of the United States as indispensable both to economic recovery and to world peace to

secure reduction of armaments by all nations and to inaugurate an immediate 5-year holiday in arms construction, in order to facilitate and insure rapid recovery from the ravages of the protracted depression and to prove good faith to one another in their treaty commitments to peace; and

Whereas general and drastic reduction of armaments is vital to both world peace and to economic recovery, the expenditures for armaments and war being by far the largest items in the budgets of the nations; and

Whereas responsible statesmen of all the large nations of the world have repeatedly expressed their willingness to join in a general universal movement for the reduction of armaments, but the disarmament conferences have, during the past few years, failed to reach any substantial accord as to reduction largely because of the ill will, fear, and resentments engendered, particularly in Europe, by the destructiveness of the last war and the treaties resulting therefrom; and

Whereas a strong indication of the sentiment in Great Britain has just been obtained by a popular referendum wherein the vote on the question of all-around drastic reduction of armaments by international agreement showed over 90 percent in favor of such reduction and agreement, a percentage that well represents the overwhelming public opinion of our land; and

Whereas a 5-year holiday in arms construction accompanied by gradual, drastic, and pro rata reduction in arms, agreed to and carried out by the nations of the world, would be not only the sincerest guaranty of world peace but would also result in bringing national income and national expenditures within balance in all nations, would greatly reduce taxation, would vastly increase the buying power of all countries, and consequently would go far toward restoring to normal the benefits of the world trade, both for agriculture and for the industry; and

Whereas for the further advancement of world trade and therefore for the prosperity of all peoples there should be a revival of confidence in the money units of the world, now so disordered and almost chaotic, by a working stabilization of international currencies under international agreement, such as would inspire confidence in business men and producers everywhere, and which would largely restore normal foreign trade, thus tending to relieve unemployment and to reflate our sadly deflated market value of commodities, securities, and real estate; and

Whereas the United States, by reason of its unprecedented contributions to the World War, its unselfish and equally unprecedented abstention from all the spoils of war at the peace table in harmony with the magnanimous pronouncements of President McKinley in 1898, and of President Wilson in 1917, namely, that it is our settled policy not to wage wars of aggression and not to accept the spoils of victory, is in a position to take the lead in a world-wide movement for the solution of these four acute international problems, (1) war debts, (2) disarmament, (3) stabilization of currencies, and (4) a sound revival of world trade, which now so harass the world and retard both economic recovery and world peace, and to the solution of which a world conference should be called to be held at the city of Washington at the earliest convenient and practicable time: Now, therefore, be it

Resolved, That the President of the United States is requested, if not incompatible with the public interest, to advise such governments as he may deem appropriate that this Government desires at once to take up directly with them, with a view to entering into international agreements and treaties with other nations at a conference to be held in the city of Washington the following matters: The settlement of the intergovernmental debts, the means of obtaining a substantial curtailment in world armaments and a holiday in world armament construction, the means of securing a stabilization of the currency systems of the world, and the means for reviving world trade, all to such an extent and under such terms as may be agreed upon.

Mr. TYDINGS. I ask that the resolution may go over.

The VICE PRESIDENT. The resolution will go over. The clerk will state the next resolution coming over from a previous day.

EXTENSION OF THE N. R. A.

The Chief Clerk read the resolution (S. Res. 142) submitted by Mr. NYE on May 21, 1935, as follows:

Whereas an organized group known as the "Industry and Business Committee for N. R. A. Extension" is admittedly seeking to influence legislation by means of mass demonstrations in Washington and by other methods; and

Whereas this group represents itself as speaking for a large section of business and industry; and

Whereas the chairman and/or the members of said group or committee have openly urged and stimulated a concentration of individuals in the Capital to demand that the Congress enact legislation to meet their wishes; and

Whereas the Industry and Business Committee for N. R. A. Extension has issued lists containing the personnel of its several committees: Be it

Resolved, That the National Recovery Administration be, and hereby is, directed to submit to the Senate of the United States within 3 days information showing whether or not any individual or individuals included in these lists, whose names follow, are, or have been, officials or employees of the National Recovery Administration and/or officials or employees of any of the several

code authorities, together with total or annual salaries and/or other compensations paid to these individuals by the United States Treasury or from the funds of the code authorities:

Carl Whitney, Sol Herzog, Thurlow H. Gordon, Sylvan Gotshal, David L. Cole, George Nebolsine, Mitchell Shipman, Howard Heydon, G. H. Dorr, Col. Merrill G. Baker, Eric Calamia, Ward Cheney, A. C. Weigel, William Menke, Leo J. Goldberger, A. K. Hamilton, E. M. Dillhoefer, J. H. Whitehead, Kenneth I. Van Cott, David Orans, Frank L. Grennie, Hugo N. Schloss, Nathan Tufts, H. E. Bishop, A. R. Ludlow, Kurt H. Volk, F. H. Baxter, Otto Grimmer, Harry E. Kenworthy, A. C. Knothe, Arthur Hudson Marks, Sol Mutterperl, John Murphy, Alex G. Ritchie, Jacob Roth, E. W. Palmer, Max J. Schneider, John W. Willmore, and George St. John, Jr.

Mr. NYE. I ask that the resolution go over.

The VICE PRESIDENT. The resolution will go over. The clerk will read the next resolution coming over from a previous day.

APPOINTMENT AND CONFIRMATION OF CERTAIN FEDERAL EMPLOYEES
The Chief Clerk read the resolution (S. Res. 152) submitted by Mr. GORE on June 15, 1935, as follows:

Resolved, That the Comptroller General is hereby directed to submit to the Senate a report showing the names, residence, and annual rate of compensation of all persons who have been appointed or employed under any act of Congress who receive compensation at a rate of \$4,000 or more per annum and indicating those who are required by existing law to be appointed by and with the advice and consent of the Senate, who have not been so confirmed and also those who are not required by existing law to be so confirmed; and further indicating in each case the date of the appointment or employment and under what act or by what authority such person was appointed or employed.

Mr. ASHURST. I ask that the resolution may go over.

The VICE PRESIDENT. The resolution will go over.

The clerk will state the next resolution coming over from a previous day.

LEGISLATIVE PROGRAM AND ADJOURNMENT

The Chief Clerk read the concurrent resolution (S. Con. Res. 20) submitted by Mr. McNARY for Mr. HASTINGS, on the 1st instant, as follows:

Resolved by the Senate (the House of Representatives concurring), That when the Congress shall have completed its legislative program, except the revenue bill, it shall adjourn until noon on Monday, November 18, 1935;

Further resolved, That between the day of adjournment and November 18, 1935, the proper committees of the two Houses are requested to study the financial conditions of the Government as to income and expenses and make such recommendations as they find necessary to balance the Budget and begin the reduction of the national debt;

Further resolved, That when the Congress reconvenes on November 18, 1935, such revenue bill as such committees may recommend shall be the first order of business.

Mr. ROBINSON. I ask that the concurrent resolution go over for the present.

The VICE PRESIDENT. The concurrent resolution will be passed over. The clerk will state the next resolution coming over from a previous day.

CONSTITUTIONALITY OF BITUMINOUS-COAL CONSERVATION BILL

The Chief Clerk read the resolution (S. Res. 167) submitted by Mr. BYRD on the 9th instant, as follows:

Resolved, That the Attorney General is requested to transmit to the Senate, as soon as practicable, his opinion in writing with respect to the constitutionality of the bill (H. R. 8479, 74th Cong., 1st sess.) to stabilize the bituminous coal-mining industry and promote its interstate commerce; to provide for cooperative marketing of bituminous coal; to levy a tax on bituminous coal and provide for a drawback under certain conditions; to declare the production, distribution, and use of bituminous coal to be affected with a national public interest; to conserve the bituminous coal resources of the United States and to establish a national bituminous coal reserve; to provide for the general welfare, and for other purposes; and providing penalties.

Mr. ROBINSON. I ask that the resolution go over.

The VICE PRESIDENT. The resolution will go over. That completes the resolutions coming over from a previous day.

SUBVERSIVE ACTIVITIES OF RUSSIAN COMMUNISTS

Mr. VANDENBERG. Mr. President, I ask leave to have printed in the RECORD a significant article from the front page of the New York Times of this morning, entitled, "Red Penetration in United States Revealed", and, in the same connection, I ask permission to reprint in the RECORD Maxim

Litvinoff's letter to the President of the United States, dated November 16, 1933, upon which recognition of Soviet Russia was based. I hope the implications will not escape the attention of the State Department. The country is entitled to authentic information on this subject, and effective protection under the agreement. Otherwise the agreement for recognition should be withdrawn.

The VICE PRESIDENT. Is there objection?

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

[From the New York Times of July 29, 1935]

RED PENETRATION IN UNITED STATES REVEALED; COMINTERN STILL SEEKS A REVOLUTION—MOSCOW REPORT SHOWS ORDERS FOR BORING FROM WITHIN UNIONS AND STIRRING DISCONTENT OF FARMERS AND WORKERS—GREAT CREDIT CLAIMED FOR ACTIVITY IN MOST SEVERE STRIKES

By Harold Denny

Moscow, July 28.—Orders from the Comintern (Communist International) to Communist parties in capitalist countries, including the United States, were made public here today.

They specifically direct the American Communist Party to extend its influence in the regular labor unions by boring from within and to take advantage of the discontent of both industrial workers and farmers in order to create a united proletarian front.

The orders were included in the report of the executive committee of the Comintern delivered by William Pieck, German delegate, to the seventh congress, now convening here. The report also contained a suggestion that American church property be confiscated to aid the unemployed.

"In the Soviet Union", it reads, "in the famine of 1921, for example, the people forced the clergy of the reactionary Christian church to turn over to the masses their gold and silver in order to succor the hungry. The people in Germany, the United States, Austria, and other countries should force the wealthy, the church, and the state to open their treasuries for those who are hungry."

Mr. Pieck, in analyzing the position of the Communist Party in the United States said it had grown numerically and in influence among wide masses of workers, farmers, and intelligentsia.

"But in order further to widen its influence among the workers, the masses of the party must grow and strengthen its position in a number of trade-union movements", the report continued, "and must more energetically than before carry on the struggle for the creation of a wide party movement among workers and farmers so as to form a coalition of all worker organizations against the bourgeoisie." In recent Communist activities in the United States, Mr. Pieck said revolutionary workers have succeeded in extending their influence in many organizations affiliated with the American Federation of Labor and have had a decisive hand in the most important strikes of 1934, including the seamen's strike on the Pacific coast and the San Francisco general strike.

Mr. Pieck also said that American Communists had drafted an unemployment insurance law that had won support from trade unions and the advanced intelligentsia.

Referring to the weaknesses in the work of Communists in the United States, however, he said they had succeeded in interesting only 10 to 20 percent of the unemployed and had made no effective use of hunger marches. He also criticized the Communists for not attempting to win support from farmers, who were discontented by low prices, until the farmers' movement was waning.

REVOLUTION NOT RIPE

Mr. Pieck admitted that revolutionary developments in capitalist countries were not yet ripe, but confirmed the fact that the new and more moderate course of the Communist Party was by no means an abandonment of the world revolutionary purpose.

"The victory of socialism on a world scale in a brief historic period is assured if peace is maintained, thus making possible new victories of socialism in the U. S. S. R.", he said. "The capitalist system will not leave the stage without a struggle. Certain capitalist countries may overcome unfavorable conditions temporarily, thus easing the position of bourgeoisie, but this cannot lead to stabilization and to recession of the revolutionary wave."

"No matter what direction the development takes, the world is headed for revolution."

Earl Browder, general secretary of the American Communist Party, spoke at last night's session, saying the party had penetrated all strata of American workers after purging the ranks of Trotskyists and deviationists. He asserted that the Negro membership had grown considerably.

WASHINGTON, November 16, 1933.

MY DEAR MR. PRESIDENT: I have the honor to inform you that coincident with the establishment of diplomatic relations between our two Governments it will be the fixed policy of the Government of the Union of Soviet Socialist Republics:

1. To respect scrupulously the indisputable right of the United States to order its own life within its own jurisdiction in its own way and to refrain from interfering in any manner in the internal affairs of the United States, its Territories or possessions.

2. To refrain, and to restrain all persons in Government service and all organizations of the Government or under its direct or indirect control, including organizations in receipt of any financial assistance from it, from any act, overt or covert, liable in any way whatsoever to injure the tranquillity, prosperity, order, or

security of the whole or any part of the United States, its Territories or possessions, and, in particular, from any act tending to incite or encourage armed intervention, or any agitation or propaganda having as an aim the violation of the territorial integrity of the United States, its Territories or possessions, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its Territories or possessions.

3. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which makes claim to be the Government of, or makes attempt upon the territorial integrity of, the United States, its Territories or possessions; not to form, subsidize, support, or permit on its territory military organizations or groups having the aim of armed struggles against the United States, its Territories or possessions, and to prevent any recruiting on behalf of such organizations and groups.

4. Not to permit the formation or residence on its territory of any organization or group—and to prevent the activity on its territory of any organization or group, or of representatives or officials of any organization or group—which has as an aim the overthrow or the preparation for the overthrow of, or the bringing about by force of a change in the political or social order of the whole or any part of the United States, its Territories or possessions.

I am, my dear Mr. President,
Very sincerely yours,

MAXIM LITVINOFF,
People's Commissar for Foreign Affairs,
Union of Soviet Socialist Republics.

MR. FRANKLIN D. ROOSEVELT,
President of the United States of America,
The White House.

IDEALISM OF LINCOLN AND WILSON

MR. ASHURST. Mr. President, I ask permission to have printed in the RECORD an article I wrote some years ago, exclusively for the Arizona Daily Star, entitled "The Audacious Idealism of Lincoln and Wilson."

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

[From the Arizona Daily Star of Feb. 14, 1926]

THE AUDACIOUS IDEALISM OF LINCOLN AND WILSON

(Written exclusively for the Arizona Daily Star by HENRY FOUNTAIN ASHURST, United States Senator from Arizona)

The early environments and training of Abraham Lincoln and Woodrow Wilson were wholly dissimilar, yet in the white blaze of their idealism they were alike. Both were self-contained and deliberate; neither seemed to dread the coarse vituperation which is ever the portion of American Presidents. The main purpose of each was to elevate mankind en masse rather than individually, and in directing their efforts toward that end neither was ever disillusioned nor grew cynical, for their flames of idealism were replenished by faith's conquering audacity. A baffling mysticism, never penetrated by any person, surrounded each of them. Each saw events with a sublime authenticity, each had a tongue like a sword, and each spoke and wrote with amplitude and grandeur. Each referred with reluctance and unfeigned diffidence to that subject upon which nearly all public men are fluent—self. Each believed that just as man has bodily senses to lay hold on matter and supply bodily wants, man also has spiritual faculties to lay hold on God and supply spiritual wants.

Woodrow Wilson was born at Staunton, Va., December 28, 1856. He was a son of Rev. Joseph Ruggles Wilson and Jessie Woodrow Wilson, the former a clergyman of the Presbyterian Church of the South. His boyhood was spent in Augusta, Ga., at Columbia, S. C., and Wilmington, N. C. He prepared for college with private tutors and at the schools of these places. His real educator was his father, a scholar of high order.

In 1873 Woodrow Wilson entered Davidson (N. C.) College and in 1879 was graduated from Princeton University. In 1881 he was graduated from the University of Virginia as a law student; from 1883 to 1885 he did post-graduate work in political economy and history at Johns Hopkins University, Baltimore, Md.; from 1885 to 1888 he was professor of history and political economy at Bryn Mawr College, Pa.; from 1888 to 1890 he was professor of the same branches of science at Wesleyan University. In June 1890 he was elected professor of jurisprudence and political economy at Princeton University. In 1895 the department was divided and he was assigned to the chair of jurisprudence. In 1897 he was promoted to the McCormick professorship of jurisprudence and politics. In 1902 he was elected president of the university, resigning both that office and his professorship in October 1910, after his nomination for Governor of New Jersey, to which office he was elected in November 1910. He was the author of the following works: Congressional Government, in 1885; The State—Elements of Historical and Practical Politics, in 1889; Division and Reunion, 1893; An Old Master, 1893; Mere Literature, 1893; George Washington, 1896; History of the American People, 1902; Constitutional Government of the United States, in 1908; and New Freedom, in 1913.

His father, Joseph Ruggles Wilson, who was born in Steubenville, Ohio, on February 28, 1822, was the youngest son of

"Judge" James Wilson, who was born in County Down, Ireland, and who migrated to America about the year 1807, finding immediate employment with William Daune, editor of the Aurora, at 15 Franklin Court, Philadelphia, formerly the home of Benjamin Franklin. The Aurora was the leading Democratic journal of its day and was patronized by Thomas Jefferson, although it opposed the Madison administration. From his boyhood, Joseph Ruggles Wilson was noted as a scholar. He was professor of rhetoric, and he seriously took and sedulously practiced the art of words. On June 7, 1849, he was married to Janet Woodrow, daughter of Dr. Thomas Woodrow, a Presbyterian minister, and in the veins of Janet Woodrow flowed the blood of the ancient Woodrow family of Scotland.

Woodrow Wilson's earliest recollection was that while standing at his father's gate on a November day in 1860, he heard a man shout, "Lincoln is elected, and there will be war." He remembered seeing Jefferson Davis, under heavy guard, on the way to Fortress Monroe.

Woodrow Wilson's parents, early companions, and teachers all had a scholastic flair.

Woodrow Wilson's parents were never opulent—they honorably practiced that economy which makes for strength in the national life—but Woodrow never felt the pinch of want. He was well clothed, and well trained, and, most important of all, he had leisure within which to search for the rubies and diamonds of literature.

He opened a law office with Mr. Edward Ireland Renick, in Marietta Street, Atlanta, Ga., in May 1882, but the lawsuits that he probably would have won had they been entrusted to his care never came into his office, and after a few months the partnership was dissolved and he never thereafter actively practiced law.

During the days when the shingle of "Wilson & Renick" was caressed by the southern breezes, Hon. Hoke Smith, giant in frame, in intellect, and in industry, was winning honors and ducats as a lawyer. Hoke Smith later was successful, not only as a lawyer, but as editor, Cabinet minister, Governor, and Senator, and in the Senate it irritated him not a little constantly to be told that he ought to follow Wilson.

Woodrow Wilson never intended to make law his vocation, but he expected to use the legal profession as a bridge to carry him into some other career. Had he made the law his vocation he would have enriched its annals.

Manly courage was conspicuous in both Lincoln and Wilson and each had an aversion to the swarm of sycophants that cluster around a President as iron filings cling to a magnet.

When the Membership of Congress, with but one or two exceptions demanded the removal of Grant just before the Vicksburg victory Lincoln had faith in Grant. In the bleak days of January and February 1918, an anvil chorus demanded the removal of Secretary of War Newton D. Baker, but Wilson clung to Mr. Baker and later was abundantly justified.

Both to Lincoln and to Wilson, dealing out political patronage was like wearing the shirt of Nessus. Lincoln, as Commander in Chief of the Army and Navy of the United States during the Civil War and Wilson as such Commander in Chief during the World War, exercised all the authority granted to the Executive by the Federal Constitution and each was accused of unconstitutional acts. Each was accused of attempting to set up a dictatorship and each was charged with interfering with freedom of the press.

James Madison, James Knox Polk, Abraham Lincoln, and Woodrow Wilson as Commanders in Chief of the Army and Navy of the United States, in the War of 1812, the Mexican War, the Civil War, and the World War, respectively, were each confronted with that vital question which is as old as governments, the solution of which question has never been approximated, to wit:

"To what extent may a citizen or national of a country oppose a war which his own country is waging?"

It cannot be successfully disputed that under our form of government, the citizen must be left at liberty to nominate and support candidates for Congress and for President who may have declared their opposition to the further continuance of an existing war and in favor of immediate negotiations for peace; but where is the limit of such liberty, if, indeed, there be a limit?

May the opposition to an existing war arraign the President as a usurper and eulogize the enemy nation against which the war was declared? If not, where is the freedom of discussion in an election? Madison, Polk, Lincoln, and Wilson each declined to yield to a defeatist policy and it appears that each was convinced that it was neither reasonable nor possible during time of war to safeguard free speech with the same punctilio and exactness as it is safeguarded in times of tranquillity.

Their own individual opinion, however, upon this question, was that whilst the citizen could be arrested for overt acts such as a breach of the peace, or a physical assault upon the Government, no citizen should be jailed for expressing an opinion.

The 8 years of the Wilson Presidency was a period equally as vital as any other period of the same length in American history. It was an epoch crowded with many complex governmental problems either closely following or interlaced with one another; grave international involvements creating desperate emergencies, the surmounting of which ran to the foundations of our national existence; of raising, training, victualizing, and transporting vast armies; of providing and deploying an immense navy; of raising revenue aggregating billions of dollars. In all of these stupendous tasks, Woodrow Wilson was moved by a zeal as warm and as noble as ever inspired the breast or nerved the arm of patriot warrior.

On the rainy morning of February 11, 1861, just before departing for the National Capital, Lincoln, in his farewell speech to his neighbors at Springfield, said:

"I now leave, not knowing when or whether ever I may return, with a task before me greater than that which rested upon Washington."

The catastrophic events of the 4 years and 40 days of his Presidency proved this mournful prophecy to be accurate, but during his troublesome regime his eyes were lights that flashed far; they were the eyes of a man whose soul was regnant and whose life was subservient to high purpose.

The human heart is a harp of a thousand strings. Lincoln could sweep all those strings as masterfully as Mozart swept the harpsichord; and if occasion required, Lincoln, like Nicolo Paganini, could bring forth all the notes from one string. Opportunities are elusive fugitives, but Lincoln realized the importance of seizing them when they flitted near him, as evidenced by his appointment of Edwin M. Stanton to be Secretary of War, notwithstanding Stanton insulted him in the McCormick Reaping Machine lawsuit at Cincinnati.

Both Lincoln and Wilson appointed and removed friend and foe with the sang-froid of chess players who move pawns when and where they should be moved. Americans are divided in their opinion as to the propriety of Woodrow Wilson's going to the Peace Conference at Versailles; Americans were divided in their opinion as to the propriety of Abraham Lincoln's going, at General Grant's request, with Secretary of State Seward, in February 1865, to Hampton Roads to confer with Messrs. Stephens, Hunter, and Campbell, the Confederate commissioners. Horace Greeley gave it as his opinion that Lincoln's visit to Hampton Roads for this conference was one of Lincoln's wisest and noblest acts.

The experience of the ages, however, warns chief magistrates not to attempt such tasks. Negotiations between two governments are conducted with more safety and celerity by diplomatic agents or by ambassadors extraordinary and plenipotentiary.

Presidents should not expose themselves to a posture where they may, by preconceptions and premature commitments, deprive themselves of the opportunity of solving without embarrassment each vital question on its own merits as it later arises. In his speech at Philadelphia on May 10, 1915, 3 days after the sinking of the *Lusitania*, when President Wilson uttered the cabalistic words, "There is such a thing as a man being too proud to fight", he had in mind the line in Lord Byron's *Lament of Tasso*, "Too proud to be vindictive." He really intended to paraphrase it and give it a clearer and fuller exposition.

The squalor of Lincoln's boyhood has often been adverted to, and while it is true that his father, Tom Lincoln, was improvident, it is also true that all pioneering entails hardship. No pioneer ever had a smooth path. In conquering the wilderness, the prairie, and the desert, thousands of American pioneer families underwent the same kind of hardships that Lincoln's family endured. Such hardships were incident to the American pioneer life.

For 60 years the world has been asking whence Abraham Lincoln came; historians and philosophers have been busy trying to explain this man and, at last, it seems that while he is the same to all of us, he is yet different to each of us.

If former Senator Beveridge, who is now writing a life of Abraham Lincoln, shall, as I believe he will, interpret Lincoln to us with the vividness, superb scholarship, and depth of research with which he interpreted John Marshall to us, Mr. Beveridge will have performed a work of importance and transcendent interest to Americans of today and to Americans who are to live in the days that are to come.

Lincoln's ancestors were among the early settlers in Rockingham County, Va. They probably came from Norfolk, England, but the precise time of their settlement in Virginia is uncertain.

Abraham Lincoln's grandfather (named Abraham) was born about 1755, and was a well-to-do farmer. About 1780 he sold his Virginia farm and removed his family to Kentucky. About 1788 he was killed by Indians whilst at work clearing his field; his eldest son, Mordecai, inherited his estate, which, according to the inventory, amounted to £68 16s. 6d. The second son, Josiah, became a farmer, and the third son, Thomas (father of the President), seems not to have shared in the father's estate, but supported himself by various kinds of farm work, and acquired some land in Hardin County, Ky.

Thomas Lincoln was a carpenter by trade but he was employed only occasionally and could do no work that required skill; he made common benches, cupboards and tables. On June 10, 1806, he married Nancy Hanks, niece of Joseph Hanks, of Elizabethtown, Hardin County, in whose shop he learned the carpenter's trade. The marriage ceremony was performed by the Rev. Jesse Head. Prior to his marriage to Nancy Hanks, Thomas Lincoln had courted a girl named Sally Bush, who lived near Elizabethtown, but she rejected his overtures and married one Johnston, the village turnkey. She said her reasons for rejecting Tom Lincoln were because of Tom's lack of industry and his bad luck. Had Nancy Hanks been tenderly bred she would have been beautiful, but pioneer hardships plowed furrows of sorrow in her features long before her death.

The Hanks family came from England to Virginia and moved to Kentucky with the Lincolns. Tom Lincoln took Nancy to live in a ramshackle building, bereft of furniture, at Elizabethtown, but Tom soon wearied of Elizabethtown and carpenter work and removed to a log cabin on Nolin creek near Hodgenville, in which Abraham Lincoln was born on the 12th of February 1809.

Tom Lincoln, touched by the wanderlust, looked for a new country. His decision to leave Kentucky was hastened by disputes which culminated in a desperate fight between himself and one Abraham Enlow. In this affray Tom Lincoln and Abe Enlow fought like wild beasts and Tom Lincoln bit the nose off the face of his antagonist.

That Lincoln's mother, Nancy Hanks, was a woman of ability and strength of character may not be doubted. The mothers of great men have seldom been commonplace. A woman with imagination lights the lamp of genius in the brain of a son.

In the fall of 1818 the "milk sickness" ravaged the community in Indiana to which Tom Lincoln had moved and swept off man and beast alike. After a brief illness from this disease Nancy Hanks Lincoln died on October 5, 1818. If there were any burial ceremonies for her, they were meager. A few months later an itinerant preacher named David Elkin either volunteered or was employed to preach a sermon in which were commemorated the virtues of Nancy Hanks Lincoln.

About a year after the burial of Nancy, Tom Lincoln appeared in Elizabethtown and married Sally Bush Johnson whose turnkey husband had reported to the eternal turnkey. When Sally Bush reached the Indiana cabin she was shocked at the distress of the ragged and hapless little Abe and his sister Sarah. Since their mother's death they had been ill used, but she treated them with a motherly tenderness, and Sally Bush was a woman of industry. She had children by her turnkey husband, but she at once became attached to little Abe, and his love for her was warmly returned and continued until his death. She encouraged him to study as she perceived that he was a youth of uncommon talents. Sally Bush Lincoln lived until 1869. Young Abe was liked by all his neighbors and was noted for his physical strength, his witticisms, and his direct method of solving problems. If a loaded wagon was mired in the mud, Abe furnished the plan to extricate the wagon. If a flatboat ran aground Abe furnished the device for drawing the boat off the snag or sandbar, and the United States Patent Office contains the model of a contrivance he invented to lift boats off rapids and sandbars. For a time he did rough and painful labor, receiving as compensation 25 cents per day. Whether clerking in a store, constructing rail fences, or transporting a cargo to New Orleans by flatboat he exhibited inventive genius and a pronounced facility for obviating practical difficulties. If a drunken bully went on a rampage, it was Abe's devices that trapped the bully. As a mere boy he knew how to take the measurements of fields, dimensions of casks, contents of haystacks, how to chink and daub a cabin, how to fatten and butcher hogs. Upon one occasion, when a cargo of hogs upon his flatboat became obstreperous, he took needle and pack thread and sewed their eyelids together and they remained quiet during the trip.

He was ambitious to be popular and took pains to ascertain the community opinion upon mooted questions. His brain, like a giant sponge, absorbed all that came his way. His schooling would not have totaled 1 year in the aggregate, but genius never requires a tutor; it only needs scope and opportunity. However, there came within his reach Daniel DeFoe's "Robinson Crusoe" and Bunyan's "Pilgrim's Progress." He who would speak English will find but few better books than these to teach him how.

He rescued his name from "Linkhern" into which old Tom had allowed it to be twanged and spelled. When the family removed to Illinois, he struck out for himself but he sent money regularly to his step-mother. He mastered two or three English grammars and learned surveying whilst trying to keep store at New Salem, Ill. He was selected captain in the Black Hawk war in 1832, and when his commission expired, he enlisted as a private. In that same year he was defeated for the State legislature but was elected to that office in 1834 and reelected in '36, '38, and '40.

As a store-keeper he met disaster; the store plunged him eleven hundred dollars in debt and he was 13 years in paying it off.

As a lawyer he measured blades with the versatile Edward D. Baker, sometime Senator from Oregon; with Stephen A. Douglas; with David Davis, who was elected a Senator while serving as Associate Justice of the Supreme Court of the United States; with Orville H. Browning, sometime Senator; with Justin Butterfield; with Judge Logan and a score of others, but unlike Aaron Burr, he did not win every case he tried. Noteworthy above all else was his clarity of statement and when he warmed to his work his power over juries was great.

On November 4, 1842, he was married to Miss Mary Todd, after a zigzag courtship.

He was elected to Congress in 1846, defeating Rev. Peter Cartwright. In Congress he opposed President Polk and the Mexican War but voted with his fellow Whigs for supplies for the Army.

On January 12, 1848, he spoke upon his "spot resolution", which resolution and speech damaged his political prestige at home. The "spot resolution" was a condemnation of Polk and the Mexican War and was an appeal for a Whig victory that fall. After General Taylor's nomination for President, William H. Seward and Abraham Lincoln addressed the same audience in Boston in support of Taylor. "Old Rough and Ready", had scarcely been installed in the Executive Mansion when Lincoln asked to be appointed commissioner of the general land office, but the office went to another. Later, President Fillmore offered Lincoln the governorship of Oregon Territory, but upon the advice of Mrs. Lincoln he declined the same.

He was losing interest in politics when the repeal of the Missouri compromise aroused him and from that hour he was the leader of the Illinois Republicans and antislavery Whigs. He was twice defeated for the United States Senate and in the Republican National Convention in 1856 received 110 votes for the Vice

Presidential nomination. He grew much in character and mental power as time glided on and by 1858 was the best political adviser of his day. He was severely logical and his mental processes operated with accuracy and celerity.

His speech in New York City on February 27, 1860, at the Cooper Institute was delivered in the presence of some of the most cultivated men of that city. The morning papers carried columns of the text of his speech and no attempt was made by the lawyers, North or South, to answer this speech. When he was nominated for President some months later, the Republican National Committee kept a number of men employed for 3 weeks verifying the historical references contained in his Cooper Institute speech.

In every community where he resided he was the celebrity; in every activity in which he engaged (save love affairs and matters financial) his adroitness and inventive genius were matters of common knowledge. He was superb at stratagem. He was frugal and diligent. His love affairs, save with Ann Rutledge, were grotesque, rather than romantic.

Intellectually he was far better equipped than his friends or antagonists or even he himself suspected. He was wary, cautious, and rarely assumed a position in law or statecraft that he could not sustain.

Thousands of jokes are attributed to him. He joked, not because he was happy, but his jokes were labor-saving devices, and with apt stories he drove home the point with unerring aim and crashing force.

The citizenry generally at that time believed that the future was revealed in presentiments, omens, and dreams, and he shared their belief.

His Gettysburg address and his second inaugural are poetry in the blank verse similar to that of *Paradise Lost*.

When the Republican convention met at Chicago in 1860, William H. Seward, of New York, was the national leader. He was not only one of the ablest men of his day but was one of the most exemplary. Two-thirds of the delegates in that convention were the friends of Mr. Seward and desired to vote for him, but were prevented from doing so by considerations of expediency which many of them reluctantly accepted and which not a few accepted with curses and tears. The Republicans were desperate in their desire to win the presidency. Horace Greeley, editor of the New York Tribune (then called "the Republican Bible"), sounded the first note of warning of the fatality of Mr. Seward's nomination, which fatality lay in these circumstances: Henry S. Lane, Republican nominee for Governor of Indiana, and Andrew G. Curtin, Republican nominee for Governor of Pennsylvania (these States then being October States), asserted that the Democrats would carry these respective States if Seward were nominated for President. They pointed out that the Know-Nothing vote, then strong, would never go into the Seward camp, and this finally put Indiana and Pennsylvania into the Lincoln column. Thus the Republican convention overthrew Seward and nominated Lincoln.

When Fort Sumter was fired on, in April 1861, President Lincoln did not call Congress into extraordinary session at once, although the serious posture of affairs seemed to demand an extra session, for he knew that in both Houses there would be strong differences of opinion. He therefore dealt with the situation in the direct way and postponed convening Congress until the 4th of July that year. Meanwhile he proceeded to raise an army. After the fall of Fort Sumter he issued a proclamation calling for 75,000 State militia to be mustered into the national service for a period of 3 months. He was Commander in Chief of the Army and Navy in all that the word implies. He frequently telegraphed commanders when and where to strike.

For almost a fortnight after the Battle of Gettysburg, Lincoln reproached himself that he had not gone to the front and personally issued orders, regardless of military councils, directing General Meade to pursue General Lee, but time and reflection convinced Lincoln that Meade was a brave and able officer.

On April 4, 1865, President Lincoln visited Richmond, Va. The Union flotilla whilst ascending the James River encountered obstructions to its further progress, whereupon the Presidential party, five in number, was transferred to a barge, rowed by 12 sailors. Upon landing in Richmond neither carriage nor escort was at hand to receive him, so with an improvised guard of 10 sailors armed with carbines, he walked more than a mile to the headquarters of General Godfrey Weitzel, whose astonishment may well be imagined, for never, perhaps, in all history did the commander in chief of a victorious army enter the capital city of his antagonist with such meager ceremony.

On the occasion of the acceptance of a deed of gift to the Nation by the Lincoln farm association of the Lincoln birthplace at Hodgenville, Ky., September 4, 1916, Woodrow Wilson spoke these beautiful words on Abraham Lincoln:

"I have nowhere found a real intimate of Lincoln's. I nowhere get the impression in any narrative or reminiscence that the writer had in fact penetrated into the heart of his mystery or that any man could penetrate to the heart of it. That brooding spirit had no real familiars. I get the impression that it never spoke out in complete self-revelation, and that it could not reveal itself completely to anyone. It was a very lonely spirit that looked out from underneath those shaggy brows and comprehended men without fully communing with them, as if in spite of all its genial efforts at comradeship it dwelt apart, saw its visions of duty where no man looked on. There is a very holy and very terrible isolation for the conscience of every man who seeks to read the destiny in affairs for others as well as for himself, for a nation as well as individuals. That privacy no man can intrude upon. That lonely search of the spirit for the right perhaps no

man can assist. This strange child of the cabin kept company with invisible things, was born into no intimacy but that of its own silently assembling and deploying thoughts."

These two idealists, Lincoln and Wilson, believed that human liberty is like unto a coral isle—built from the deeps, built by the dying of the builders, until at last it greets the surface and the sun. And these two idealists, high above the range of doubt or fear, held steadfastly to their main purpose with the charm of poets and fell as only monuments can fall.

INTERNATIONAL PETROLEUM EXPOSITION, TULSA, OKLA.

Mr. GORE. From the Committee on Finance I report back favorably, without amendment, Senate Joint Resolution 168, and I submit a report (No. 1162) thereon.

I ask unanimous consent for the present consideration of the joint resolution. It merely authorizes the President to invite representatives of foreign countries and of the several States to participate in the International Petroleum Exposition to be held in Tulsa, Okla., in May of next year. A similar joint resolution is passed annually, and this one conforms to those previously passed.

The VICE PRESIDENT. The joint resolution will be read.

The joint resolution (S. J. Res. 168) authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exposition at Tulsa, Okla., to be held May 16 to 23, 1936, inclusive, was read, as follows:

Resolved, etc., That the President of the United States is authorized to invite by proclamation, or in such other manner as he may deem proper, the States of the Union and all foreign countries to participate in the proposed International Petroleum Exposition, to be held at Tulsa, Okla., from May 16 to May 23, 1936, inclusive, for the purpose of exhibiting samples of fabricated and raw products of all countries used in the petroleum industry and bringing together buyers and sellers for promotion of trade and commerce in such products.

Sec. 2. All articles that shall be imported from foreign countries for the sole purpose of exhibition at the International Petroleum Exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell any goods or property imported for and actually on exhibition, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or withdrawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure, the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

Sec. 3. That the Government of the United States is not by this resolution obligated to any expense in connection with the holding of such exposition and is not hereafter to be obligated other than for suitable representation thereat.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. McNARY. Mr. President, the reading of the joint resolution conveys to my mind the impression that more than an invitation is involved. The joint resolution seems to suggest certain forms of legislation. If I am correct in that, I should like to have it go over for the day.

Mr. GORE. No, Mr. President; no legislation is involved. This is the regular form of joint resolution which we have passed year after year for a number of years. Perhaps what attracted the Senator's attention is the fact that these exhibits which come in from foreign countries are to be admitted free of duty, but if they should be disposed of while in the country they would have to pay the duty.

Mr. McNARY. Is not that a modification of the existing practice and statutes?

Mr. GORE. I do not think so.

Mr. McNARY. It is my opinion that the joint resolution does modify existing law. For that reason, I ask that it go over.

Mr. ROBINSON. Mr. President, before the matter is finally disposed of, may I ask the Senator from Oklahoma if this measure is not practically identical in form with the joint resolution which heretofore has passed from year to year?

Mr. GORE. Yes, Mr. President; my understanding is that this joint resolution follows the precedent we established

years ago, and similar measures have passed year after year. The purpose is the assembling from all parts of the world, of exhibits connected with the oil industry showing the various byproducts, and also showing the improved machinery which has been adopted and which is serviceable in the prosecution of the industry.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. McNARY. Mr. President, a moment ago I expressed my view that the joint resolution should go over for the present. I desire to look into it.

Mr. GORE. I hope the Senator will look into it during the day. I shall consult him about it later in the day.

Mr. McNARY. I shall be glad to confer with the Senator from Oklahoma later in the day, but at this time I do not desire that action should be taken.

The VICE PRESIDENT. Objection is heard. The joint resolution will be placed on the calendar.

STATE ALLOTMENTS UNDER COTTON CONTROL ACT

Mr. LEWIS. Mr. President, I ask the indulgence of the Senate while I call to their attention a matter which I think will not require more than a couple of seconds.

When general legislation was passed touching relief for cotton it was not assumed that the State of Illinois produced any cotton. Two counties of that State produce a small quantity of cotton; but, because of the quantity being so small, it is not provided for in the general bill.

When this fact was discovered the House passed a joint resolution to remedy the matter. The joint resolution is here. I brought the subject to the attention of the Senate when the Agricultural Adjustment Administration bill was before the Senate a few days ago. At that time the chairman of the committee, the Senator from South Carolina [Mr. SMITH], as well as the Senator from Alabama [Mr. BANKHEAD], announced that they were agreeable to the joint resolution, as it expressed the desires and wishes of the committee. Unhappily, however, I was not present when the subject was reached during the consideration of the agricultural bill.

I therefore ask the privilege of having the joint resolution considered at this time. It has passed the House. I make this request in order that the two counties in the State of Illinois may be included in such distribution as is allowable under the general law in proportion to what they produce.

The VICE PRESIDENT. The Senator from Illinois asks unanimous consent for the present consideration of a joint resolution, which the clerk will state by title.

The CHIEF CLERK. Joint resolution (H. J. Res. 258) to provide for certain State allotments under the Cotton Control Act.

Mr. McNARY. Mr. President, I inquire if the joint resolution is on the calendar?

Mr. LEWIS. I must say to the Senator that I am not aware that it is. I took it for granted that the joint resolution would be incorporated in the general agricultural bill, and I therefore did not ask to have it sent to the calendar. If the Senator feels that it should go to the calendar, I shall not, of course, object.

Mr. McNARY. If it is on the calendar, in the orderly way, later in the day, we shall reach the joint resolution. I think the measure should come up in its proper way and course. I object at this time.

The VICE PRESIDENT. Objection is heard.

Mr. BANKHEAD subsequently, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (H. J. Res. 258) to provide for certain State allotments under the Cotton Control Act, reported it without amendment.

The VICE PRESIDENT. Under the unanimous-consent agreement, the Senate will proceed to the consideration of unobjected-to bills on the calendar. The clerk will state the first business on the calendar.

The bill (S. 944) to amend section 5 of the Federal Trade Commission Act was announced as first in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 213) to amend section 113 of the Criminal Code of March 4, 1909 (35 Stat. 1109; U. S. C. title 18, sec. 203), and for other purposes, was announced as next in order.

Mr. ROBINSON and other Senators. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1506) to change the name of the Pickwick Landing Dam to Quin Dam was announced as next in order.

Mr. McKELLAR. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

ORDER OF BUSINESS

Mr. BORAH. Mr. President, I desire to make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. BORAH. Does the unanimous-consent agreement under which we are proceeding provide for the consideration of unobjected bills only?

Mr. ROBINSON. Yes.

The VICE PRESIDENT. The unanimous-consent agreement entered into at the request of the Senator from Arkansas [Mr. ROBINSON] provided that the Senate should take up the calendar under the unanimous-consent rule at the end of the morning business. Morning business having been concluded, the Chair has directed the calendar to be called under that unanimous-consent agreement.

Mr. BORAH. Does the agreement include only unobjected bills?

Mr. ROBINSON. Yes.

Mr. BORAH. I did not know that.

Mr. ASHURST. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. Let the Chair state to the Senator from Idaho that unanimous consent was obtained this morning before the roll was called.

Mr. ASHURST. It was my understanding on Friday that on Monday the calendar would be called under rule VIII. Under rule VIII when objection is made to a bill a Member of the Senate has an opportunity to move to proceed to its consideration notwithstanding the objection.

Let me read, on page 11, the paragraph to which I refer.

The VICE PRESIDENT. The Chair will call the attention of the Senator from Arizona to the fact that, while that is the rule governing the procedure on Monday, that rule was set aside by unanimous consent obtained by the Senator from Arkansas [Mr. ROBINSON], as may be done in the case of any of the rules of the Senate.

Mr. ASHURST. I was not aware of that. I beg pardon of the Chair and the Senate. I thought we were proceeding under rule VIII.

The VICE PRESIDENT. The Calendar is being called under the unanimous-consent agreement entered into at the request of the Senator from Arkansas. The Clerk will state the next bill on the Calendar.

BILLS PASSED OVER

The bill (S. 1878) conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Mack Copper Co. was announced as next in order.

Mr. KING. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 574) relative to Members of Congress acting as attorneys in matters where the United States has an interest was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The resolution (S. Res. 35) authorizing the Committee on the Judiciary to investigate certain phases of the National Recovery Act was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 875) for the relief of Michael F. Calnan was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1162) to regulate the business of making small loans in the District of Columbia, and to amend an

act to regulate the business of loaning money, etc., approved February 4, 1913, was announced as next in order.

Mr. McNARY. Mr. President, in the absence of the Senator from Minnesota [Mr. SCHALL], I request that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 509) to prevent the use of Federal official patronage in elections and to prohibit Federal office holders from misuse of positions of public trust for private and partisan ends was announced as next in order.

Mr. ROBINSON. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 24) to assure to persons within the jurisdiction of every State the equal protection of the laws by discouraging, preventing, and punishing the crime of lynching, was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 164) for the relief of Donald L. Bruner was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1452) providing for the employment of skilled shorthand reporters in the executive branch of the Government was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 87) to prevent the shipment in interstate commerce of certain articles and commodities, in connection with which persons are employed more than 5 days per week or 6 hours per day, and prescribing certain conditions with respect to purchases and loans by the United States, and codes, agreements, and licenses under the National Industrial Recovery Act was announced as next in order.

Mr. NYE. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1589) authorizing the purchase of United States Supreme Court Decisions and Digest was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

NAVAJO INDIAN RESERVATION, N. MEX.

The bill (S. 2213) to define the exterior boundaries of the Navajo Indian Reservation in New Mexico, and for other purposes, was announced as next in order.

Mr. NEELY. Let that go over.

Mr. CHAVEZ. Mr. President, I ask unanimous consent that this bill be recommitted to the Committee on Indian Affairs for further consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

BILLS PASSED OVER

The bill (S. 626) to amend the Agricultural Adjustment Act so as to include hops as a basic agricultural commodity was announced as next in order.

Mr. DUFFY. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2481) to stabilize the bituminous coal-mining industry and promote its interstate commerce; to provide for cooperative marketing of bituminous coal; to levy a tax on bituminous coal and provide for a draw-back under certain conditions; to declare the production, distribution, and use of bituminous coal to be affected with a national public interest; to conserve the bituminous-coal resources of the United States and to establish a national bituminous-coal reserve; to provide for the general welfare; and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

COOPERATIVE MARKETING ASSOCIATIONS

The joint resolution (S. J. Res. 38) for the adjustment and settlement of losses sustained by the cooperative marketing associations was announced as next in order.

Mr. McKELLAR. Mr. President, as I understand, the Senator from North Dakota [Mr. FRAZIER] is willing to omit cotton from the terms of this joint resolution. If the measure may be amended by striking out cotton, so far as I am concerned, I am willing to have it passed.

Mr. FRAZIER. Mr. President, I move that the joint resolution be amended by striking out, on page 1, line 9, the words "and/or cotton", and on page 2, in lines 6 and 8, by striking out the words "and/or cotton."

Mr. BARKLEY. Mr. President, may I inquire of the Senator from Tennessee why he wishes to have cotton left out?

Mr. McKELLAR. I will tell the Senator why. There are a number of defunct cotton cooperative associations, and some others are still operating. They owe the Government enormous sums of money. They have not been audited. While we do not know the exact amounts involved, we know that a great deal of money is owed by these cooperative associations; and I do not wish to have the Government shoulder the losses of the cooperative associations until we know what they are.

Mr. ROBINSON. I think the joint resolution had better go over.

The VICE PRESIDENT. Without objection, the amendments offered by the Senator from North Dakota will be agreed to.

Mr. ROBINSON. No, Mr. President; that is one of the reasons why I ask that the joint resolution go over.

The VICE PRESIDENT. Then the joint resolution will be passed over in its original form.

BILL PASSED OVER

The bill (S. 1460) to fix standards for till baskets, climax baskets, round stave baskets, market baskets, drums, hampers, cartons, crates, boxes, barrels, and other containers for fruits or vegetables, to consolidate existing laws on this subject, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

ISSUANCE AND SALE OF PUERTO RICO BONDS

The Senate proceeded to consider the bill (S. 1227) to authorize the issuance and sale to the United States of certain bonds of municipal governments in Puerto Rico, and for other purposes, which had been reported from the Committee on Territories and Insular Affairs with an amendment to strike out all after the enacting clause and to insert the following:

That bonds or other obligations of Puerto Rico or any municipal government therein, payable solely from revenues derived from any public improvement or undertaking (which revenues may include transfers by agreement or otherwise from the regular funds of the issuer in respect of the use by it of the facilities afforded by such improvement or undertaking), and issued and sold to the United States of America or any agency or instrumentality thereof, shall not be considered public indebtedness of the issuer within the meaning of section 3 of an act approved March 2, 1917, entitled "An act to provide a civil government for Puerto Rico, and for other purposes", as amended.

Mr. KING. Mr. President, I should like an explanation of this bill.

Mr. TYDINGS. Mr. President, the bill is approved by the department which deals with Puerto Rico. It merely provides that the municipalities of Puerto Rico may borrow so as to obtain their share from the Federal funds in order to carry out permanent improvements. Without this bill they will not be able to borrow under the 45-55 arrangement for the distribution of funds. The committee went into the matter on three separate occasions, and, as I recall, on the last vote the committee was unanimously in favor of the bill.

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

Mr. TYDINGS. I yield.

Mr. VANDENBERG. The bill originally went over on my objection. I have inquired into the situation and think the bill is entitled to be passed.

Mr. TYDINGS. I thank the Senator.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

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

COOPERATIVE AGRICULTURAL EXTENSION WORK

The bill (S. 2228) to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges and agricultural experiment stations was announced as next in order.

Mr. KING. Let the bill go over.

Mr. BANKHEAD. Mr. President, a bill similar to this bill passed the House of Representatives and was substituted on the calendar for the Senate bill. Therefore, I move to strike the Senate bill from the calendar.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Alabama.

The motion was agreed to.

ESTATE OF HARRY F. STERN

The Senate proceeded to consider the bill (S. 2644) for the relief of the estate of Harry F. Stern, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal representatives of Harry F. Stern the sum of \$18,704.89, but such payment shall not be made unless the Secretary of the Treasury receives evidence satisfactory to him that such legal representatives have paid a like sum (plus any penalty imposed by the Commonwealth of Pennsylvania) to the Commonwealth of Pennsylvania before the expiration of 90 days after the date of the enactment of this act. Such sum, payable to the Commonwealth of Pennsylvania as part of the inheritance tax imposed by the laws of such Commonwealth on the estate of the said Harry F. Stern, was erroneously paid to the United States as part of the Federal tax, and its recovery has been barred by the statute of limitations: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. KING. Mr. President, will not the Senator from Vermont, who reported the bill, give us an explanation of it?

Mr. GIBSON. Mr. President, this bill was introduced by the Senator from Pennsylvania [Mr. DAVIS], and in his absence I will attempt to explain it.

Harry F. Stern died in February 1928. A 2-percent direct inheritance tax, amounting to \$20,057, was paid to the State of Pennsylvania very soon thereafter.

The return showed the amount of tax to be paid as \$48,452 against which amount a credit was taken for taxes paid to the State of Pennsylvania, leaving \$28,395. This amount was paid into the United States Treasury.

At the time of the payment of the tax to the Federal Government there was pending in the Supreme Court the question of the constitutional right of the State to collect 80 percent of the Federal tax. This right was sustained. The State of Pennsylvania now claims from the legal representatives of Harry F. Stern the sum of \$18,704.89, which was erroneously paid to the Treasurer of the United States instead of to the State of Pennsylvania.

The attorney for the estate did not learn of the act requiring the payment of 80 percent of the Federal tax until some time after claim could have been made.

The bill provides for the return of the payment to the Government only after proof is furnished to the Secretary of the Treasury that the tax owing to the State of Pennsylvania has been paid.

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

Mr. GIBSON. I yield.

Mr. McKELLAR. Did the Department report in favor of this claim, or against it?

Mr. GIBSON. The Department reported against it on the ground that the Government should have the right to take advantage of the statute of limitations, but the fact is that the Federal Government has \$18,000 which will have to be repaid by the claimant to the State of Pennsylvania unless this bill shall be enacted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

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

BILLS PASSED OVER

The bill (S. 1697) providing old-age pensions for Indian citizens of the United States was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2027) to regulate commerce in petroleum, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill?

Mr. ROBINSON. Mr. President, I have been requested by the Senator from New York [Mr. COPELAND] to object, in his absence, to the consideration of this bill. I recognize that it is a measure of importance, as I think the Senator from Oklahoma himself recognizes it to be. It probably could not be disposed of under the present order anyway.

The VICE PRESIDENT. On objection, the bill will be passed over.

The bill (S. 2652) to authorize the President to attach certain possessions of the United States to internal-revenue collection districts for the purpose of collecting processing taxes was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill? If not, I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 212) to liquidate and refinance agricultural indebtedness at a reduced rate of interest by establishing an efficient credit system, through the use of the Farm Credit Administration, the Federal Reserve Banking System, and creating a Board of Agriculture to supervise the same was announced as next in order.

Mr. KING. Mr. President, this is so important a measure that it will take some time for consideration, and I think it would better go over for today.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1476) to provide for unemployment relief through development of mineral resources; to assist the development of privately owned mineral claims; to provide for the development of emergency and deficiency minerals; and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 738) to aid in providing the people of the United States with adequate facilities for park, parkway, and recreational area purposes, and to provide for the transfer of certain lands chiefly valuable for such purposes to States and political subdivisions thereof was announced as next in order.

Mr. McKELLAR. Let this bill go over.

Mr. WAGNER. Mr. President, did the Senator from Tennessee ask that the bill go over?

Mr. McKELLAR. I did.

Mr. McNARY. Mr. President, on the request of the senior Senator from California [Mr. JOHNSON], who is absent, I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2288) to provide for the measurement of vessels using the Panama Canal, and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, at the request of the Senator from New York [Mr. COPELAND] I ask that this bill go over.

The VICE PRESIDENT. The bill will be passed over.

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

The Senate proceeded to consider the joint resolution (S. J. Res. 86) authorizing an annual appropriation of \$10,000 to enable the United States to become a member of the Pan American Institute of Geography and History, authorizing the President to invite the institute to hold its second general assembly in the United States in 1935, and authorizing appropriation of \$10,000 for expenses of such meeting, which was read, as follows:

Resolved, etc., That to enable the United States to become a member of the Pan American Institute of Geography and History, there is hereby authorized to be appropriated annually the sum of \$10,000 for the payment of the quota of the United States.

SEC. 2. That the President be, and he is hereby, requested to extend to the Pan American Institute of Geography and History an invitation to hold the second general assembly of the Institute in the United States in the year 1935.

SEC. 3. That the sum of \$10,000, or so much thereof as may be necessary, is hereby authorized to be appropriated for the expenses of such a meeting, including personal services without reference to the Classification Act of 1923, as amended, in the District of Columbia and elsewhere; stenographic reporting and other services by contract, if deemed necessary, without regard to section 3709 of the Revised Statutes (U. S. C., title 4, sec. 5); rent, traveling expenses; purchase of necessary books and documents; newspapers and periodicals; stationery; official cards; printing and binding, entertainment; hire, maintenance, and operation of motor-propelled passenger vehicles; and such other expenses as may be actually and necessarily incurred by the Government of the United States by reason of such invitation in the observance of proper courtesies, to be extended under the direction of the Secretary of State.

Mr. PITTMAN. Mr. President, I hope there will be no objection to this measure, which has been pending for some time. The joint resolution provides for an appropriation of \$10,000 for the participation of the United States in the Pan American Institute of Geography and History, which has a membership in South America, Central America, and Mexico and North America.

The VICE PRESIDENT. The question is on the engrossment and third reading of the joint resolution.

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

EXEMPTION FROM TAXATION OF REPRESENTATIVES OF FOREIGN COUNTRIES

The Senate proceeded to consider the bill (S. 2762) to exempt from taxation, under certain conditions, on the basis of reciprocity, official compensation of a consular officer, nondiplomatic representative, or employee of a foreign country, which was read, as follows:

Be it enacted, etc., That section 116 of the Revenue Act of 1934 is amended by adding at the end thereof the following new subsection:

"(h) Official compensation of a consular officer, nondiplomatic representative, or employee of a foreign country: Wages, fees, or salary of a consular officer, other nondiplomatic representative, or employee of a foreign country, received as compensation for his official services to such country: *Provided*, That he is not a citizen of the United States, and that the United States sends, accredits, or assigns to such country a consular officer, nondiplomatic representative, or employee of the same class, respectively, to whom a similar exemption is reciprocally accorded by such country.

"The Secretary of State shall certify to the Secretary of the Treasury the name of the foreign country which accords such exemption and the class or classes of consular officers, nondiplomatic representatives, and employees which the United States sends, accredits, or assigns to such country."

Mr. PITTMAN. Mr. President, it is the custom in foreign countries not to tax income in the way of salaries of our consular and diplomatic officers. In this country it has been held by the Attorney General that we must tax foreigners. If we do so, in foreign countries taxes will be imposed on the salaries of our diplomatic and consular officers, and by virtue of the difference in the exchange our representatives will suffer greatly.

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

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

BILLS PASSED OVER

The bill (S. 476) relation to promotion of civil-service employees, was announced as next in order.

Mr. McKELLAR. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1952) extending the classified executive civil service of the United States was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2405) to provide for a special clerk and liaison officer was announced as next in order.

Mr. KING. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

AMERICAN SURETY CO., OF NEW YORK

The Senate proceeded to consider the bill (H. R. 373) for the relief of the American Surety Co., of New York, which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 to the American Surety Co., of New York, in full settlement of all claims against the Government of the United States, which sum was paid by it December 31, 1928, to the United States by reason of the forfeiture of the bail bond of Alex Terlizzi, who appeared in court and pleaded guilty of a charge of possession of liquor and paid a fine of \$25: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill?

Mr. WHITE. Mr. President, this is a bill which has passed the House of Representatives. It authorizes the Secretary of the Treasury to pay the sum of \$2,000 to a surety on a bond.

The facts are, briefly, these: A defendant, whose name I will not undertake to pronounce, was arrested for alleged violation of the prohibition laws. There had been found in his place, and seized, I think, a pint of ale and two-thirds of a quart of wine. He was brought before a United States commissioner, arraigned, and bound over to the Federal court. He gave bond in the sum of \$2,000 for his appearance before the United States court.

The defendant was notified to appear at a specified time, and did not do so. The record shows that he did not receive the notice calling for his appearance at the designated time and place.

Subsequently the case was defaulted, and then a scire facias suit was brought on the bond. The surety company paid into court the entire \$2,000, the amount of the bond. The respondent came into court, was arraigned, and was found guilty, or pleaded guilty, and paid a fine of \$25, the total fine imposed by the court. The \$2,000 having been actually paid into court, there was no way in which the surety company could get back the total amount, and this bill is to reimburse them.

Mr. ROBINSON. Mr. President, what amount of costs was incurred in the proceeding on the bond?

Mr. WHITE. I thought at one time no costs had been incurred. I have just found that costs were incurred in the amount of \$12, and I should like to amend the bill by reducing the \$2,000 to \$1,988.

Mr. ROBINSON. I should think that in cases like the one instanced the Government ought at least to be made whole.

Mr. WHITE. Mr. President, I move to amend the bill by striking out "\$2,000", in line 5, page 1, and inserting in lieu thereof "\$1,988."

The amendment was agreed to.

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

The bill was read the third time and passed.

BILLS PASSED OVER

The bill (H. R. 760) for the relief of John L. Hoffman was announced as next in order.

Mr. KING. Let that go over.

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

The bill (S. 1607) to amend section 109 of the Criminal Code so as to except officers of the Naval and Marine Corps Reserve not on active duty from certain of its provisions was announced as next in order.

Mr. LA FOLLETTE. Mr. President, on behalf of the junior Senator from North Dakota [Mr. Nye] I ask that the bill go over.

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

JAMES E. McDONALD

The bill (S. 2590) for the relief of James E. McDonald was announced as next in order.

Mr. McKELLAR. Mr. President, we should have an explanation of this bill. If none is made, I ask that it go over.

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

Mr. COPELAND subsequently said: Mr. President, I ask the Senate to recur very briefly to Order of Business 734, being Senate bill 2590, for the relief of James E. McDonald, which I understand in my absence was almost passed and then ordered to lie over.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York to return to the consideration of the bill mentioned by him?

There being no objection, the Senate proceeded to consider the bill (S. 2590) for the relief of James E. McDonald, which was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the account of James E. McDonald, former postmaster at Cohoes, Albany County, State of New York, in the sum of \$13,723.70, due the United States on account of loss of postal funds, embezzled by Michael A. Walsh, his then deputy postmaster, during the incumbency of said James E. McDonald in said office from April 11, 1922, to October 30, 1930: *Provided, however,* That the crediting of said amount to the account of the said James E. McDonald shall not be deemed to exonerate, and shall not exonerate, the said Michael A. Walsh, or his sureties on any official bond or bonds which he has given to the United States, and that the United States hereby expressly reserves the right to sue the said Michael A. Walsh and his sureties for any and all moneys which may be found to be due from the said Michael A. Walsh.

Mr. COPELAND. Mr. President, I may now say, in answer to the question the Senator from Tennessee [Mr. McKELLAR] asked me a month ago about this bill, as to whether it related to the indemnity company, that as a matter of fact, the postmaster, Mr. McDonald, did have the employee bonded, and from the indemnity company, the full amount for which the employee had been bonded was collected. The defalcation amounted to about \$20,000 and the indemnity company paid \$6,417.90. Therefore, the relief sought here is to relieve the postmaster himself from further obligation.

Mr. McKELLAR. None of the money that is involved in this bill was paid by any of the indemnity companies?

Mr. COPELAND. Not any of the amount that is asked for in this bill.

Mr. McKELLAR. Has it been paid by Mr. McDonald?

Mr. COPELAND. No; it has not been paid by Mr. McDonald.

Mr. McKELLAR. Then, why turn over to him \$13,000?

Mr. COPELAND. It was an unfortunate circumstance that the defalcation extended over a number of years, and there was a feeling upon the part of some of us that the Post Office Department itself had not been careful enough in checking up on these matters or they would have discovered the defalcation; and so this bill is designed to relieve a man who is now practically penniless.

Mr. McKELLAR. Did he pay this sum?

Mr. COPELAND. The indemnity company paid \$6,417.90. The balance is being asked from a man who has not got it; that is about the size of it. This is to relieve him from the payment of that amount of money.

Mr. McKELLAR. It is merely to credit his account and does not authorize the payment of any sum?

Mr. COPELAND. Oh, no; Mr. McDonald will get no money at all. He is merely to be relieved from the obligation.

Mr. McKELLAR. It is merely a bookkeeping matter by which the remainder of the loss is charged off, and none of it goes to the indemnity company?

Mr. COPELAND. That is correct.

Mr. McKELLAR. Very well.

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

BILLS PASSED OVER

The bill (S. 2460) to amend the act of June 6, 1924, entitled "An act to amend in certain particulars the National Defense Act of June 3, 1916, as amended, and for other purposes", was amended as next in order.

Mr. LA FOLLETTE. Mr. President, at the request of the junior Senator from North Dakota [Mr. Nye], I ask that calendar nos. 739, 740, and 741, being, respectively, Senate bills 2460, 1975, and 1976, be passed over.

The PRESIDENT pro tempore. Without objection, Senate bill 2460, Senate bill 1975, and Senate bill 1976 will be passed over.

ADDITIONAL PAY TO UNITED STATES NAVAL PERSONNEL

The Senate proceeded to consider the bill (S. 2257) to amend the act entitled "An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty", to include officers assigned to duty at submarine training tanks and diving units, and for other purposes, which was read as follows:

Be it enacted, etc., That the act entitled "An act to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty" (45 Stat. 412; U. S. C., Supp. VII, title 34, sec. 886) is hereby amended by inserting after the words "submarine of the Navy" in line 3 of said act the words "including submarines under construction for the Navy from the time builders' trials commence, or on duty at submarine escape training tanks, the Navy Deep Sea Diving School, or the Naval Experimental Diving Unit", and by inserting after the words "submarine of the Navy" in lines 6 and 7 of said act the words "including submarine under construction for the Navy from the time builders' trials commence", so that the said act as amended will read as follows: "That hereafter all officers of the Navy on duty on board a submarine of the Navy, including submarines under construction for the Navy from the time builders' trials commence, or on duty at submarine escape training tanks, the Navy Deep Sea Diving School, or the Naval Experimental Diving Unit, shall, while so serving, receive 25 percent additional of the pay for their rank and service as now provided by law; and an enlisted man of the United States Navy assigned to duty aboard a submarine of the Navy, including submarines under construction for the Navy from the time builders' trials commence, or to the duty of diving, shall, in lieu of the additional pay now authorized, receive pay, under such regulations as may be prescribed by the Secretary of the Navy, at the rate of not less than \$5 per month and not exceeding \$30 per month, in addition to the pay and allowances of his rating and service: *Provided,* That divers employed in actual salvage operations in depths of over 90 feet shall, in addition to the foregoing, receive the sum of \$5 per hour for each hour or fraction thereof so employed.

Mr. TRAMMELL. Mr. President, under the existing law the enlisted men of the Navy engaged in the submarine service and in diving in connection with the submarine service are entitled to additional pay; but since devices for escaping from submarines have been developed and diving schools for the purpose of making tests having been established, the enlisted men assigned to that particular service are not entitled to the additional pay which, if they were assigned to the submarine service, they would receive. The purpose of the bill is to adjust this inequality between these men engaged in practically the same character of hazardous service.

Mr. KING. May I ask the Senator from Florida what the compensation now is, and what additional expense will be incurred per annum under the pending bill?

Mr. TRAMMELL. There are not a great number of enlisted men in that service. The bill is recommended by the Department as an effort to adjust the compensation between men engaged in services of practically equal hazard. That is the whole object of the bill.

Mr. KING. What is the compensation now?

Mr. TRAMMELL. I think those engaged in that service get something like one and one-half pay.

Mr. KING. And the pending bill proposes to give them \$30 more?

Mr. TRAMMELL. I believe it is \$15 more.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill?

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

BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 2582) to develop a strong American merchant marine, to promote the commerce of the United States, to aid national defense, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Let the bill go over.

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

The bill (H. R. 5711) to provide pensions for needy blind persons of the District of Columbia was announced as next in order.

Mr. KING. Mr. President, this is a very meritorious bill; but in view of the Security Act, which is under consideration by the conference committee, and which, if passed, as undoubtedly it will be, may call for some little readjustment in this measure, and in view of the fact that we shall have several other measures up for consideration relating to unemployment and old age in the District within a few days, I suggest that this bill go over, to be considered when the other bills are considered.

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

The bill (S. 1152) relating to the carriage of goods by sea was announced as next in order.

Mr. KING. Let the bill go over.

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

The joint resolution (S. J. Res. 133) for designation of a street to be known as "Missouri Avenue" was announced as next in order.

Mr. BULKLEY. Let the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

FRENCH SPOILIATION CLAIMS

The bill (S. 916) to carry into effect the decisions of the Court of Claims in favor of claimants in French spoliation cases not heretofore paid was announced as next in order.

Mr. BURKE. Let the bill be passed over.

Mr. LOGAN. Mr. President, will the Senator withhold his objection for a moment, until an explanation may be made of the bill?

Mr. BURKE. I shall be glad to withhold the objection.

Mr. LOGAN. I think it is a reflection on the American Congress that this bill was not passed many years ago.

This matter grows out of the French spoliation claims, which originated with the beginning of our Government. The matter has been considered from time to time throughout the years until in 1885, I believe, or thereabouts, the whole matter was referred by Congress to the Court of Claims, with the direction that it should ascertain those who were entitled to be paid, and should find the amounts due. The Court of Claims did that, and the major portion of the claims were paid within a few years following. The Court of Claims did not finally hand down its decision until, I think, 1916 or 1917—probably a little earlier than that—finding that the claimants whose names are set out in the bill are entitled to have their claims paid, and fixing the amounts.

Two or three Presidents have asked the Congress of the United States to pay these claims and two or three Secretaries of State have written very earnest letters asking that these claims be paid. There is no question about their validity, and never has been. I hardly see how we can complain about foreign governments not paying their debts when the Congress of the United States fails to pay claimants who have undisputed claims against the Government.

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

Mr. BURKE. Mr. President, instead of its being a reflection on Congress that this bill has not heretofore been passed, I think it would be a very serious reflection on Congress if the bill were to pass. It is true that a President or two and a Secretary of State or two have, I think ill-advisedly, urged the passage of this bill; but it is also true that three Presidents of the United States have vetoed the action of Congress in attempting to pay claims of this type.

This matter goes back to the period of 1793 to 1800; and Congress is now asked to appropriate three and one-quarter million dollars to pay claims largely held by insurance companies and underwriters, who charged high premiums for insuring American cargoes, and made a very good profit out of their business. Now, almost 150 years later, Congress is asked to appropriate money for this payment.

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

Mr. BURKE. I yield.

Mr. LOGAN. Is it not true that the Court of Claims, after an investigation covering nearly 30 years, found the claims to be correct and just; and is it not true that the payment has been recommended by two or three Presidents and by two or three Secretaries of State, and that the bill to which the Senator refers as having been vetoed was passed and vetoed before the facts had been found by the Court of Claims, and that subsequently the facts were found by the Court of Claims under an act passed by Congress directing the court to do that very thing? After being passed on by the Court of Claims, the major portion of the claims was paid. The claims in the pending bill are the only unpaid claims, and they were directed to be paid by a judgment of the Court of Claims which found them to be absolutely correct.

Mr. BURKE. Mr. President, I think it is not true that the Court of Claims found that this bill, or a bill of this type, should be passed, because the act of Congress in 1885 which referred the matter to the Court of Claims expressly denied to the Court of Claims the right to make that final conclusion, but only authorized it to examine the claims and determine whether proper heirs were still living, the amounts of the losses, and so forth. Congress in that act expressly reserved to itself the right to pass judgment on the matter.

I believe the bill to be without merit.

Mr. VANDENBERG. Mr. President, before the bill goes over, I ask leave to offer an amendment in order that it may be pending when the bill subsequently comes up for action. The amendment is, on page 36 of the bill, to strike out the language commencing in line 2 with the words "pay out of any money in the Treasury not otherwise appropriated", and so forth. I move to substitute the following language—

Credit the unpaid debt account of the Government of France with the total amount of these claims which the General Accounting Office shall certify to be due under this act, and to notify the claimants to look to the Government of France for payment.

I ask that that amendment be pending.

The PRESIDENT pro tempore. Without objection, it is so ordered. Objection having been heard to the consideration of the bill, it will be passed over.

BILLS PASSED OVER

The bill (H. R. 4901) to authorize appropriations to pay the annual share of the United States as an adhering member of the International Council of Scientific Unions and associated unions was announced as next in order.

Mr. McKELLAR. I should like to ask for an explanation of that bill, or let it go over temporarily, whichever the Chair suggests.

The PRESIDENT pro tempore. The suggestion of the Chair is that the bill be temporarily passed over.

The bill (H. R. 6673) providing for an annual appropriation to meet the share of the United States toward the expenses of the International Technical Committee on Aerial Legal Experts, and for participation in the meetings of the International Technical Committee of Aerial Legal Experts and the commissions established by that Committee was announced as next in order.

Mr. McKELLAR. That bill is substantially similar in its nature to the previous bill, and I ask that it go over.

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

PAN AMERICAN INSTITUTE OF GEOGRAPHY AND HISTORY

The joint resolution (H. J. Res. 182) to provide for membership of the United States in the Pan American Institute of Geography and History, and to authorize the President to extend an invitation for the next general assembly of the institute to meet in the United States in 1935, and to provide an appropriation for expenses thereof, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I inquire whether this House joint resolution is not identical with Calendar No. 663, being Senate Joint Resolution 86, which has already passed the Senate?

The PRESIDENT pro tempore. It is identical with Senate Joint Resolution 86.

Mr. LA FOLLETTE. I ask unanimous consent for the reconsideration of the vote by which Senate Joint Resolution 86, being Calendar No. 663, was passed, and that there be substituted for it House Joint Resolution 182, and that it be considered and passed.

Mr. McKELLAR. I have no objection.

The PRESIDENT pro tempore. Without objection, the vote by which Senate Joint Resolution 86 was passed is reconsidered, and House Joint Resolution 182 is substituted for the Senate joint resolution. Is there objection to the present consideration of House Joint Resolution 182?

There being no objection, the joint resolution (H. J. Res. 182) was considered, ordered to a third reading, read the third time, and passed.

Mr. LA FOLLETTE. Now I move that Senate Joint Resolution 86 be indefinitely postponed.

The motion was agreed to.

BILL PASSED OVER

The bill (S. 2583) establishing certain commodity divisions in the Department of Agriculture was announced as next in order.

Mr. KING and Mr. LA FOLLETTE. Let the bill go over.

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

RELIEF OF CITY OF NEW YORK

The bill (S. 2689) for the relief of the city of New York was announced as next in order.

Mr. McKELLAR. Mr. President, is that the same claim which has been before the Appropriations Committee?

Mr. COPELAND. No; it has never been before the Appropriations Committee.

Mr. McKELLAR. I have no objection to its consideration.

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

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the city of New York, out of any money in the Treasury not otherwise appropriated, the sum of \$764,143.75, expended by said city of New York in enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops employed in aiding to suppress the insurrection against the United States in 1861 to 1865.

BILL PASSED OVER

The bill (S. 1389) to amend section 7, title I, of the Agricultural Adjustment Act, was announced as next in order.

Mr. KING. I ask that the bill be passed over.

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

POWERS OF DISTRICT PUBLIC UTILITIES COMMISSION

The bill (H. R. 3462) to amend an act entitled "An act to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, approved March 4, 1913", and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, may we have an explanation of that bill?

Mr. TYDINGS. Mr. President, has the Senator read the report on the bill?

Mr. LA FOLLETTE. No, Mr. President; I have not read the report. I have not had time to do so. That is why I asked for an explanation of the bill.

Mr. TYDINGS. All the bill seeks to do, according to my recollection, is simply to change the District's fiscal year to conform to the Government's fiscal year, so the two will be in consonance. I asked the Senator if he had read the report because I was speaking from memory, but I think my statement is substantially accurate.

Mr. LA FOLLETTE. Mr. President, this is quite a long bill, and because of the pressure of other work I have not had an opportunity to read the report or the bill, nor am I a member of the committee. I think it is quite reasonable, under those circumstances, to ask for a statement. If the Senator from Maryland is correct in saying that the bill is confined wholly to the change of the fiscal year of the District of Columbia to make it conform to that of the Federal Government, I should have no objection.

Mr. VANDENBERG. My notes indicate that the purposes of this bill are to strengthen the arm of the Public Utilities Commission of the District of Columbia in dealing with public-utility matters and to eliminate the excessive delays caused by the present system of retrying in the courts every appealed case.

Mr. TYDINGS. I find the bill I have explained has already passed the Senate. I am familiar with the pending bill and can give the Senator an explanation of it. There was a bill introduced at the request of the people's counsel of the District of Columbia to strengthen the arm of the Public Utilities Commission. A dispute arose over that bill, and the Senator from Utah [Mr. KING], the chairman of the committee, appointed a subcommittee to try to reconcile the differences. Hearings were held, and, after the hearings, an amendment was worked out, which was not satisfactory to either side, but both sides agreed to it. I believe that amendment to be fair to both sides. The bill was then placed on the calendar. The Senator from Utah, however, asked that it go back to the full committee, and my understanding is that the full committee has now endorsed the amendment. It simply gives to the people's counsel, and also to the Public Utilities Commission, more power than they had heretofore. In the language in which we framed it, we thought it was fair to all parties concerned.

Mr. LA FOLLETTE. I ask the Senate to let the bill go over without prejudice until I can locate a memorandum which has been received from the people's counsel concerning it.

Mr. TYDINGS. I will be very glad to let it go over, but in order to make the RECORD complete let me say to the Senator from Wisconsin that the people's counsel wanted other language used than the language we used, but the language we employed he agreed to, although he said it was not the language which he would desire.

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

BILLS PASSED OVER

The bill (S. 2845) to provide for the retirement and retirement annuities of civilian members of the teaching staffs at the United States Naval Academy and the Postgraduate School, United States Naval Academy, was announced as next in order.

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

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

The bill (S. 379) to provide for the deportation of certain alien seamen, and for other purposes, was announced as next in order.

Mr. McKELLAR and Mr. COPELAND asked that the bill go over.

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

PROMOTIONS IN NAVY STAFF CORPS

The bill (H. R. 5382) to provide for advancement by selection in the staff corps of the Navy to the ranks of lieutenant

commander and lieutenant; to amend the act entitled "An act to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line" (44 Stat. 717; U. S. C., Supp. VII, title 34, secs. 348 to 348t), and for other purposes, was announced as next in order.

Mr. KING. Mr. President, may I ask the Senator from Florida, the Chairman of the Committee on Naval Affairs, if this is the general retirement and promotion bill which has been under consideration for some time?

Mr. TRAMMELL. This bill provides for promotion by selection in the staff corps just as now prevails in the line of the Navy. It seems that the legislation enacted a year ago last spring only applies to the line. This bill is to provide for the same system of selection in the staff corps. The Department reports to the committee that it will actually work a saving by the retirement of certain officers who would be retained on active duty for a while if this bill should not be enacted.

Mr. KING. A number of persons interested in a retirement bill have communicated with me, claiming that they have been denied retirement to which they are entitled, and that if they should receive the retirement privileges which a bill on the calendar would enable them to enjoy, the situation would be relieved; some of the humps would be eradicated and a freer and better and more equitable flow of promotions would be insured. I ask whether this is that bill?

Mr. TRAMMELL. This particular bill, as I understand, is really for that purpose. The Department reports that it will actually work a saving so far as the expenditures on the part of the Government are concerned.

Mr. KING. If that is the bill I had in mind, I have no objection.

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

There being no objection, the bill (H. R. 5382) to provide for advancement by selection in the staff corps of the Navy to the ranks of lieutenant commander and lieutenant; to amend the act entitled "An act to provide for the equalization of promotion of officers of the staff corps of the Navy with officers of the line" (44 Stat. 717; U. S. C., Supp. VII, title 34, secs. 348 to 348t), and for other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the provisions of existing law as amended by this act with reference to advancement in rank by selection in the staff corps are hereby extended to include and authorize advancement to the ranks of lieutenant commander and lieutenant of officers of the next lower ranks who are eligible for consideration by a selection board. Each selection board appointed to recommend staff officers of the ranks of lieutenant and lieutenant (junior grade) for advancement, shall recommend all the eligible officers of said ranks who in the opinion of at least two-thirds of the members of such board are fitted to assume the duties of the next higher rank.

Sec. 2. Boards for the selection of staff officers for recommendation for advancement to the ranks of lieutenant commander and lieutenant shall be composed of not less than 6 nor more than 9 officers above the rank of commander on the active or retired list of the staff corps concerned: *Provided*, That in case there be not a sufficient number of staff officers of the corps concerned legally or physically capacitated to serve on a selection board of such corps as herein provided, officers of the line on the active list above the rank of commander may be detailed to duty on such board to constitute the required minimum membership.

Sec. 3. Staff officers of the ranks of lieutenant and lieutenant (junior grade) who shall not have been recommended for advancement to the next higher rank by the report of a selection board as approved by the President prior to the completion of 14 or 7 years, respectively, of commissioned service in the Navy, shall be ineligible for consideration by a selection board on June 30 of the current fiscal year: *Provided*, That no such officer shall become ineligible for consideration by reason of length of commissioned service until he shall have been twice considered by a selection board for advancement to the next higher rank.

Sec. 4. Except as provided in section 6 of this act, staff officers of the ranks of commander and lieutenant commander who shall not have been recommended for advancement by the report of a selection board as approved by the President prior to the completion of 28 or 21 years, respectively, of commissioned service in the Navy shall be ineligible for consideration by a selection board on June 30 of the current fiscal year: *Provided*, That for the purposes of this section the length of such commissioned service for officers of the ranks of commander and lieutenant commander in the Construction Corps and Civil Engineer Corps shall be 30 or

25 years, respectively: *Provided further*, That no staff officer of the rank of commander or lieutenant commander shall become ineligible for consideration by reason of length of service until he shall have been considered by three selection boards for advancement to the next higher rank, at least two of which boards shall have been appointed after the date of this act.

Sec. 5. All staff officers who have not been recommended for advancement and who, after the completion of the designated periods of service as prescribed for their respective ranks and corps, become ineligible for consideration by a selection board in accordance with this act, or who, if recommended for advancement, undergo the required examinations for advancement and are found not professionally qualified, shall be transferred to the retired list of the Navy.

Sec. 6. When the number of involuntary transfers in any fiscal year from the ranks of commander and lieutenant commander in the staff corps to the retired list pursuant to this act, exclusive of officers who have failed professionally on examination for advancement to the next higher rank, would otherwise exceed the figures in the following tabulation, the selection board concerned shall designate by name such excess of officers for retention on the active list until the end of the next fiscal year, and officers so designated shall retain their eligibility for selection and advancement during said year: Medical Corps, 7 commanders and 12 lieutenant commanders; Supply Corps, 4 commanders and 7 lieutenant commanders; Chaplain Corps, 1 commander and 1 lieutenant commander; Construction Corps, 2 commanders and 3 lieutenant commanders; Civil Engineer Corps, 1 commander and 1 lieutenant commander; Dental Corps, 1 commander and 2 lieutenant commanders. If the officers so designated are not recommended for advancement or again designated for retention on the active list, they shall be transferred to the retired list in accordance with the provisions of this act.

Sec. 7. If at the end of any fiscal year the number of involuntary transfers to the retired list from the ranks of commander or lieutenant commander of the staff corps would exceed the limits set forth in section 6 of this act, and there has been no selection board convened during the fiscal year to recommend officers of those ranks for advancement in the staff corps concerned, special boards shall be convened by the Secretary of the Navy on or about June 1 preceding the end of the fiscal year to designate by name such excess of officers to be retained on the active list as provided in section 6 of this act. Each such board shall be constituted as provided by law for selection boards for the staff corps concerned.

Sec. 8. All transfers to the retired list pursuant to this act shall be made as of June 30 of the current fiscal year. Officers retired pursuant to this act shall receive pay at the rate of 2½ percent of their active-duty pay, multiplied by the number of years of service for which they were entitled to credit in computation of their longevity pay on the active list, not to exceed a total of 75 percent of said active-duty pay: *Provided*, That a fractional year of 6 months or more shall be considered a full year in computing the number of years of service by which the rate of 2½ percent is multiplied.

Sec. 9. As soon as practicable after the date of this act, boards for the selection of staff officers for advancement to the ranks of captain and commander shall be appointed by the Secretary of the Navy in accordance with existing law. Each such board shall recommend for advancement to the ranks hereinafter listed in the corps for which it was appointed, from those staff officers of the next lower rank in said corps who are eligible for consideration, such officers, not to exceed the number furnished it by the Secretary of the Navy. The number furnished the boards appointed in execution of this section, in addition to such numbers, if any, as would otherwise be furnished such boards as the result of computations required by law for the corps and ranks concerned, shall be: For the Medical Corps, 11 for advancement to the rank of captain and 18 for advancement to the rank of commander; for the Supply Corps, 1 for advancement to the rank of captain and 10 for advancement to the rank of commander; for the Civil Engineer Corps, 1 for advancement to the rank of commander; for the Construction Corps, 4 for advancement to the rank of captain. If a selection board does not recommend a number of officers for advancement to any rank equal to the number furnished to that board for that rank by the Secretary of the Navy, the difference between the number actually recommended by the board and the number furnished the board by the Secretary of the Navy may be added by the Secretary of the Navy to the number furnished by him to the next succeeding board.

Sec. 10. That section 10 of the act approved June 10, 1926 (44 Stat. 720-721; U. S. C., Supp. VII, title 34, sec. 348i), is hereby repealed.

If the running mate of a staff officer be promoted to a higher rank and such staff officer be considered by a selection board for such rank but fails to be selected for advancement thereto, by the report of such board as approved by the President, such staff officer shall have assigned as his new running mate the line officer not promoted who was next senior to his former running mate in the rank in which the staff officer remains; if there remain in that rank no line officer who was senior therein to such former running mate, such staff officer shall not have assigned a new running mate, but shall retain his former running mate who has been promoted: *Provided*, That if subsequently selected such staff officer when advanced to the higher rank, shall have assigned as his running mate that line officer who would have been his running mate had said staff officer been recommended by the selection board which first

considered him for the higher rank; except that if the running mate who would be so assigned him be senior to the running mate of an officer in his own staff corps made next senior to him in the higher rank, as determined by the order of their selection for advancement thereto, the running mate assigned him shall be that officer who had been assigned as the running mate of said next senior staff officer on the latter's advancement, and officers of the same staff corps thereby having the same running mate shall have precedence in said higher rank as determined by the order of their selection for advancement thereto: *Provided further*, That those officers of the staff corps with the rank of captain, who when eligible for consideration by a selection board for the rank of rear admiral, are not selected, shall retain their running mates; and if subsequently advanced to the rank of rear admiral shall have running mates assigned as required by the proviso next preceding. The provisions of this section shall be applicable to the cases of all staff officers now on the active list who have been advanced or have been eligible for consideration by a selection board for advancement to the rank of commander and above since June 10, 1926: *And provided further*, That no officer shall, by virtue of this section, receive any increased pay or allowance for any period prior to the date of this act.

SEC. 11. That section 4 of the act approved June 10, 1926 (44 Stat. 719; U. S. C., Supp. VII, title 34, sec. 348c), is hereby amended to read as follows:

"Hereafter all staff officers in the Navy, when of the same rank as their running mates or of the rank for which their running mates have been selected, shall take precedence with all other line and staff officers of the same rank from the dates stated in the commissions or which in due course will be stated in the commissions of their running mates in said rank, and ahead of all line officers junior to their respective running mates. Such staff officers of a higher rank than the rank held by their running mates until their running mates have been selected for such higher rank shall take precedence with all line and staff officers of the rank then held by them in accordance with the date stated in the commission of the junior line officer in such higher rank; staff officers of a lower rank than the rank held by their running mates shall take precedence with all line and staff officers of the same rank in accordance with the dates stated in the commissions that had been held by their running mates in such lower rank, and ahead of all line officers in such rank who were junior therein to their respective running mates: *Provided*, That except as otherwise provided herein, officers having the same rank and the same date of precedence in that rank shall take precedence in the following order: (a) Line officers, (b) medical officers, (c) officers of the supply corps, (d) chaplains, (e) naval constructors, (f) civil engineers, (g) dental officers: *Provided further*, That staff officers assigned running mates in accordance with this act, if thereafter assigned new running mates, shall have with respect to other staff officers who also have as their running mates the new running mates so assigned, the precedence held by them prior to the assignment of such new running mates.

SEC. 12. If any staff officer who has been recommended for advancement to the rank of captain or commander by the report of a selection board as approved by the President fails to receive such advancement by reason of failure to qualify upon examination therefor or because of his removal from the active list for any cause, the number to be furnished the next ensuing selection board for the corps and rank concerned shall be increased accordingly.

SEC. 13. That all laws or parts of laws, so far as they are inconsistent with or in conflict with the provisions of this act, are hereby repealed.

BILL PASSED OVER

The bill (H. R. 4827) for the relief of Don C. Fees was announced as next in order.

Mr. ROBINSON. Mr. President, I should like to have an explanation of that bill. I see it was reported by the Senator from Delaware [Mr. TOWNSEND]. An opportunity has not been afforded to examine it.

Mr. McNARY. Mr. President, the Senator from Delaware [Mr. TOWNSEND] is temporarily detained from the Senate.

Mr. ROBINSON. I suggest that the bill go over.

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

JOHN L. SUMMERS

The bill (H. R. 4828) for the relief of John L. Summers, disbursing clerk, Treasury Department, and for other purposes, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow in the accounts of John L. Summers, disbursing clerk, Treasury Department, sums aggregating \$888.96 now standing as disallowances in his accounts with the General Accounting Office under various Treasury Department appropriations as set forth in House Document No. 342, Seventy-second Congress, first session.

SEC. 2. The Comptroller General of the United States is authorized and directed to allow in the accounts of Frank White and H. T. Tate, former Treasurers of the United States; Guy F. Allen, former Acting Treasurer of the United States; and Robert G. Hilton, former Assistant Treasurer of the United States at Baltimore, Md., the sums of \$34,899.70, \$92.89, \$362.42, and \$126.67, respec-

tively, representing unavailable funds as set forth in House Document No. 342, Seventy-second Congress, first session.

SEC. 3. The Comptroller General of the United States is authorized and directed to settle an account to cover the claims of Blanchard Johnson, John Frank Rodzen, and Elizabeth Kennard in the sums of not to exceed \$25.74, \$26.59, and \$126.67, respectively, representing unrecovered amounts due them as referred to on pages — of House Document No. 342, Seventy-second Congress, first session, and to certify the same to the Secretary of the Treasury for payment.

SEC. 4. The Secretary of the Treasury be, and he is hereby, authorized and directed to adjust discrepancies in certain national-bank note currency accounts in the office of the Comptroller of the Currency, covering the period from April 5, 1912, or immediately prior thereto, to November 21, 1928, as set forth in House Document No. 342, Seventy-second Congress, first session, and the Treasurer of the United States is authorized and directed to charge the sum of \$27,680 against his general account with corresponding credit therein to the fund for retirement of national-bank notes established by the act of July 14, 1890 (26 Stat. L. 289; U. S. C., title 12, sec. 122).

LOCUS OF CERTAIN CIVIL SUITS

The bill (S. 2524) amending section 112 of the United States Code, annotated (title 28, subtitle "Civil Suits, Where to be Brought"), was announced as next in order.

Mr. ROBINSON. Mr. President, I should like to have the bill explained by its author.

Mr. TYDINGS. Mr. President, this is one of the most important bills on the calendar. I will try to make a brief explanation of it. As will be noted, it has been reported unanimously by the Judiciary Committee without amendment. It grew out of these circumstances: In the days of consolidations of companies, particularly utility companies, quite often the minority stockholders were in a position where, as they thought, they had been defrauded, and yet, when they filed suit, if they filed in the State court, they could not get the data because that was under another jurisdiction; and if they filed suit in the Federal court, they could not get the data because that was another jurisdiction. So there was no forum where such minority stockholders could go and secure an accounting which they considered rightfully in their interest.

One of the men who was associated with a number of these matters in liquidation as a trustee called this matter to my attention. Between us we had an elaborate brief prepared showing many cases that were unable to be adjudicated because of the circumstances indicated by the explanation I have made. The bill was introduced, a copy of the elaborate brief was given to each member of the Judiciary Committee, and after a very thorough study and several hearings the committee reported the measure unanimously.

If enacted, the bill would simply close a gap in the law so that a man who feels that he has been defrauded by another in the acquisition or sale of property may have his day in court and be entitled to have all the data presented there.

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

Mr. AUSTIN. Mr. President, at the request of the Senator from Pennsylvania, who is necessarily absent, I object.

Mr. TYDINGS. May I ask at whose request?

Mr. AUSTIN. At the request of the Senator from Pennsylvania [Mr. DAVIS].

Mr. TYDINGS. I am sorry the Senator from Pennsylvania is not present, because I should like to discuss the matter with him. I do not think it is quite fair to the Senate, when a bill of this magnitude, which has been on the calendar for 2 months, comes up to have the Senator from Pennsylvania absent when the call of the calendar has previously been announced.

Mr. AUSTIN. Let me say to the Senator from Maryland that I am informed the Senator from Pennsylvania has been compelled to return to the hospital because of illness.

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

BILLS PASSED OVER

The bill (S. 2912) to repatriate native-born women who have heretofore lost their citizenship by marriage to an alien, and for other purposes, was announced as next in order.

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

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

The bill (S. 1440) to enroll on the citizenship rolls certain persons of the Choctaw and Chickasaw Nations or Tribes was announced as next in order.

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

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

RELIEF OF ARMY DISBURSING OFFICERS

The bill (H. R. 4838) for the relief of certain disbursing officers of the Army of the United States, and for the settlement of individual claims approved by the War Department, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. K. W. Slauson, Quartermaster Corps, \$225.07; Capt. H. M. Denning, Finance Department, \$4; Maj. S. R. Beard, Finance Department, \$5.63; and Maj. George Z. Eckels, Finance Department, \$16.92; said amounts being public funds for which they are accountable and which comprise minor errors in computation of pay and allowances due military personnel who are no longer in the service of the United States, and which amounts have been disallowed by the Comptroller General of the United States.

SEC. 2. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts to Maj. J. B. Harper, Finance Department, \$24,882, said amount being public funds for which he is accountable and which represents payments made to the Westinghouse Electric & Manufacturing Co. for electric ranges purchased under specific instructions of the Secretary of War and which amount was disallowed by the Comptroller General of the United States.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury, not otherwise appropriated, to R. N. Walker & Co., Nagasaki, Japan, \$74.35, being the amount due this company for storage charges for the period June 7, 1930, to October 19, 1930, on household goods of an officer of the Army in transit to his new station in the United States.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury, not otherwise appropriated, to W. E. Howard, Island Park, N. Y., \$880, being the amount found due him as damages to his property at Island Park, N. Y., by reason of an Army airplane crash on September 8, 1933.

JAMES AKEROYD & CO.

The bill (H. R. 3337) for the relief of James Akeroyd & Co. was announced as next in order.

Mr. KING. Mr. President, will the Senator from Vermont please explain the bill?

Mr. GIBSON. Mr. President, the claimant in this case was an importer of wool. He imported a shipment of wool, the duty on which was fixed at 30 cents a pound. Two or three months later the Department reclassified the wool at 45 cents a pound, and the claimant paid duty at that rate. Then, it was officially determined that the duty should be 30 cents a pound. The claim is for the difference between what the claimant paid and what he should have paid as a duty on the wool. The Treasury Department has no objection except as to the amount. There is a slight difference as to the amount that should be paid.

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

Mr. GIBSON. Certainly.

Mr. KING. I find that the Secretary of the Treasury, Mr. Morgenthau, in his letter to the chairman of the House committee states:

I doubt the fairness of granting a greater measure of relief in this case than is granted to importers who obtain judgment for a refund of excessive duties after prolonged litigation.

Mr. GIBSON. I think he refers to the fact that no protest was filed within the time limit. The claimant did not know that a protest was necessary. I think the Secretary of the Treasury refused to grant the claim on the ground that notice was not given within the proper time.

Mr. KING. I think the position of the Secretary rests upon the fact that those who were successful and secured refunds did not obtain interest, and the law does not give them interest, whereas this bill allows the claimant interest. If the Senator would amend the bill so as to eliminate the

item of interest, so this claimant would receive no more than others, I should have no objection.

Mr. GIBSON. I think that is right and proper.

Mr. KING. Will the Senator recur to it a little later after ascertaining the amount of interest?

Mr. GIBSON. Very well.

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

Mr. GIBSON (subsequently said). I ask unanimous consent that the Senate recur to Calendar No. 906, being House bill 3337, for the relief of James Akeroyd & Co., which was temporarily passed over. I ask for the present consideration of the bill.

There being no objection, the Senate proceeded to consider the bill (H. R. 3337) for the relief of James Akeroyd & Co., which was ordered to a third reading, read the third time, and passed.

MRS. OLIN H. REED

The bill (H. R. 4146) for the relief of Mrs. Olin H. Reed was read, considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Olin H. Reed, of McAlester, Okla., the sum of \$5,000. Such sum shall be in full settlement of all claims against the United States on account of the death of Olin H. Reed, the husband of the said Mrs. Olin H. Reed, who, at the request of the officers of the Federal Government, accompanied them and assisted in the apprehension and arrest of one Frank Nash; and the said Olin H. Reed, together with others of the Federal officers, were slain at Kansas City, Mo., on June 17, 1933, by forces of gangdom attempting the release of the prisoner, Frank Nash: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

S. M. PRICE

The bill (S. 2321) for the relief of S. M. Price was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. M. Price the sum of \$845.87, in full compensation of all claims against the Government for services rendered as caretaker from June 26, 1934, to March 1, 1935, of the automobile parking lot located on Government property, adjoining the new Customhouse, Denver, Colo.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

SELECTION OF PERMANENT ARMY AIR CORPS STATIONS

The bill (H. R. 7022) to authorize the selection, construction, installation, and modification of permanent stations and depots for the Army Air Corps, and frontier air-defense bases generally, was announced as next in order.

Mr. KING. Mr. President, I think this is too important a bill to be passed under the 5-minute rule—certainly without an explanation.

Mr. FLETCHER. Mr. President, this is a House bill which passed the House without a dissenting vote. It is strongly recommended by the War Department, as is indicated by the report accompanying the bill. The report indicates that the Secretary of War stated:

I desire to advise you that the bill has the full approval of the War Department.

The bill does not provide for any appropriation. It simply authorizes a study and investigation by the War Department in various portions of the country, as stated in the bill, with a view to determining the location and what would be required in the way of additional Air Corps stations, and so forth. The bill clearly states its object, which is to enable the War Department to make a study and investigation respecting the need for air stations in different sections of the country, and then to report to Congress. When the report shall come to Congress it will then be for the Congress to pass upon the subject and make recommendations for the necessary appropriations, if any shall be required.

Mr. KING. Has this bill any relation to the so-called "Wilcox bill" of which we have heard very much and as to which we have been bombarded from various parts of the United States by chambers of commerce and otherwise for enormous appropriations?

Mr. FLETCHER. This bill does not call for any appropriation. As I said, it passed the House without a dissenting vote. The question of outlay and expense is all for the future. The Department would merely be authorized to make an investigation and to report to Congress, and then it would be for the Congress to determine whether an appropriation should be made.

Mr. KING. The Senator knows that both the War Department and the Navy Department, during these times when there is so much talk of war in other countries, are flagellating us almost daily for increased appropriations for the Army and for the Navy. The result will be that before we shall have adjourned we will have appropriated one billion one or two hundred million dollars for the next fiscal year for the Army and the Navy.

Mr. FLETCHER. I appreciate the Senator's position in regard to these matters, but this bill does not call for an appropriation. It simply provides for study and investigation. It would give the Department authority to survey the whole country, including Alaska, and report back to Congress where they think the stations ought to be located and where they are needed for peace-time training of the Air Corps. I think it is a very important bill.

Mr. VANDENBERG. Mr. President, does the Senator from Florida mean there would be no purchases until a subsequent report to Congress?

Mr. FLETCHER. Absolutely.

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

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

Be it enacted, etc., That the Secretary of War is hereby authorized and directed to determine in all strategic areas of the United States, including those of Alaska and our overseas possessions and holdings, the location of such additional permanent Air Corps stations and depots as he deems essential, in connection with the existing Air Corps stations and depots and the enlargement of the same when necessary, for the effective peace-time training of the General Headquarters Air Force and the Air Corps components of our overseas garrisons. In determining the locations of new stations and depots, consideration shall be given to the following regions for the respective purposes indicated: (1) The Atlantic Northeast—to provide for training in cold weather and in fog; (2) the Atlantic Southeast and Caribbean areas—to permit training in long-range operations, especially those incident to reinforcing the Panama Canal; (3) the Southeastern States—to provide a depot essential to the maintenance of the General Headquarters Air Force; (4) the Pacific Northwest—to establish and maintain air communication with Alaska; (5) Alaska—for training under conditions of extreme cold; (6) the Rocky Mountain area—to provide a depot essential to the maintenance of the General Headquarters Air Force, and to afford, in addition, opportunity for training in operations from fields in high altitudes; and (7) such intermediate stations as will provide for transcontinental movements incident to the concentration of the General Headquarters Air Force for maneuvers.

In the selection of sites for new permanent Air Corps stations and depots and in the determination of the existing stations and depots to be enlarged and/or altered, the Secretary of War shall give consideration to the following requirements:

1. The stations shall be suitably located to form the nucleus of the set-up for concentrations of General Headquarters Air Force units in war and to permit, in peace, training and effective

planning, by responsible personnel in each strategic area, for the utilization and expansion in war, of commercial, municipal, and private flying installations.

2. In each strategic area deemed necessary, there shall be provided adequate storage facilities for munitions and other essentials to facilitate effective movements, concentrations, maintenance, and operations of the General Headquarters Air Force in peace and in war.

3. The stations and depots shall be located with a view to affording the maximum warning against surprise attack by enemy aircraft upon our own aviation and its essential installations, consisting with maintaining, in connection with existing or contemplated additional landing fields, the full power of the General Headquarters Air Force for such close and distant operations over land and sea as may be required in the defense of the continental United States and in the defense and the reinforcement of our overseas possessions and holdings.

4. The number of stations and depots shall be limited to those essential to the foregoing purposes.

SEC. 2. To accomplish the purposes of this act, the Secretary of War is authorized to accept, on behalf of the United States, free of encumbrances and without cost to the United States, the title in fee simple to such lands as he may deem necessary or desirable for new permanent Air Corps stations and depots and/or the extension of or addition to existing Air Corps stations or depots; or, with the written approval of the President, to exchange for such lands existing military reservations or portions thereof; or, if it be found impracticable to secure the necessary lands by either of these methods, to purchase the same by agreement or through condemnation proceedings.

SEC. 3. The Secretary of War is further authorized and directed to construct, install, and equip, or complete the construction, installation, and equipment, inclusive of bombproof protection as required, at each of said stations and depots, such buildings and utilities, technical buildings and utilities, landing fields and mats, and all utilities and appurtenances thereto, ammunition storage, fuel and oil storage and distribution systems therefor, roads, walks, aprons, docks, runways, sewer, water, power, station and aerodrome lighting, telephone and signal communications, and other essentials, including the necessary grading and removal or remodeling of existing structures and installations. He is authorized, also, to direct the necessary transportation of personnel, and purchase, renovation, and transportation of materials, as in his judgment may be required to carry out the purposes of this act. The Secretary of War is further authorized to acquire by gift, purchase, lease, or otherwise, at such locations as may be desirable, such bombing and machine-gun ranges as may be required for the proper practice and training of tactical units.

SEC. 4. There is hereby authorized to be appropriated out of any money in the Treasury of the United States not otherwise appropriated, such sums of money as may be necessary, to be expended under the direction of the Secretary of War for the purposes of this act, including the expenses incident to the necessary surveys, which appropriation shall continue available until expended: *Provided*, That the provisions of section 1136, Revised Statutes (U. S. C., title 10, par. 1339), shall not apply to the construction of the aforesaid stations and depots.

BILL PASSED OVER

The bill (S. 3047) to amend the act entitled "An act to amend and consolidate the acts respecting copyright", approved March 4, 1909, as amended, and for other purposes, was announced as next in order.

Mr. ASHURST. Let the bill go over.

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

DEVELOPMENT OF INDIAN ARTS AND CRAFTS

The bill (S. 2203) to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I should like to have an explanation of the bill.

Mr. THOMAS of Oklahoma. Mr. President, we have in the United States something like 350,000 Indians. These Indians are found in 20 States. There are something like 200 different tribes. These Indians in times passed have made their living in their native original way. In some reservations they make their living by the manufacture of pottery, at other points by the manufacture of baskets, at other points by the manufacture of silverware, and at some places by painting. So popular has the handiwork of the Indian tribes become that certain companies are imitating it and placing the imitations on the market as if they were genuine.

For several years past the Interior Department has made investigation and tried to devise a plan to give the Indians protection in the matter of the wares and merchandise which they themselves make. The bill is the result of the

study and recommendations of the Department. It provides for the creation of a commission consisting of five men who are to serve without pay, save their expenses. The commission are to make a study of the situation, an investigation and study of the articles made by the several Indian tribes; and, where they find an Indian tribe is in good faith making some article, they would be authorized to stamp that article as having been made by the Indians or to provide a plan of stamping. The bill provides a system of protection and assistance for the Indians who are trying to make the original goods.

I hope the bill will receive the favorable consideration of the Senate.

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

There being no objection, the Senate proceeded to consider the bill (S. 2203) to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes, which had been reported from the Committee on Indian Affairs, with amendments.

The first amendment of the Committee on Indian Affairs was, in section 1, on page 1, line 7, to strike out the word "President" and insert the words "Secretary of the Interior", and in line 11, to strike out the word "President" and insert the words "Secretary of the Interior", so as to make the paragraph read:

That a board is hereby created in the Department of the Interior to be known as "Indian Arts and Crafts Board", and hereinafter referred to as the Board. The Board shall be composed of 5 commissioners, who shall be appointed by the Secretary of the Interior as soon as possible after the passage of this act and shall continue in office, 2 for a term of 2 years, 1 for a term of 3 years, and 2 for a term of 4 years from the date of their appointment, the term of each to be designated by the Secretary of the Interior, but their successors shall be appointed for a term of 4 years except that any person chosen to fill a vacancy shall be appointed for the unexpired term of the commissioner whom he succeeds. Both public officers and private citizens shall be eligible for membership on the Board. The Board shall elect one of the commissioners as chairman. One or two vacancies on the Board shall not impair the right of the remaining commissioners to exercise all the powers of the Board.

The amendment was agreed to.

The next amendment was, in section 2, on page 3, line 7, after the word "Government", to insert the word "trade"; in line 10, after the word "such", to insert the word "trade"; in line 12, after the word "use" and the semicolon, to insert the words "to register them in the United States Patent Office without charge", so as to make the section read:

SEC. 2. It shall be the function and the duty of the Board to promote the economic welfare of the Indian tribes and the Indian wards of the Government through the development of Indian arts and crafts and the expansion of the market for the products of Indian art and craftsmanship. In the execution of this function the Board shall have the following powers: (a) To undertake market research to determine the best opportunity for the sale of various products; (b) to engage in technical research and give technical advice and assistance; (c) to engage in experimentation directly or through selected agencies; (d) to correlate and encourage the activities of the various governmental and private agencies in the field; (e) to offer assistance in the management of operating groups for the furtherance of specific projects; (f) to make recommendations to appropriate agencies for loans in furtherance of the production and sale of Indian products; (g) to create Government trade marks of genuineness and quality for Indian products and the products of particular Indian tribes or groups; to establish standards and regulations for the use of such trade marks; to license corporations, associations, or individuals to use them; and to charge a fee for their use; to register them in the United States Patent Office without charge; (h) to employ executive officers, including a general manager, and such other permanent and temporary personnel as may be found necessary, and prescribe the authorities, duties, responsibilities, and tenure and fix the compensation of such officers and other employees: *Provided*, That the Classification Act of 1923, as amended, shall be applicable to all permanent employees except executive officers, and that all employees other than executive officers shall be appointed in accordance with the civil-service laws from lists of eligibles to be supplied by the Civil Service Commission; (i) as a Government agency to negotiate and execute in its own name contracts with operating groups to supply management, personnel, and supervision at cost, and to negotiate and execute in its own name such other contracts and to carry on such other business as may be necessary for the accomplishment of

the duties and purposes of the Board: *Provided*, That nothing in the foregoing enumeration of powers shall be construed to authorize the Board to borrow or lend money or to deal in Indian goods.

The amendment was agreed to.

The next amendment was, in section 4, on page 5, line 3, after the word "may", to strike out the words "make or", so as to make the section read:

SEC. 4. There is hereby authorized to be appropriated out of any sums in the Treasury not otherwise appropriated such sums as may be necessary to defray the expenses of the Board and carry out the purposes and provisions of this act. All income derived by the Board from any source shall be covered into the Treasury of the United States and shall constitute a special fund which is hereby appropriated and made available until expended for carrying out the purposes and provisions of this act. Out of the funds available to it at any time the Board may authorize such expenditures, consistent with the provisions of this act, as it may determine to be necessary for the accomplishment of the purposes and objectives of this act.

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 7, after the word "shall", to strike out the word "reproduce"; in line 8, after the word "Government", to insert the word "trade"; in line 11, after the word "Government", to insert the word "trade"; in line 18, after the word "Government", to insert the word "trade"; in line 19, after the words "misdemeanor and", to insert the words "upon conviction thereof shall be enjoined from further carrying on the act or acts complained of and shall", so as to make the section read:

SEC. 5. Any person who shall counterfeit, or colorably imitate any Government trade mark used or devised by the Board as provided in section 2 of this act, or shall, except as authorized by the Board, affix any such Government trade mark, or shall knowingly, willfully, and corruptly affix any reproduction, counterfeit, copy, or colorable imitation thereof upon any products, Indian or otherwise, or to any labels, signs, prints, packages, wrappers, or receptacles intended to be used upon or in connection with the sale of such products, or any person who shall knowingly make any false statement for the purpose of obtaining the use of any such Government trade mark, shall be guilty of a misdemeanor, and upon conviction thereof shall be enjoined from further carrying on the act or acts complained of and shall be subject to a fine not exceeding \$2,000, or imprisonment not exceeding 6 months, or both such fine and imprisonment.

The amendment was agreed to.

The next amendment was, in section 6, on page 5, in line 24, after the word "willfully", to strike out the words "and falsely represent" and insert in lieu thereof the words "offer or display for sale"; on page 6, line 1, after the word "government", to insert the word "trade"; in line 1, after the word "mark", to strike out the words "to be" and insert the word "as"; and in line 8, after the word "imprisonment", to strike out the words "*Provided*, That the fraudulent corrupt offering or display of any such goods for sale shall be deemed a representation within the meaning of this section", so as to make the section read:

SEC. 6. Any person who shall willfully offer or display for sale any goods, with or without any Government trade mark, as Indian products or Indian products of a particular Indian tribe or group, resident within the United States or the Territory of Alaska, when such person knows such goods are not Indian products or are not Indian products of the particular Indian tribe or group, shall be guilty of a misdemeanor and be subject to a fine not exceeding \$2,000 or imprisonment not exceeding 6 months, or both such fine and imprisonment.

It shall be the duty of each district attorney, to whom the Board shall report in writing any violation of the provisions of this section which has occurred within his jurisdiction, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States for the enforcement of the penalties herein provided.

The amendment was agreed to.

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

PENSIONS TO SPANISH-AMERICAN WAR VETERANS

The bill (H. R. 6995) granting pensions to veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, their widows and dependents, and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, on a previous occasion this bill was called in my absence. There was an under-

standing reached that the measure should be taken up during the session. I desire to offer an amendment, and ask that it be printed, and I ask also that the bill go over for the day, so as to afford the chairman of the committee an opportunity to consider the amendment. Then arrangements will be effected at an early date, probably tomorrow, to proceed to the consideration of the bill. It would be impracticable to dispose of a bill of this importance under the arrangement by which we are now proceeding.

Mr. MCGILL. Mr. President, I recognize that the measure could not be disposed of under the rule under which we are now proceeding. However, it was my understanding—at least, I gained the impression—that we might take up the bill following the call of the calendar and dispose of it. The measure which is now the unfinished business is in charge of the Senator from Colorado [Mr. ADAMS]. The Senator from Colorado is perfectly willing to have the unfinished business temporarily laid aside at the conclusion of the call of the calendar in order that we may consider this bill. I am wondering if the Senator from Arkansas would not agree to that procedure.

Mr. ROBINSON. I do not wish to agree to take up the bill today. I suggest that the amendment be printed so it may be available and, as I stated, we will arrange to take up the bill at a very early date, probably tomorrow.

In order to obviate the difficulty of limitation of time it would be necessary to move to take up the bill. I shall not resist the motion under the circumstances to which I have referred, but do not believe it practicable to proceed with it today. The call of the calendar under this order will take practically the entire day.

Mr. MCGILL. I think the call of the calendar will be concluded before the day is finished.

Mr. ROBINSON. I offer the amendment, ask that it may be printed and lie on the table, and ask that the bill go over.

The PRESIDENT pro tempore. The amendment of the Senator from Arkansas will be printed and lie on the table, and the bill will be passed over.

The amendment offered by Mr. ROBINSON is to strike out all after the enacting clause and in lieu thereof to insert the following:

That all laws in effect on March 19, 1933, granting pensions to veterans of the Spanish-American War, including the Boxer Rebellion and the Philippine Insurrection, their widows and dependents, are hereby reenacted into law and such laws shall be effective from and after the first day of the month following the date of the enactment of this act: *Provided*, That the rates payable to those veterans who served 90 days or more or who having served less than 90 days were discharged for disability incurred in the service in line of duty and to their widows and/or dependents, shall be 100 percent of the rates in effect on March 19, 1933, and as to those veterans entitled only under section 3 of the act of June 2, 1930 (Public, No. 299, 71st Cong.), the rates payable shall be 75 percent of the rates in effect on March 19, 1933: *Provided further*, That any pension payable under this act shall be subject to the regulations issued pursuant to Public Law No. 2, Seventy-third Congress, pertaining to hospitalized cases: *Provided further*, That the provisions of this Act shall not apply—

(1) To any veteran whose disability is the result of his own willful misconduct;

(2) To persons to whom payments were being made on March 19, 1933, through fraud, clear or unmistakable error as to conclusions of fact or law or misrepresentation of a material fact, except that decisions as to degree of disability rendered prior to March 20, 1933, shall be conclusive;

(3) To any person during any year following a year for which such person was not entitled to exemption from payment of a Federal income tax;

(4) To a veteran in Federal employ if his salary if single exceeds \$1,000 and if married or having a minor child \$2,500, except that such veteran if otherwise entitled shall receive \$6 per month; and

(5) To any person who enlisted after August 12, 1898, and who did not serve in either the Boxer Rebellion or the Philippine Insurrection unless such person left the continental United States under orders for military or naval service in Guam, Cuba, or Puerto Rico between August 13, 1898, and July 4, 1902, both dates inclusive.

SEC. 2. That all acts and parts of acts in conflict with or inconsistent with the provisions of this act are hereby repealed as of the last day of the month in which this act is enacted: *Provided*, That any pending claim theretofore filed may be adjudicated under such acts, and any such claim shall be considered as a claim under this act: *Provided further*, That where there is entitlement both under this act and any act or acts enacted or Executive orders promul-

gated since March 19, 1933, the Administrator of Veterans' Affairs is authorized and directed to pay to the claimant the greater benefit.

BILL PASSED OVER

The bill (S. 2998) to control the trade in arms, ammunition, and implements of war was announced as next in order.

Mr. GEORGE. Mr. President, this is a bill of some length, but the subject matter dealt with in it is very limited. In fact, the bill itself undertakes to accomplish but one thing; that is, to create a munitions board for the control of shipments of munitions into and out of the country, and to set up a registration and licensing system for both exports and imports of munitions. Some amendments are recommended by the committee, but the bill has the approval of the Secretary of State and of the Foreign Relations Committee with the amendments suggested. I believe the bill might well be disposed of under the 5-minute rule.

Mr. KING. I think the bill will take some time. Let it go over.

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

FRED HERRICK

The Senate proceeded to consider the bill (S. 491) for the relief of Fred Herrick, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fred Herrick, of Spokane, Wash., the sum of \$50,000 in recognition of work done by the said Fred Herrick in making more accessible the timber resources of the Malheur National Forest by railroad construction: *Provided*, That the said Fred Herrick shall disclaim and waive all right or claim to any money paid by him and covered into the Treasury in connection with that certain contract for the purchase of timber on the Malheur National Forest, Oreg., dated June 15, 1923.

Mr. STEIWER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. At the end of the bill it is proposed to strike out the period and insert a colon and the following proviso:

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

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

The amendment was agreed to.

Mr. KING. Mr. President, I desire an explanation.

Mr. STEIWER. The amendment is merely the conventional amendment limiting the attorneys' fees to 10 percent.

Mr. KING. I am speaking about the bill itself.

Mr. STEIWER. At the time the bill was reached on the previous call of the calendar, the Senator from Tennessee [Mr. MCKELLAR] raised the point that an amendment of that sort ought to be added to the bill. I am in agreement with the Senator. I think it should have been done when the bill was introduced, but for some reason it was not done. For that reason, prompted by the suggestion of the Senator from Tennessee, I have offered the amendment at this time.

Mr. KING. Will the Senator make an explanation of the reason why \$50,000 should be paid to Mr. Herrick?

Mr. STEIWER. Yes, Mr. President. Possibly the Senator from Utah was not present at the time the bill was discussed before.

Mr. KING. No; I am not familiar with it.

Mr. STEIWER. It was then explained by the Senator from South Carolina [Mr. SMITH], who had jurisdiction of the bill in his capacity as Chairman of the Committee on Agriculture and Forestry, that this bill is to pay back the amount of certain forfeited bonds to an old man, now, I am

told, past 80 years of age, who at one time held a contract with the United States Government to purchase a body of pine timber in southeastern Oregon. Financial reverses made it impossible for him to carry forward his contract, and the Government finally forfeited \$50,000 in Liberty bonds which he had posted as a guarantee of his obligations under the contract. The Government subsequently readvertised the timber, and sold it for more money than he had agreed to pay. The Government's net profit in the matter without this forfeiture was \$52,000, and the United States is still enjoying benefits from the expenditures which this old gentleman had made in the construction of a railroad and other improvements. I am sure the bill has much merit, and that the Senator from Utah would not wish to object to its passage.

Mr. WALSH. Mr. President, why did the bill go to the Committee on Agriculture and Forestry rather than to the Committee on Claims?

Mr. STEIWER. It involves a forestry matter; and the Forest Service, which, of course, is in the Department of Agriculture, had familiarity with it. I assume that it is for that reason that the bill went to that committee.

Mr. WALSH. How long has the claim been pending?

Mr. STEIWER. In answer to the Senator's question, I should say that the bill has been before Congress for something like 2 years. The bill passed the Senate at the last session. Hearings have been held on it. Twice, the Committee on Agriculture and Forestry has reported it favorably. I think there is no objection to it.

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

MINIMUM-WAGE COMPACT, MASSACHUSETTS AND NEW HAMPSHIRE

The joint resolution (S. J. Res. 148) granting the consent of Congress to the minimum-wage compact ratified by the Legislatures of Massachusetts and New Hampshire, was announced as next in order.

Mr. WALSH. I move that the joint resolution be recommended to the Committee on Education and Labor.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Massachusetts.

The motion was agreed to.

BILL PASSED OVER

The bill (S. 1632) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by water carriers operating in interstate and foreign commerce, and for other purposes, was announced as next in order.

Mr. McNARY. In the absence of the senior Senator from Minnesota [Mr. SHIPSTEAD], I ask that the bill go over.

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

HINDS' PARLIAMENTARY PRECEDENTS

The Senate proceeded to consider the bill (H. R. 8297) to amend so much of the First Deficiency Appropriation Act, fiscal year 1921, approved March 1, 1921, as relates to the printing and distribution of a revised edition of Hinds' Parliamentary Precedents of the House of Representatives.

Mr. KING. Mr. President, I should like to ask an explanation of this measure, and the cost to the Government.

Mr. HAYDEN. Mr. President, this is a matter which primarily concerns the House of Representatives.

Hinds' Precedents were originally prepared by a very famous parliamentarian of the House, Hon. Asher Hinds. They became out of date; and nearly 20 years ago a revision of the work was undertaken by the then Parliamentarian of the House, Mr. CANNON.

Anyone who has examined a set of Hinds' Precedents realizes how valuable they are. Presiding officers in the Committee of the Whole in the House of Representatives have there gathered decisions which relate to almost every conceivable proposition that may come before the House of Representatives.

This measure, as the report shows, was unanimously passed by the House of Representatives; and I feel that the Senate owes the House the courtesy of passing it.

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

Mr. HAYDEN. Yes.

Mr. BARKLEY. All of us who have served in the House are familiar with the value of Hinds' Precedents. Does the bill provide for a distribution of the reprint among the Members of the House only, or among the Members of the Senate as well?

Mr. HAYDEN. That is one reason why the bill must be passed. The work was authorized about 12 years ago, and the bill passed at that time provided for a distribution among the Members of that Congress. The present bill provides for a distribution to each Senator and Representative in the present Congress.

Mr. KING. I have no objection.

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

JOINT RESOLUTION PASSED OVER

The joint resolution (H. J. Res. 280) for the designation of a street or avenue in the Mall to be known as "Maine Avenue" was announced as next in order.

Mr. BULKLEY. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

JURISDICTION OF CERTAIN UNITED STATES COURTS

The bill (S. 1381) to amend the act approved February 13, 1925, 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", was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That subsections (a) and (b) of section 6 of the act of February 13, 1925, 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" (U. S. C., title 28, sec. 463, subsecs. (a) and (b)), be, and they are hereby, amended to read as follows:

"(a) In a proceeding in habeas corpus in the district court, or before a district judge or a circuit judge, the final order shall be subject to review, on appeal, by the circuit court of appeals of the circuit wherein the proceeding is had: *Provided, however,* That there shall be no right of appeal in any case where a writ of habeas corpus has been granted to test the validity of a warrant of removal issued in pursuance of the provisions of section 1014 of the Revised Statutes (U. S. C., title 18, sec. 591) or the detention thereunder, and, after hearing upon said writ, the petitioner has been remanded to custody for removal on said warrant. A circuit judge shall have the same power to grant writs of habeas corpus within his circuit that a district judge has within his district. The order of the circuit judge shall be entered in the records of the district court of the district wherein the restraint complained of is had.

"(b) In such a proceeding in the Supreme Court of the District of Columbia, or before a justice thereof, the final order shall be subject to review, on appeal, by the United States Court of Appeals of that district: *Provided, however,* That there shall be no right of appeal in any case where a writ of habeas corpus has been granted to test the validity of a warrant of removal or the detention thereunder, and, after hearing upon said writ, the petitioner has been remanded to custody for removal on said warrant."

BILL PASSED OVER

The bill (S. 2617) to amend the Judicial Code to permit defendants in criminal cases to waive trial by jury was announced as next in order.

Mr. MCGILL. Let that go over.

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

PROCEDURE AND FEES IN SUITS IN ADMIRALTY

The Senate proceeded to consider the bill (H. R. 29) to amend the laws relating to proctors' and marshals' fees and bonds, and stipulations in suits in admiralty.

Mr. KING. Mr. President, this bill has passed the House. It came to the Senate Committee on the Judiciary, and was favorably reported. It merely increases the fees which are to be paid to the Government by those who enjoy the benefits of admiralty procedure.

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

BILLS PASSED OVER

The bill (S. 2303) to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the

United States, approved July 1, 1898", as amended and supplemented, was announced as next in order.

Mr. KING. I should like an explanation of that bill.

The PRESIDENT pro tempore. An explanation is requested by the Senator from Utah. [A pause.]

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

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

The bill (S. 2704) for the relief of Clayton M. Thomas was announced as next in order.

Mr. KING. Will the Senator reporting the bill make an explanation of it, in view of the fact that there is an adverse report by the War Department? [A pause.] Let it go over.

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

PALA BAND OF MISSION INDIANS, CALIFORNIA

The bill (S. 2877) to reimpose and extend the trust period on lands reserved for the Pala Band of Mission Indians, California, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the period of trust on lands patented to the Pala Band of Mission Indians in California under authority of the act of January 12, 1891 (26 Stat. 712), which trust expired January 5, 1935, is hereby reimposed and extended for a period of 10 years from that date: *Provided*, That further extension of the period of trust may be made by the President, in his discretion, as provided by the act of March 2, 1917 (39 Stat. 976).

THOMAS WALKER GILMER

The bill (H. R. 5532) to provide for the acquisition of a portrait of Thomas Walker Gilmer was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (H. R. 2118) for the relief of John P. Seabrook was announced as next in order.

Mr. KING. Let that go over.

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

The bill (H. R. 2555) to extend to Sgt. Maj. Edmund S. Sayer, United States Marine Corps (retired) the benefits of the act of May 7, 1932, providing highest World War rank to retired enlisted men was announced as next in order.

Mr. KING. Let that go over.

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

The bill (H. R. 2611) for the relief of John E. Fondahl was announced as next in order.

Mr. McKELLAR. May we have an explanation of the bill?

The PRESIDENT pro tempore. An explanation is requested. [A pause.]

Mr. McKELLAR. If not, let it go over.

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

AMENDMENT OF EMERGENCY FARM MORTGAGE ACT OF 1933

The Senate proceeded to consider the bill (S. 2470) to amend section 36 of the Emergency Farm Mortgage Act of 1933, as amended, which had been reported from the Committee on Banking and Currency with an amendment, on page 2, line 8, after the word "loan", to strike out "and, subject to approval of the Secretary of Agriculture, to undertake a new project without regard to any such limitation or condition", so as to make the bill read:

Be it enacted, etc., That section 36 of the Emergency Farm Mortgage Act of 1933, as amended, is amended by adding the following new paragraph:

"Notwithstanding any limitation hereinbefore contained as to the aggregate amount of loans under this section, the principal and interest collected therefrom, or received from the sale of collateral given as security for such loans, shall constitute a revolving fund which the Reconstruction Finance Corporation is authorized and empowered to use to make further loans under this section; except that loans from such revolving fund may also be made for the purpose of enabling a district, political subdivision, company, or association to repair or rehabilitate a project, without regard to any limitation or condition concerning the bringing of additional lands into production or requiring the completion of a project, or the refinancing of an applicant district, before obtaining a loan."

The amendment was agreed to.

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

CHELAN NATIONAL FOREST, WASHINGTON

The bill (H. R. 3061) to authorize the adjustment of the boundaries of the Chelan National Forest in the State of Washington, was considered, ordered to a third reading, read the third time, and passed.

GIFTS TO THE NAVY DEPARTMENT

The bill (S. 3040) authorizing the Secretary of the Navy to accept gifts and bequests for the benefit of the Office of Navy Records and Library, Navy Department, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to accept, receive, hold, and administer gifts and bequests of personal property, and loans of personal property other than money, from individuals or others for the benefit of the Office of Naval Records and Library, Navy Department, its collection or its services. Gifts or bequests of money shall be deposited in the Treasury of the United States as trust funds under the title "Office of Naval Records and Library Fund."

Sec. 2. Gifts or bequests for the benefit of the Office of Naval Records and Library, Navy Department, its collection or its services shall be exempt from all Federal taxes.

Sec. 3. The Secretary of the Treasury is authorized, upon the request of the Secretary of the Navy, to invest, or reinvest, the trust funds, or any part thereof, deposited in the Treasury pursuant to section 1 of this act, in securities of the United States Government or in securities guaranteed by the United States Government. The interest accruing from such securities shall be deposited to the credit of the Office of Naval Records and Library Fund.

BRIDGE OVER NEW YORK AVENUE, DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 6656) to authorize the Pennsylvania Railroad Co., by means of an overhead bridge to cross New York Avenue NE., to extend, construct, maintain, and operate certain industrial side-tracks, and for other purposes, which was read, as follows:

Be it enacted, etc., That the Pennsylvania Railroad Co., operating lessee of all of the railroads and appurtenant properties of the Philadelphia, Baltimore & Washington Railroad Co. in the District of Columbia, be, and it is hereby, authorized to establish switch and siding connections with its existing siding tracks in square no. 4263 (also known as parcel 154/44) to cross West Virginia Avenue into and through square no. 4105 along and adjacent to the existing main-line tracks, thence into and through squares nos. 4104 and 4099 crossing New York Avenue by means of a suitable overhead bridge thence to and through square no. 4099 and the parcels of land known and identified on the plat books of the Surveyor's Office of the District of Columbia as parcels 153/44, 143/25, 142/25, and 142/28, to and through the square known as and no. 4038 (portions of which are included in parcel 142/28), 4093, south of 4093, and 4098, with all switches, crossings, turnouts, extensions, spurs, and sidings as may be or become necessary for the development of the squares and parcels of land above indicated for such uses as may be permitted in the use district or districts in which said squares and parcels of land are now or may hereafter be included as defined in the zoning regulations of the District of Columbia and shown in the official atlases of the Zoning Commission.

Sec. 2. Before any of the work above authorized shall be begun on the ground a plan or plans thereof shall be prepared and submitted to the Commissioners of the District of Columbia for their approval and only to the extent that such plans shall be so approved shall said work or any portion thereof be permitted or undertaken.

Sec. 3. Subject only to the approval of the Commissioners of the District of Columbia the crossing of any public street or alley other than New York Avenue, within the limits of the total area above noted may be at or on grade. The said railroad shall, when and as directed by the Commissioners of the District of Columbia, construct at its entire cost and expense, an additional overhead bridge for the track hereby authorized to be established over such other street located between Montello Avenue and New York Avenue as such street may now or may hereafter be shown on the Plan of the Permanent System of Highways.

Sec. 4. Nothing herein contained shall be construed as limiting or abridging the authority of the Commissioners of the District of Columbia under the act of Congress approved March 3, 1927 (44 Stat. L. 1353), entitled "An act to provide for the elimination of grade crossings of steam railroads in the District of Columbia, and for other purposes."

Sec. 5. That Congress reserves the right to amend, alter, or repeal this act.

Mr. KING. Mr. President, this measure has the support of the Commissioners of the District of Columbia and the District Committee of the Senate.

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

UNION RAILROAD STATION, DISTRICT OF COLUMBIA

The Senate proceeded to consider the bill (H. R. 7447) to amend an act to provide for a union railroad station in the District of Columbia, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments, on page 2, line 18, before the word "connecting", to strike out the words "and above New York Avenue"; after the word "connecting", to strike out the words "the intersection of"; on line 19, after the word "with", to insert the words "New York Avenue at such point as may be determined by the said Commissioners between Fourth Street NE. and"; on line 22, after the word "Northeast", to strike out the words "at its intersection with New York Avenue"; on page 3, line 1, after the word "bridge", to insert the words "said viaduct bridge either to connect directly with New York Avenue at grade or to pass over said avenue with connections thereto as the said Commissioners may direct"; on page 4, line 25, after the word "said", to strike out the words "subway or underpass structure, retaining walls, and"; on page 5, line 2, after the word "Columbia", to insert the words "the cost of maintenance of said subway or underpass structure and the retaining walls is to be borne entirely by said railroad companies", so as to make the bill read:

Be it enacted, etc., That so much of section 5 of an act of Congress entitled "An act to provide for a Union Railroad Station in the District of Columbia, and for other purposes", approved February 28, 1903 (Public, No. 122, 32 Stat. 909), which reads:

"No streets or avenues, except Ninth, Twelfth, and Fifteenth Streets, and New York Avenue, shall be opened across the railroads constructed under authority of this act between Florida and Montana Avenues, and said Ninth, Twelfth, and Fifteenth Streets, when and as opened, shall be carried above the railroads by suitable viaduct bridges the cost whereof, with their approaches within the limits of the right-of-way, shall be paid by the terminal company, but shall be maintained as in the case of other public highways in the District of Columbia", be, and the same is hereby, amended to read as follows:

"No streets or avenues shall be opened across the railroads constructed under the authority of this act between Florida Avenue and an extension of the west line of Twenty-second Street NE. from Bryant Street to New York Avenue, except New York Avenue and except as hereinafter provided; the Baltimore & Ohio Railroad Co. and the Philadelphia, Baltimore & Washington Railroad Co. shall construct, within 2 years after being directed so to do by the Commissioners of the District of Columbia, a suitable viaduct bridge above the said railroads connecting Brentwood Road and T Street NE., with New York Avenue at such point as may be determined by the said Commissioners between Fourth Street NE. and the extension of Mount Olivet Road NE., as the same may be shown on the plan of the permanent system of highways at the time the said Commissioners direct the construction of said viaduct bridge, said viaduct bridge either to connect directly with New York Avenue at grade or to pass over said avenue with connections thereto as the said Commissioners may direct; the Baltimore & Ohio Railroad Co. and the Philadelphia, Baltimore & Washington Railroad Co. shall pay in equal shares the entire cost and expense of the bridge structure, including the necessary retaining walls and approaches in connection therewith, between the southerly line of New York Avenue as now publicly owned, and the southerly line of Brentwood Road as now publicly owned; the Baltimore & Ohio Railroad Co. and the Philadelphia, Baltimore & Washington Railroad Co. shall dedicate or cause to be dedicated to the District of Columbia such land lying between the southerly line of Brentwood Road and the northerly line of New York Avenue NE., as now publicly owned, as may be necessary for the location of such bridge structure and the approaches thereto in accordance with the plan of the permanent system of highways as said plan may be established at the time the Commissioners direct the construction of said viaduct bridge; the cost of maintenance of said viaduct bridge, retaining walls, and approaches is to be borne entirely by the District of Columbia; and said viaduct bridge, retaining walls, and approaches shall be constructed in accordance with plans and specifications and at a location approved by the Commissioners of said District; and the Baltimore & Ohio Railroad Co. and the Philadelphia, Baltimore & Washington Railroad Co. shall construct, within 2 years after being directed so to do by the Commissioners of the District of Columbia, a suitable subway or underpass beneath the tracks of said companies within the lines of the street connecting the intersection of New York Avenue and West Virginia Avenue NE., as the same may be shown on said plan of the permanent system of highways at the time said Commissioners direct the construction of said subway or underpass; the said railroad companies shall pay in equal shares the entire cost and expense of the subway or underpass structure, including the necessary retaining walls in connection therewith, and in addition thereto, so much of the approaches to said subway or underpass as lie within the limits of the said railroad companies' properties; each of said railroad companies shall dedicate or cause to be dedicated to the District of Columbia such land lying within the limits of said railroad com-

panies' properties as may be necessary for said street in accordance with the plan of the permanent system of highways as said plan may be established at the time the Commissioners direct the construction of said subway or underpass; the cost of maintenance of said approaches is to be borne entirely by the District of Columbia; the cost of maintenance of said subway or underpass structure and the retaining walls is to be borne entirely by said railroad companies; and the said subway or underpass and the retaining walls and approaches shall be constructed in accordance with the plans and specifications and at a location approved by the Commissioners of said District."

Sec. 2. Congress reserves the right to alter, amend, or repeal this act.

Sec. 3. If this amendatory act or any part thereof shall be declared invalid, so much of this act as forbids the opening of Ninth, Twelfth, and Fifteenth Streets shall be void, and the duty of the terminal company referred to in said act of Congress approved February 28, 1903, to construct suitable viaduct bridges and the approaches thereto to carry said streets over the railroads as required by said section 5 of said act of February 28, 1903, as originally enacted, shall remain in full force and effect and unimpaired by this amendatory act.

The amendments were agreed to.

Mr. KING. Mr. President, I desire to state that this bill has the support of the Commissioners of the District of Columbia and of the Committee on the District of Columbia of the Senate.

Mr. McNARY. Mr. President, I have been asked by the Senator from Delaware to confirm the statement made by the Senator from Utah, and to express the hope that this bill and the one just passed will be enacted.

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

The bill was read the third time, and passed.

HUSBAND OR WIFE AS COMPETENT WITNESS

The bill (S. 1314) to make the husband or wife of accused a competent witness in all criminal prosecutions, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in any proceeding or examination before any grand jury, judge, justice, United States Commissioner, or any court, in any criminal prosecution under any statute of the United States, the husband or wife of the accused shall be a competent witness, but such husband or wife shall not be permitted to testify as to any confidential communication made by the husband or wife to the other, during the existence of the marriage relation, except as provided by section 4 of the Act of February 5, 1917, entitled "An Act to regulate the immigration of aliens to, and the residence of aliens in, the United States" (U. S. C., title 8, sec. 138).

CAPT. ARTHUR L. BRISTOL, UNITED STATES NAVY

The bill (H. R. 3760) for the relief of Capt. Arthur L. Bristol, United States Navy, was considered, ordered to a third reading, read the third time, and passed.

MARINE CORPS LEAGUE

The Senate proceeded to consider the bill (S. 2504) to incorporate the Marine Corps League, which was read, as follows:

Be it enacted, etc., That Maj. Gen. John A. Lejeune, retired, United States Marine Corps, honorary national commandant; John F. Manning, national commandant; William C. Sutton, senior national vice commandant; A. E. Gilbertson, junior national vice commandant; T. H. Rogerson, national chief of staff; John B. Hinckley, Jr., national adjutant and paymaster; Donald Gottwald, national judge advocate; Rev. John H. Clifford, national chaplain; James W. Rikeman, national sergeant at arms; Henry Ruskofsky, national aide de camp; and Edward Foody, national aide de camp, and their associates and successors, are hereby created a body corporate by the name of "Marine Corps League."

Sec. 2. That the purposes of this corporation shall be: (a) To maintain an organization to render assistance to all marines; (b) to aid the widows and orphans of all deceased marines; (c) to solicit and obtain members, consisting of those who are now serving in the United States Marine Corps, and those who have been honorably discharged from that branch of the military service; (d) to charge and collect membership dues, and to receive contributions of money to be devoted to carrying out the purposes of the organization.

Sec. 3. That the corporation (a) shall have perpetual succession; (b) may sue or may be sued; (c) may adopt a corporate seal and alter it at pleasure; (d) may adopt and alter bylaws not inconsistent with the Constitution and laws of the United States or of any State; (e) may establish and maintain offices for the conduct of its business; (f) may appoint or elect officers and agents; (g) may choose a board of trustees, consisting of not more than 15 persons, nor less than 5 persons, to conduct the business and exercise the powers of the corporation; (h) may acquire by purchase, devise,

bequest, gift, or otherwise, and hold, encumber, convey, or otherwise dispose of such real and personal property as may be necessary or appropriate for its corporate purposes; and (1) generally may do any and all lawful acts necessary or appropriate to carry out the purposes for which the corporation is created.

Sec. 4. That the corporation shall, on or before the 1st day of December in each year, transmit to Congress a report of its proceedings and activities for the preceding calendar year, including the full and complete statement of its receipts and expenditures. Such reports shall not be printed as public documents.

Sec. 5. That the right to alter, amend, or repeal this act at any time is hereby expressly reserved.

Mr. KING. Mr. President, will not the Senator from Massachusetts give us an explanation of this bill?

Mr. WALSH. Mr. President, the bill provides for the incorporation of an organization to assist the marines and widows and orphans of deceased marines. It is recommended by the Navy Department, and the league is to be headed by General Lejeune.

Mr. KING. It involves no expense to the Government?

Mr. WALSH. There will be no expense to the Government at all.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

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

CHIEF CARPENTER WILLIAM F. TWITCHELL, UNITED STATES NAVY

The Senate proceeded to consider the bill (S. 2682) for the relief of Chief Carpenter William F. Twitchell, United States Navy, which was read, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to appoint, by and with the advice and consent of the Senate, Chief Carpenter William F. Twitchell, United States Navy, a naval constructor with the rank of lieutenant on the retired list of the Navy, with pay at the rate of 2½ percent of the active-duty pay of a lieutenant of his length of service multiplied by the number of years of service for which he is entitled to credit in computation of his longevity pay on the active list, not to exceed 75 percent of said active-duty pay.

Mr. WALSH. Mr. President, I wish to state that this bill also is recommended by the Navy Department.

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

BILL PASSED OVER

The bill (S. 696) for the relief of Sylvan M. Levy was announced as next in order.

Mr. McKELLAR. May we have an explanation of this? The Department opposes it, and for that reason, in the absence of explanation, I ask that it go over.

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

CLAIMS OF TURTLE MOUNTAIN BANDS OF CHIPPEWA INDIANS

The Senate proceeded to consider the bill (S. 1786) referring the claims of the Turtle Mountain Band or Bands of Chippewa Indians of North Dakota to the Court of Claims for adjudication and settlement, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and to insert the following:

That the claims of the Turtle Mountain Band or Bands of Chippewa Indians of North Dakota, including the band of Chief or Thomas Little Shell and other isolated bands of Chippewa Indians of North Dakota and Montana, of whatsoever nature, not heretofore determined and adjudicated on their merits by the Court of Claims or the Supreme Court of the United States, arising under or as the result of violation of any treaty, act of Congress, agreement, Executive order, or treaty with any other tribes or nations of Indians, or relating to, affecting or otherwise violating the land occupancy or other rights, as recognized by the officials of the United States, of said band or bands of Indians are hereby referred to the Court of Claims, and jurisdiction is hereby conferred upon said Court of Claims to proceed, according to the principles of law and equity, to find the facts with reference to any claim or claims presented hereunder and report the same to the Congress, together with recommendations hereinafter referred to. The said court shall consider all such claims de novo, without regard to any decision, finding, or settlement heretofore had in respect of any of such claims.

Sec. 2. That any and all claims against the United States under this act shall be forever barred unless the said Turtle Mountain Band or Bands of Indians shall within 3 years from the date of the approval of this act file a petition or petitions in said court setting forth said claims. The claim or claims of the band

or bands aforementioned may be presented separately or jointly by petition or petitions, subject, however, to amendment in the discretion of the court at any time prior to final hearing in the matter. The petition or petitions shall be verified by the respective attorney or attorneys employed to prosecute such claim or claims under contract with the Turtle Mountain Band or Bands of Chippewa Indians, approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law. Official letters, papers, documents, reports, and records, or certified copies thereof, may be used in evidence; and the departments of the Government shall give access to the attorney or attorneys of said Turtle Mountain Band or Bands to such treaties, agreements, papers, reports, correspondence, or records as may be needed by the attorney or attorneys of said band or bands of Indians.

Sec. 3. That said court shall determine the facts as to all claims submitted hereunder, and shall make findings of fact and recommendations to the Congress thereon, notwithstanding lapse of time or statutes of limitation; any payment which may have been made by the United States upon any claim so submitted shall not be pleaded as an estoppel, but may be pleaded as a set-off; and the United States shall be allowed credit for any sum or sums proved to have been heretofore paid or expended directly for said band or bands of Indians, subsequent to the date of any law, treaty, agreement, or Executive order under which the claims arise.

Sec. 4. That said court is hereby authorized and empowered to make findings of fact and to report the same to the Congress of the United States, together with recommendations, (1) relative to any loss sustained by said Indians by reason of the delay in ratification of the agreement of 1892 (33 Stat. 189); (2) as to the acceptance of the amendments made by Congress to said agreement of 1892, whether the acceptance of said amendments by the Indians was voluntary or whether made under compulsion or duress, and as to the loss or damage sustained by said Indians by reason of any action on the part of the United States in securing said acceptance; (3) whether said agreement of 1892 was consented to and ratified by the band of Chief or Thomas Little Shell and the amount of any loss to said band resulting from actions taken under said agreement without the consent of said band; (4) whether said lands to which the band of Chief or Thomas Little Shell had title by occupancy were taken from it without the consent of said band and the value thereof; (5) as to any losses, as near in amount as can be determined, sustained by said Indians by reason of the appropriation of lands ceded by said agreement of 1892 prior to its ratification, and the failure of the United States to reserve sufficient lands to enable the said Indians, including the band of Chief or Thomas Little Shell, to obtain suitable and adequate allotments as provided in said agreement; (6) the costs incurred by said Indians in acquiring allotments on the public domain as a result of any violation of said agreement; (7) as to whether, under said agreement of 1892, the said band or bands of Indians by mistake or otherwise ceded lands which were intended to be retained as a reservation, in particular an area lying about 30 miles west of Red River, being 15 miles in width, for a distance of 65 miles along the Canadian border, and the value of said tract at the time of said cession; (8) as to whether the United States, by Executive order, set aside approximately 1,000,000 acres of the territory occupied by said Indians as a reservation for any other Indian tribe or tribes, without compensating said Indians for the land so taken; (9) whether said Indians had legal or equitable title to said lands so set aside for any other tribe or tribes of Indians, and the reasonable value of said lands at the time of the issuance of the said Executive order; (10) as to the negotiation and execution of said agreement of 1892, and whether the United States obtained cessions of land thereunder from said band or bands of Indians in violation of or contrary to the terms of said agreement authorizing said cession of lands; (11) whether the United States obtained lands from said Indians under mistake of fact; (12) whether the consideration paid by the United States under said agreement of 1892 was adequate and whether any lands were taken from said band or bands of Indians without paying any consideration therefor. Said court shall make its findings with respect to all claims presented hereunder, including any and all other claims which may be presented to the court by said band or bands of Indians not specifically hereinabove set forth, and shall report said findings to the Congress, and shall determine the value of said lands under said claims at the time they were ceded to or taken from said Indians by the United States, and shall recommend to the Congress such amount as may appeal to the conscience of said court under the principles of equity and justice as proper to be paid to said band or bands of Indians in payment for the lands so taken, and damages suffered, including interest thereon from the date of such taking, and in full satisfaction of all claims determined pursuant to this act.

Sec. 5. Upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to recommend a reasonable fee, not to exceed 10 percent of the recovery in each instance, together with all necessary and proper expenses incurred in preparation and prosecution of the suit or suits, to be paid to the respective attorneys employed by the said band or bands of Indians under contracts approved by the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law, and the same shall be included in the findings of said court and shall be paid out of any sum or sums appropriated by the Congress pursuant to this act. The court shall have jurisdiction and is hereby further authorized to determine and recommend to the Congress what amounts, if any, shall be awarded to the respective bands who bring suit or suits hereunder.

Sec. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit or suits any other tribe or band of Indians deemed by it necessary or proper to the final determination of the matters in controversy. A copy of the petition or petitions shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and represent the interests of the United States in such case.

Sec. 7. The proceeds of all amounts, if any, found to be due said Indians and duly appropriated by the Congress, less fees and expenses, shall, upon said appropriation, be deposited in the Treasury of the United States to the credit of the said band or bands of Indians as found by said court to be entitled thereto.

Mr. KING. Mr. President, may I ask the Senator from North Dakota whether this bill is approved by the Indian Bureau and by the Secretary of the Interior? I note that it may involve an expenditure of \$2,500,000.

Mr. FRAZIER. Mr. President, the bill is approved by the Secretary of the Interior, but not by the Budget. It merely authorizes the Court of Claims to hear these claims of the Chippewa Indians of North Dakota, and make recommendations of fact to the Congress. It is not a regular jurisdictional bill, but allows them to go into the Court of Claims.

Mr. KING. Is it a claim based upon the alleged taking of lands belonging to the Indians by the Federal Government, or for the breach of some treaty negotiated between the Government and the Indians?

Mr. FRAZIER. Both. It relates to land that belongs to the Indians that was taken by the Government, and a treaty which has not been carried out.

Mr. McKELLAR. Mr. President, is this somewhat similar to the claim which has been before the Committee on Appropriations in the last few days?

Mr. FRAZIER. This matter has never been before the Committee on Appropriations. It has been before the Committee on Indian Affairs. A similar bill, a regular jurisdictional bill, was passed at the last session, but was vetoed by the President.

Mr. McKELLAR. A great many jurisdictional bills were passed recently authorizing that certain Indian claims be heard before the Court of Claims. Does this add to the number, and if so, in what amount?

Mr. FRAZIER. The Secretary of the Interior states in his report that it will likely amount to about two and a half million dollars.

Mr. McKELLAR. The Indians have about \$3,000,000,000 of claims before the court now, have they not?

Mr. FRAZIER. I do not know the exact amount.

Mr. KING. I think there are claims under jurisdictional bills which have been passed amounting to something like \$3,000,000,000.

Mr. FRAZIER. I know there are pending cases involving quite a large amount, but I do not know how much. However, there is nothing pending for these particular Indians.

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

The amendment was agreed to.

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

The title was amended so as to read: "A bill referring the claims of the Turtle Mountain Band or Bands of Chippewa Indians of North Dakota to the Court of Claims for finding of fact and recommendations to the Congress."

CLAIMS OF KIOWA, COMANCHE, AND APACHE INDIANS

The Senate proceeded to consider the bill (S. 2463) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claim which Kiowa, Comanche, and Apache Tribes of Indians may have against the United States, and for other purposes, which had been reported from the Committee on Indian Affairs with amendments, on page 2, line 18, after the word "approved", to strike out the words "by the Commissioner of Indian Affairs and the Secretary of the Interior; and said contract shall be executed in their behalf by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior" and to insert in lieu the words "and in accordance with existing law"; on page 3, line 10, after the word "suit", to insert

the words "and the United States shall be allowed credit for any payment which may have been made or moneys expended for the benefit of the Kiowa, Comanche, and Apache Indians of Oklahoma under specific appropriations for the benefit of the Indians under the Kiowa, Comanche, and Apache jurisdiction of Oklahoma"; on page 4, line 5, after the word "to", to strike out "10" and to insert in lieu thereof "7½"; on page 4, line 12, at the beginning of the line, to strike out "Sec. 7" and to add a new section at the end of the bill, so as to make the bill read:

Be it enacted, etc., That jurisdiction be, and is hereby, conferred upon the Court of Claims of the United States, notwithstanding the lapse of time or statutes of limitations, to hear, examine, determine, adjudicate, and render judgment in the matter of any and all claims of the Kiowa, Comanche, and Apache Tribes of Indians, for the purpose of compensating said tribes for the taking of lands ceded to them by treaty or treaties with the United States but taken from them by act of Congress without compliance with the terms of the treaty or treaties under which such lands were ceded to such tribes or taken without proper compensation for the value of the lands so taken, or arising under or growing out of any act of Congress in relation to Indian affairs, which claims have not heretofore been determined or adjudicated on their merits by the Court of Claims or the Supreme Court of the United States.

Sec. 2. Any and all claims against the United States within the purview of this act shall be forever barred unless suit be instituted or petition filed as herein provided in the Court of Claims within 5 years from the date of approval of this act, and such suit shall make the Kiowa, Comanche, and Apache Indian Tribes parties plaintiff and the United States party defendant. The petition shall be verified by the attorney or attorneys employed to prosecute such claim or claims under contract with the said tribes approved and in accordance with existing law. Official letters, papers, documents, and records, or certified copies thereof, may be used in evidence, and the departments of the Government shall give access to the attorney or attorneys of said Indian tribes to such treaties, papers, correspondence, or records as may be needed by the attorney or attorneys of said Indian tribes.

Sec. 3. In said suit the court shall also hear, examine, consider, and adjudicate any claims which the United States may have against said Indian tribes, but any payment which may have been made by the United States upon any claim against the United States shall not operate as an estoppel, but may be pleaded as an offset in such suit, and the United States shall be allowed credit for any payment which may have been made or moneys expended for the benefit of the Kiowa, Comanche, and Apache Indians of Oklahoma under specific appropriations for the benefit of the Indians under the Kiowa, Comanche, and Apache jurisdiction of Oklahoma.

Sec. 4. That, from the decision of the Court of Claims in any suit prosecuted under the authority of this act, an appeal may be taken by either party, as in other cases, to the Supreme Court of the United States.

Sec. 5. That upon the final determination of any suit instituted under this act, the Court of Claims shall decree such amount or amounts as it may find reasonable to be paid the attorney or attorneys so employed by said Indian tribes for the services and expenses of said attorneys rendered or incurred prior or subsequent to the date of the approval of this act: *Provided*, That in no case shall the aggregate amounts decreed by said Court of Claims for fees be in excess of the amount or amounts stipulated in the contract of employment, or in excess of a sum equal to 7½ percent of the amount of recovery against the United States.

Sec. 6. The Court of Claims shall have full authority by proper orders and process to bring in and make parties to such suit any or all persons deemed by it necessary or proper to the final determination of the matters in controversy.

A copy of the petition shall, in such case, be served upon the Attorney General of the United States, and he, or some attorney from the Department of Justice to be designated by him, is hereby directed to appear and defend the interests of the United States in such case.

Sec. 7. The net amount of any judgment recovered shall be placed in the Treasury of the United States to the credit of the said Indians, and shall draw interest at the rate of 4 percent per annum and shall be thereafter subject to appropriation by Congress for the benefit of said Indians, including the purchase of lands and building of homes, and be prorated among enrolled members of the Kiowa, Comanche, and Apache Indians for their individual uses, subject to the discretion of the Secretary of the Interior, and no part of said judgment shall be paid out in per capita payments to said Indians.

The amendments were agreed to.

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

NATIONAL PLANNING BOARD

The Senate proceeded to consider the bill (S. 2825) to provide for the establishment of a National Planning Board and the organization and functions thereof, which was read, as follows:

Be it enacted, etc., That there is hereby established a National Planning Board (hereinafter referred to as the "Board") to be composed of five members to be appointed by the President. Each member shall receive a salary at the rate of \$12,000 a year.

Sec. 2. The Board shall determine the rules of its own proceedings and a majority of its members shall constitute a quorum for the transaction of business.

Sec. 3. The Board is authorized, without regard to the provisions of other laws applicable to the employment and compensation of officers and employees of the United States, to appoint for such period or periods of full or part-time service a director and such officers, consultants, attorneys, experts, and research assistants, and to fix the compensation of each on such annual, per diem, or other basis as may be necessary in carrying out the functions of the Board under this act, and the Board may, subject to the civil-service laws, appoint such other employees as are necessary in the execution of its functions and fix their salaries in accordance with the Classification Act of 1923, as amended. The Board may make such expenditures (including expenditures for personal services and travel and for office rent and equipment at the seat of government and elsewhere, and for law books, books of reference, and periodicals) as may be necessary for the administration of this act, and as may be provided for by the Congress from time to time. There is hereby authorized to be appropriated annually such sums as may be necessary for the expenses of the Board.

Sec. 4. The Board is authorized (a) to investigate, examine, study, analyze, assemble, and coordinate, and periodically to review and revise basic information and materials appropriate to plans or planning policies for the conservation and development of the natural, human, and other resources of the Nation, and on the basis thereof to initiate and propose in an advisory capacity such plans and planning policies; (b) to consult with, cooperate, and participate in the work of any existing or future agencies of the Federal Government and of any State or local government, as well as with any public or private planning or research agencies and institutions; (c) to prepare and submit studies, reports, and recommendations upon matters within its jurisdiction under this act whenever the President may request a study, report, or recommendation from the Board upon any such matter; and (d) to set up a special advisory council and to constitute such other agencies as the Board may deem necessary or appropriate to assist in the carrying out of its work.

Sec. 5. The Board shall prepare and present each year to the President a report setting forth and summarizing its work during the preceding year, and shall include therein such information, data, and recommendation for further legislation as the Board may deem advisable with regard to matters within its jurisdiction under this act.

Sec. 6. The National Resources Committee created by Executive Order No. 7065, dated June 7, 1935 (hereinafter referred to as the "old board"), shall cease to exist at such time as the President shall determine; and thereafter all records, papers, property, and funds of the old board shall be transferred to the Board; and such employees of the old board as shall be designated by the Board and shall pass noncompetitive tests of fitness prescribed by the Civil Service Commission shall acquire classified civil-service status and shall become employees of the Board at the grades and salaries specified in their respective examinations: *Provided*, That this section shall not be construed to impair any obligation incurred by the old board.

Sec. 7. This act may be cited as the "National Planning Board Act of 1935."

Mr. McNARY. Mr. President, I should be delighted to have an explanation of the bill; but I have a notation here that I am requested to object, by a Senator who is compelled to be absent. I have no objection to an explanation being made, however.

Mr. COPELAND. Mr. President, perhaps I had better make an explanation of the bill. It was prepared in response to two messages of the President. It will be recalled that in his message last December, and in a special message on the 24th of January, the President recommended the continuance of the National Planning Board, or the National Resources Board, which he had set up under his special powers.

We had a hearing on the bill. The Secretary of the Interior was present, together with Colonel Delano, and other gentlemen who had served on the old board. It was strongly urged by the Committee on Commerce that the Board should be continued.

I wish to say, for myself, that I have great sympathy for this advance planning. I presented a bill here 10 years ago for planning, which if it had been carried out, I think would have been very helpful during the emergency. But here is a bill which is much more comprehensive than any I had in mind. Indeed, we can go back into our own history and find that Hamilton, Jefferson, Gallatin, Clay, and others recom-

mended this very system of advance planning with respect to our natural resources.

Mr. McKELLAR. To all natural resources?

Mr. COPELAND. All natural resources.

Mr. McKELLAR. I have very great sympathy with the idea of planning as to some of them, especially our forests. I think they ought to be taken care of. Does it include the forests?

Mr. COPELAND. It includes the forests and mineral resources. Furthermore, it is contemplated that there shall be a division with the States, so that the States shall profit by it as they have in the past under the emergency operations.

The bill is very enthusiastically supported by the administration, as evidenced not alone by the messages of the President but by the personal appearance of the Secretary of the Interior before the committee.

Mr. McKELLAR. I may say that I was very much astonished not long ago to find that governmental agencies dealing with our forests number 8 or 10, with several sub-bureaus and divisions in many departments. I recall that in as many as three instances, each one was pulling its own way. I think a little planning so far as our Forestry Service is concerned would be highly in order, but how it would apply to other natural resources I am not prepared to say. I am glad to have the Senator's explanation.

Mr. KING. Mr. President, let me say to the Senator from Tennessee that there would be no trouble if the Executive, exercising the power we have given him in one of the bills we have passed, would consolidate the various activities in one bureau.

Mr. COPELAND. There can be no question, however, that it is advantageous to the country to have planning proceed.

I was impressed in the Committee on Appropriations recently by a statement made by a Representative from Nevada, Governor SCRUGHAM, about the importance of advance planning regarding mineral resources which were needed by the Navy and in time of emergency might be greatly needed. Certainly any planning which has to do with the future and the preservation of our natural resources in connection with our future must be very wise planning indeed.

Mr. McKELLAR. I am inclined to think the Senator is correct, especially so far as forestry is concerned, in view of the fact that our forests are being so rapidly depleted. In order to carry out my views I recently introduced a bill, which I should be glad to have the Senator read, to consolidate all the forestry activities into one organization.

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

Mr. BORAH. Does the Senator from New York [Mr. COPELAND] think we ought to pass this bill under the 5-minute rule?

Mr. COPELAND. Yes; I think so.

Mr. BORAH. Then I shall have to look into the matter. The bill provides:

There is hereby established a National Planning Board * * * to be composed of five members to be appointed by the President.

Is that "by and with the advice and consent of the Senate"?

Mr. COPELAND. Yes.

Mr. BORAH. Where does that appear in the bill? The language is:

Each member shall receive a salary at the rate of \$12,000 a year.

I move to strike out "\$12,000" and to insert in lieu thereof "\$10,000."

Mr. McNARY. Mr. President, I suggested earlier, when the matter was brought up, that at the request of an absent Senator I should object to the present consideration of the bill; and I do not think I desire to yield for the purpose of an amendment being attached to the bill. In view of the objection, I ask that the bill go over.

Mr. KING. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The regular order is called for. The clerk will state the next bill on the Calendar.

BILL PASSED OVER

The bill (H. R. 3109) for the relief of Herman W. Bensel was announced as next in order.

Mr. McKELLAR. I should like to have an explanation of that bill. If the Senator in charge of the bill is not present, I ask that the bill be passed over.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 7617) to provide for the sound, effective, and uninterrupted operation of the banking system, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STEAGALL, Mr. GOLDSBOROUGH, and Mr. HOLLISTER were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8492) to amend the Agricultural Adjustment Act, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. JONES, Mr. FULMER, Mr. DOXEY, Mr. HOPE, and Mr. KINZER were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8554) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1935, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1935, and June 30, 1936, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. BUCHANAN, Mr. TAYLOR of Colorado, Mr. OLIVER, Mr. SANDLIN, Mr. TABER, and Mr. BACON were appointed managers on the part of the House at the conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 3059. An act to authorize the acquisition of land on McNeil Island; and

H. R. 7980. An act to protect the revenue of the United States and provide measures for the more effective enforcement of the laws respecting the revenue, to prevent smuggling, to authorize customs-enforcement areas, and for other purposes.

SEVENTEENTH NATIONAL CONVENTION OF AMERICAN LEGION

The Senate proceeded to consider the bill (H. R. 6763) to authorize the Secretary of War to lend War Department equipment for use at the Seventeenth National Convention of the American Legion at St. Louis, Mo., during the month of September 1935, which was ordered to a third reading, read the third time, and passed.

RIGHT-OF-WAY UPON JEFFERSON BARRACKS MILITARY RESERVATION, MO.

The bill (H. R. 7902) to provide a right-of-way was considered, ordered to a third reading, read the third time, and passed.

VETERANS OF FOREIGN WARS 1935 ENCAMPMENT CORPORATION

The bill (H. R. 8400) providing for the loan by the War Department of certain material and equipment to the Veterans of Foreign Wars 1935 Encampment Corporation, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

ROBERT L. MONK

The bill (S. 1683) for the relief of Robert L. Monk was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of that bill?

Mr. BLACK. Mr. President, this is a bill to give a military status to Robert L. Monk. Mr. Monk, according to his statement, served during the Spanish-American War. The commander of his company has testified under oath that he served during that time.

Mr. McKELLAR. The War Department has no record of his service.

Mr. BLACK. The War Department has no record of him, but has a record of a man named Robert L. Marks—M-a-r-k-s. The records at that time seemed to have been kept in handwriting. The commanding officer of the company has testified that there was no Robert L. Marks in the service at any time, and the evidence of Robert L. Monk is supported not only by himself and his commanding officer, but by a number of others, including Raymond Boyd, of Birmingham, Ala., who served with him, and who is known by the Senator from Tennessee. That is this case.

Mr. McKELLAR. I have no objection to the present consideration of the bill.

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

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army Robert L. Monk, of Gadsden, Ala., shall be held and considered to have served honorably in the First Regiment Alabama Volunteer Infantry from May 6, 1898, to October 31, 1898, and to have been honorably discharged from such service: *Provided,* That no compensation, retirement pay, back pay, or other benefit shall be held to have accrued prior to the passage of this act.

ELZA BENNETT

The bill (H. R. 4274) correcting date of enlistment of Elza Bennett in the United States Navy was considered, ordered to a third reading, read the third time, and passed.

GEORGE BRACKETT CARGILL, DECEASED

The bill (H. R. 4623) for the relief of George Brackett Cargill, deceased, was considered, ordered to a third reading, read the third time, and passed.

STATE OF MAINE

The bill (S. 1194) for the relief of the State of Maine was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the State of Maine is hereby relieved from accountability for certain property belonging to the United States, of the value of \$175, which was loaned by the United States Property and Disbursing Officer of the State of Maine, at the request of the municipal officers of the city of Ellsworth, Maine, for emergency relief work at the fire which destroyed a part of the city of Ellsworth, Maine, on May 8, 1933, such property having been unavoidably lost or destroyed in the course of such work, and listed as property shortages in the report of survey dated June 26, 1933.

BILL PASSED OVER

The bill (S. 2330) authorizing the Virgin Islands Co. to settle valid claims of its creditors, and for other purposes, was announced as next in order.

Mr. McNARY. Mr. President, there ought to be some explanation of that bill.

The PRESIDING OFFICER. Is the Senator in charge of the bill prepared to make an explanation of it? [A pause.]

Mr. KING. Let the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

FARM MORTGAGE RELIEF

The bill (S. 3002) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto was announced as next in order.

Mr. HALE. I ask that the bill be passed over.

Mr. McCARRAN. Mr. President, will the Senator withhold his objection for a moment?

The PRESIDING OFFICER. Does the Senator who made objection withhold his objection?

Mr. HALE. I withhold the objection temporarily.

Mr. McCARRAN. There is nothing which will come up at this stage of the congressional proceedings which is more important to the great farming community of this Nation than the bill now under discussion—Senate bill 3002, Calendar No. 1031.

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

Mr. McCARRAN. I yield.

Mr. McKELLAR. Was the bill reported favorably from the Committee on the Judiciary?

Mr. McCARRAN. Yes.

Mr. McKELLAR. Did the Judiciary Committee satisfy itself concerning the constitutionality of the bill? The former bill of a similar character was declared to be unconstitutional by the Supreme Court.

Mr. McCARRAN. A part of the bill.

Mr. McKELLAR. A part of the bill?

Mr. McCARRAN. Yes, Mr. President; the committee satisfied itself on that point.

Mr. McKELLAR. Does the Senator believe this amended bill to be constitutional?

Mr. McCARRAN. Mr. President, I was chairman of the subcommittee which had the bill under consideration. We held hearings on it, and the subcommittee reported it favorably to the full committee. Then it was considered by the full committee, and the full committee reported it favorably to the Senate. I can only affirm our faith in its constitutionality.

That is all I can say. We sought, and the author of the bill sought, to relieve the bill of those provisions which had been declared to be unconstitutional by the Supreme Court. Then the committee sought to clarify the bill so as to make it more uniform, in order that the various district courts throughout the country might look and act upon it with a uniformity of decision.

I should not take the time of the Senate—and I am grateful to the Senator from Maine [Mr. HALE] for the opportunity to say a few words concerning the bill—except for my desire to say that the report we have presented expresses the full view of the committee. In other words, if any bill can be enacted which will be constitutional it will be a bill along these particular lines.

Let me say to the Senator from Maine that after the Supreme Court declared the former act partially unconstitutional, and therefore set it all aside, there was a flood of foreclosures throughout the length and breadth of the country the like of which I do not think has ever occurred before; and today the farming community of America is looking for some enactment such as this which will relieve the situation. The committee has studied the question carefully, and has inserted in the bill a number of amendments seeking to have it conform to what we believe to be constitutional requirements.

Mr. McKELLAR. I will say to the Senator that I am very much in favor of the purposes of the bill. The only question which arose in my mind was as to the constitutionality of the measure. I hope we shall not pass another bill which is unconstitutional, because I am a great believer in the courts.

Mr. McCARRAN. I am just as much a believer in the courts, and I am a great believer in the organic law. I cannot vouch for the constitutionality of the bill, except to say that I believe we have obviated the features which might verge upon unconstitutionality.

I hope the Senate may see fit to pass the bill.

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

Mr. HALE. I ask that the bill be passed over.

Mr. ASHURST. Mr. President, will the Senator from Maine withhold his objection?

The PRESIDING OFFICER. Does the Senator withhold his objection?

Mr. HALE. Yes.

Mr. ASHURST. After the clear statement of the learned Senator from Nevada [Mr. McCARRAN]—who, as he said, was the chairman of the subcommittee of the Senate Committee on the Judiciary which considered this bill—it is needless for me to make a statement, but I emphasize the fact that the Judiciary Committee examined many authorities, and the committee carefully considered this bill.

I am bound to confess that I misguessed the original Frazier-Lemke bill. I believed that under the Constitution, which gives Congress the power—

To establish * * * uniform laws on the subject of bankruptcies—

The Court would hold that law to be constitutional; but the Court took the view that the old Frazier-Lemke law violated the fifth amendment, which provides that—

No person shall * * * be deprived of life, liberty, or property without due process of law.

This bill is an earnest and, I believe, an able effort to meet the objection announced by the Court when it declared the old Frazier-Lemke law to be unconstitutional. In other words, without any attempt to defy the Court or to circumvent the Constitution, I believe the learned members of the Judiciary Committee have done a good work on this bill. If it be within the power of Congress to pass a law upon the subject, I believe this bill will meet the objections of the Supreme Court.

I recognize the right of any Senator to object, but I wish to say that if Congress can constitutionally pass such a law at all it would be similar to this one; and I hope the able Senator from Maine may see fit to withdraw his objection. I fully respect his right to object if he sees fit.

Mr. HALE. I have no objection to the bill. I do not know anything about it. It merely seems to me that a bill of this importance ought to be studied and ought to be debated on the floor; and I therefore did not think action ought to be taken on it at this time.

Mr. KING. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The Senator from Utah [Mr. KING] asks for the regular order. Is there objection to the present consideration of the bill?

Mr. HALE. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

LAND IN CEDAR CITY, UTAH

The Senate proceeded to consider the bill (S. 382) to provide for the purchase of a certain lot of land in Cedar City, Utah, which had been reported from the Committee on Public Buildings and Grounds, with amendments, on page 1, line 3, after the word "is", to strike out "authorized and directed to purchase" and insert "authorized, in his discretion, to acquire by purchase, condemnation, or otherwise, for such sums as he may deem reasonable"; and on page 2, line 4, after the word "thence", to strike out "east 197½ feet, thence south 29 feet, thence west 197½ feet to the place of beginning" and insert "north 29 feet, thence west 197 feet to a point on the east side of Main Street, thence south 29 feet to the point or place of beginning", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized, in his discretion, to acquire by purchase, condemnation, or otherwise, for such sum as he may deem reasonable, as an addition to the grounds of the post office at Cedar City, Utah, the following-described lands, containing 5,727.5 square feet, more or less, adjoining the present grounds of such post office: Beginning at a point 3 feet north of the southwest corner of lot 3, block 37, plat B, Cedar City town survey as platted in the official map of said survey filed in the office of the county recorder of Iron County, east 197½ feet, thence north 29 feet, thence west 197 feet to a point on the east side of Main Street, thence south 29 feet to the point or place of beginning.

The amendments were agreed to.

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

CONSIDERATION OF CALENDAR UNDER RULE VIII

Mr. BORAH. Mr. President, I wish to take this opportunity to suggest that at some time in the near future we have a day on the calendar under rule VIII, so that such meas-

ures as the one that has just been passed over and other measures may have an opportunity to be heard. I hope that an arrangement will be made to the effect.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived—

Mr. McNARY. Mr. President, an agreement was made on Friday last, when I objected to the consideration of the unfinished business, to lay aside the unfinished business temporarily, so that the call of the calendar might be proceeded with.

The PRESIDING OFFICER. The Chair is advised that the Senate is acting under that unanimous-consent agreement, and the clerk will report the next bill on the calendar.

Mr. LEWIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. LEWIS. Will the Senate now continue with the consideration of bills which may be considered under the 5-minute rule, or, the hour of 2 o'clock having arrived, does that limit the consideration under that order?

The PRESIDING OFFICER. The Chair is advised that by unanimous consent it was agreed that the ordinary rule for discontinuing the call of the calendar at 2 o'clock was set aside, and that the call of the calendar should continue.

Mr. LEWIS. Therefore, the bill discussed by the Senator from Arizona and the Senator from Nevada cannot now be called up under rule VIII?

The PRESIDING OFFICER. The Chair is advised that the agreement was that unobjected bills on the calendar should be called, and there should not be a call under rule VIII in the ordinary sense.

Mr. KING. I ask for the regular order.

The PRESIDING OFFICER. The regular order is called for. The clerk will state the next bill in order on the calendar.

LAND IN LYONS, N. Y.

The bill (S. 2958) authorizing the Secretary of the Treasury to execute a quitclaim deed of certain land located in the village of Lyons, N. Y., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and empowered to sell and convey by the usual quitclaim deed to the owner of record of the land abutting the northwesterly side of the post-office site at Lyons, N. Y., a parcel of land forming a part of said site on which there encroaches a portion of a building now or formerly designated as the "Hotel Wayne"; the land covered by the encroachment being described as lying and being in the village of Lyons, county of Wayne, State of New York: Beginning at a point in the northwesterly side of the present post-office site, which point is 100.05 feet northwesterly and 140 feet southwesterly from the intersection of the southwesterly side of Pearl Street with the northwesterly side of Williams Street; running thence in a southwesterly direction along the northwesterly boundary of the post-office site a distance of approximately 14 feet to a point; thence in a southeasterly direction a distance of approximately 6 feet to a point; thence in a northeasterly direction parallel with the northwesterly boundary of the post-office site a distance of approximately 14 feet to a point; thence in a northwesterly direction a distance of approximately 6 feet to the point or place of beginning.

LAND IN STROUDSBURG, PA.

The bill (H. R. 5920) to authorize the conveyance of certain Government land to the borough of Stroudsburg, Monroe County, Pa., for street purposes and as a part of the approach to the Stroudsburg viaduct on State Highway Route No. 498, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, empowered and authorized to convey, by the usual quitclaim deed, to the Borough of Stroudsburg, Monroe County, Pa., for street purposes and as a part of the approach to the Stroudsburg viaduct on State Highway Route No. 498 and no other, that portion of the post-office site in said borough, bounded and described as follows, to wit: Beginning at the southwest corner of the intersection of Seventh and Ann Streets, in the Borough of Stroudsburg, said corner being opposite station 1244 plus 97 and 16 feet from the center line of the said Seventh Street; thence along the west side of said Seventh Street, south 20°36' east 124.44 feet to a point; thence by land of United States Government, of which this parcel is a part along a curved line to the right having a radius of 186.6 feet, a distance of 57.54 feet and subtended by a chord north 29°26' west 57.31 feet to a point on tangent; thence by the same, north 20°36' west, 67.96 feet to a point on the south line of Ann

Street; thence along the same, north 70°24' east 8.8 feet to the beginning, containing twenty-one one-thousands acre: *Provided,* That the land conveyed shall be used for street purposes and as a part of the approach to the Stroudsburg viaduct on State Highway Route No. 498 and no other, to be cared for and maintained as are other public streets in said borough; and in the event that the premises shall cease to be so used as herein stated, the right, title, and interest in the land herein authorized to be conveyed shall revert to the United States, and the deed or instrument of conveyance shall recite such limitation and reversionary right.

LAND IN ANDERSON, S. C.

The bill (H. R. 6983) to provide for the transfer of certain land in the city of Anderson, S. C., to such city, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to transfer to the city of Anderson, S. C., all the right, title, and interest of the United States in and to a certain portion of the post-office site in such city, described as follows: A strip of land, 7 feet in width, fronting on north Main Street and extending for a distance of 150 feet from Federal Street (being the entire length of the post-office site fronting on north Main Street), upon the payment by the city to the United States of such amount as the Secretary of the Treasury in his discretion considers to be the fair value of the land conveyed to the city for the street-widening purposes. Such strip of land is required by such city for the widening of north Main Street.

BILL PASSED OVER

The bill (S. 1820) to provide warrant officers of the Coast Guard parity of promotion with warrant officers of the Navy, was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of that bill? If not, I ask that it go over.

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

FISHING CHANNELS IN SILTCOOS AND TAKENITCH RIVERS, OREG.

The bill (S. 620) to authorize the periodic construction of channels for fishing purposes in the Siltcoos and Takenitch Rivers, in the State of Oregon, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Bureau of Fisheries, under the direction of the Secretary of Commerce, is authorized and directed to construct and maintain channels in the Siltcoos and Takenitch Rivers, in the State of Oregon, at such times and in such manner as may be necessary to enable spawning fish to reach the Siltcoos and Takenitch Lakes through such rivers from the Pacific Ocean, and thereby improve such lakes for fishing purposes. The Forest Service, Department of Agriculture, and the Chief of Engineers, War Department, shall cooperate with the Bureau of Fisheries in the construction and maintenance of such channels.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$1,000 annually, or so much thereof as may be necessary, to carry out the provisions of this act.

LOAD LINES FOR AMERICAN VESSELS

The bill (S. 2002) to provide for the establishment of load lines for American vessels in the coastwise trade, and for other purposes, was announced as next in order.

Mr. LA FOLLETTE. I ask that the bill go over.

Mr. COPELAND. Mr. President, will the Senator withhold his objection for a moment?

Mr. LA FOLLETTE. I shall have to insist upon my objection; but if the Senator from New York wishes to make an explanation, I will withhold it temporarily.

Mr. COPELAND. Oh, no; I have no desire to waste my oratory.

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

BILL PASSED OVER

The bill (S. 3071) providing for the placing of improvements on the areas between the shore and bulkhead lines in rivers and harbors, was announced as next in order.

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

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

REGULATION OF COMMERCE IN FIREARMS

The bill (S. 3) to regulate commerce in firearms was announced as next in order.

Mr. McNARY. Mr. President—

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. Objection is heard.

Mr. COPELAND. I inquire who made the objection?

The PRESIDING OFFICER. Objection was raised by several Senators. The Chair was unable to determine which Senators objected.

Mr. McNARY. Mr. President, I did not object; I simply rose to request a formal and definite statement as to the purposes of the bill.

Mr. COPELAND. Mr. President, I shall be glad to make such a statement. A very extensive hearing was accorded, indeed, several hearings, were accorded this bill. As originally reported, it incurred the opposition of sportsmen and other respectable citizens who are the owners of firearms, but finally the bill was worked out by a committee consisting of the Rifle Association, the Pistol Association, members of the so-called "Crime Committee", and our own experts. A bill has now been formulated which seeks to protect, so far as it is possible to do so, against the crook, by making it difficult for him to gain possession of arms and ammunition, but, at the same time, not interfering with the honest man.

The bill provides that wherever the State law requires a license as a prerequisite to an individual carrying a gun, in order to buy ammunition the owner of such gun must present his credentials, his card, showing that he has a license to carry the gun. That would militate against the crook, because the crook would not have such a license, and, therefore, he could not buy ammunition. So, largely, it is through the control of the ammunition that we seek to make it safe for the community and for the honest man.

I may assure the Senator that, so far as those forces are concerned which were in bitter opposition to the previous bill—and every Senator here last year, no doubt, received innumerable letters indicating such opposition—that opposition has entirely evaporated, and, on the contrary, it has developed into support of the bill.

Mr. McKELLAR. Mr. President, to what kind of firearms does the bill apply? Does it apply to all kinds? If a man wanted to carry a shotgun, for instance, for hunting, would it apply to him?

Mr. COPELAND. No; it applies chiefly to small arms.

Mr. McKELLAR. If it applies to revolvers, that would be one thing, but if it applies to all firearms there might be objection to it.

Mr. KING. Mr. President, will the Senator from New York yield?

Mr. COPELAND. Yes.

Mr. KING. The Senator will bear in mind that we have a constitutional provision that right of the people to keep and bear arms shall not be infringed. I was wondering if this bill was not in contravention of the constitutional provision?

Mr. COPELAND. I do not think so at all. The Senator will recall that when we had before the Senate committee a bill introduced by the Senator from Kansas [Mr. CAPPER], all those constitutional questions were considered at the time.

I wish to make clear to the Senate if I can—and if I misstate the fact word will come back very soon—that this bill is now supported by all those who have heretofore objected to such control as it provides, and it does not apply at all in the States where there is no law. If a State does not choose to have a licensing law, the bill does not apply to such State, but it does apply to those States which have licensing laws.

Mr. McKELLAR. How does the Senator avoid the second amendment to the Constitution, which provides:

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

I am in sympathy with the bill of the Senator—

Mr. COPELAND. Will not the Senator read it all together? The part relating to militia is important; the statement as to the militia is, of course, in the first part of the constitutional provision.

Mr. McKELLAR. Yes; but, while it refers to the militia, the provision is all-inclusive and provides that the right of the people to keep and bear arms shall remain inviolate.

Mr. COPELAND. There is not a thing in the bill which interferes with any constitutional right.

Mr. McKELLAR. If it does not interfere with that right, that presents a different situation.

Mr. COPELAND. I am sure, from the long argument that has been had by the constitutional lawyers in connection with the hearings on the bill, the Senator need have no anxiety. Let me again impress upon the Senate the thought that the bill does not apply to those States which have no law on the subject. It does apply to a State such as my own, where a man must have a license in order to have a firearm, and when he buys ammunition he must present that license in order to make sure that he has a right to buy it. This bill is aimed at the crook who can now buy ammunition without any restriction whatever, without any regard to the rights and safety of the people. When we realize that since the war a million pistols have been imported into this country and that 500,000 have been made and sold, so that now, almost without any means of protection, a pistol may be had and used in violence against the person of the honest citizen, we can understand the great need for a bill of this character.

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

Mr. BORAH. Mr. President, I should like to ask the Senator from New York a question regarding this bill. It is a long bill, embracing about 10 pages. Does it provide, in effect, that no one may acquire arms shipped in interstate commerce unless he has a license to secure them?

Mr. COPELAND. If a gun is shipped into a State where a license is required to have possession of a firearm, it can not be lawfully received except by a person who has such a license. It does not apply at all to other States which do not require licenses.

Mr. BORAH. In other words, it is simply in aid of the States to enforce their law?

Mr. COPELAND. That is correct.

Mr. BORAH. And is nothing more than that?

Mr. COPELAND. That is its purpose.

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

There being no objection, the Senate proceeded to consider the bill (S. 3) to regulate commerce in firearms, which had been reported from the Committee on Commerce, with amendments.

The first amendment was in section 1, on page 2, line 5, after the word "explosive", to strike out "or expanding gases"; on line 13, after the word "or", to strike out "component parts thereof" and insert "cartridge cases, primers, bullets, or propellant powder"; in line 20, after the word "manufacturing", to strike out "special barrels, stocks, or trigger mechanisms which are fitted to guns for the purpose of improving their accuracy" and insert "or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms"; and on page 3, line 8, after the word "who", to strike out "is fleeing" and insert "has fled from any State, Territory, the District of Columbia, or possession of the United States", so as to make the section read:

That as used in this act—

(1) The term "person" includes an individual, partnership, association, or corporation.

(2) The term "interstate or foreign commerce" means commerce between any State, Territory, or possession (including the Philippine Islands), or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession (including the Philippine Islands), or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

(3) The term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive; and a firearm muffler or firearm silencer.

(4) The term "machine gun" means any weapon which shoots or is designed to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

(5) The term "manufacturer" means any person engaged in the manufacture or importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellant powder for purposes of sale or distribution; and the term "licensed manufac-

turer" means any such person licensed under the provisions of this act.

(6) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breech mechanisms to firearms, and the term "licensed dealer" means any such person licensed under the provisions of this act.

(7) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than 1 year.

(8) The term "fugitive from justice" means any person who has fled from any State, Territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(9) The term "ammunition" shall include all pistol or revolver ammunition except .22-caliber rim-fire ammunition.

The amendment was agreed to.

The next amendment was, in section 2, page 3, at the beginning of line 24, to strike out "firearm to have been so transported or shipped" and insert "firearms or ammunition to have been transported or shipped in violation of subdivision (a) of this section"; on page 4, at the beginning of line 13, to strike out "who is under indictment or who has been convicted in any" and insert "knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any"; in line 18, after the word "or", to strike out "who"; on page 5, line 7, after the word "transported", to insert "or received, as the case may be, by such person"; on line 12, after the word "believe", to insert "the", and in line 13, after the word "been", to strike out the word "so"; in line 23, after the word "or", to insert the word "knowingly"; and on page 6, line 3, after the word "received", to insert "as the case may be, by the possessor", so as to make the section read:

SEC. 2. (a) It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce.

(b) It shall be unlawful for any person to receive any firearm or ammunition transported or shipped in interstate or foreign commerce in violation of subdivision (a) of this section, knowing or having reasonable cause to believe such firearms or ammunition to have been transported or shipped in violation of subdivision (a) of this section.

(c) It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm or ammunition in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a license be obtained for the purchase of such firearm, unless such license is exhibited to such manufacturer or dealer by the prospective purchaser.

(d) It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions (including the Philippine Islands), or the District of Columbia of a crime of violence or is a fugitive from justice.

(e) It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is a fugitive from justice to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(f) It shall be unlawful for any person who has been convicted of a crime of violence or is a fugitive from justice to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, and the possession of a firearm or ammunition by any such person shall be presumptive evidence that such firearm or ammunition was shipped or transported or received, as the case may be, by such person in violation of this act.

(g) It shall be unlawful for any person to transport or ship or cause to be transported or shipped in interstate or foreign commerce any stolen firearm or ammunition knowing, or having reasonable cause to believe, the same to have been stolen.

(h) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or ammunition or to pledge or accept as security for a loan any firearm or ammunition moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe, the same to have been stolen.

(i) It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall

be presumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of this act.

The amendment was agreed to.

Mr. KING. Mr. President, I think I shall object. There are so many provisions which are broader than those indicated by my friend from New York. For instance, subdivision 8 attempts to define fugitives from justice and incorporates in this bill relating to firearms matters that are not pertinent and not relevant and not cognate to the question under consideration. While I have great sympathy with the bill, I think I shall object.

The PRESIDING OFFICER. Objection is made.

Mr. COPELAND. Mr. President, I hope the Senator will not object. In this country practically every crime of violence is committed by the use of the pistol.

Mr. McKELLAR. Why should not the Senator confine his bill to pistols and machine guns?

Mr. COPELAND. Machine guns have already been taken care of by another bill.

Mr. McKELLAR. Why should it not be confined to the particular kinds of weapons which are used to take life? We rarely hear of a man being killed by a shotgun or a rifle.

Mr. KING. Mr. President, if the Senator will pardon me, I know that he will not be angry with me for insisting on my right. However, the bill, for instance, attempts to define the term "crime of violence" and other offenses. Such definitions ought not to be included, it seems to me, in a bill of this character. I insist on my objection.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over. The clerk will state the next bill in order on the calendar.

BILLS PASSED OVER

The bill (H. R. 1714) for the relief of Russell H. Lindsay was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

Mr. TRAMMELL. Mr. President, this is a House bill for the relief of Russell H. Lindsay. The circumstances were that when he entered the naval service he was examined on two or three occasions at different posts and given a perfect record as to health and physical condition. Sometime after he had entered the service there was another examination, and at that time it was reported that there was a slight appearance of tubercular trouble. The case was then taken up at a later time by a general board, and when the hearing was held certain members of the board found, according to their opinion, that he was not in good health at the time he entered the service and that his disability was not acquired after entering the service. Other members of the board held to the contrary.

Mr. McKELLAR. The Department recommends very strongly against the bill.

Mr. TRAMMELL. Yes; the Department recommends against it, but the facts are pretty fully set out. No doubt the circumstances actuated the House in passing the bill, and the Senate committee thought we might give the young man the benefit of the doubt in recommending the bill.

The PRESIDING OFFICER (Mr. RUSSELL in the chair). Is there objection to the present consideration of the bill?

Mr. KING. I object.

The PRESIDING OFFICER. The bill will be passed over.

BRIG. GEN. EDWARD R. CHRISMAN

The Senate proceeded to consider the bill (S. 2021) to recognize the service of Brig. Gen. Edward R. Chrisman.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

Mr. BORAH. Mr. President, this is a bill introduced by my colleague [Mr. POPE], who is necessarily absent today. The bill provides as follows:

That the President of the United States is hereby authorized and directed to designate Brig. Gen. Edward R. Chrisman, retired, as professor of military science and tactics emeritus at the University of Idaho, at Moscow, Idaho, during the remainder of his natural life.

Mr. McKELLAR. Will it bring about any charge against the Government?

Mr. BORAH. Not a cent.

Mr. McKELLAR. I have no objection.

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

PETTUS H. HEMPHILL

The bill (S. 2558) for the relief of Pettus H. Hemphill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the advice and consent of the Senate, Pettus H. Hemphill, late a captain in the Air Service, United States Army, to be captain, Air Service, and to take rank as if he had remained continuously in the service.

CRIMINAL PROCEDURE FOR ALASKA

The Senate proceeded to consider the bill (S. 2867) to reenact section 463 of the act of Congress entitled "An act to define and punish crime in the District of Alaska, and to provide a code of criminal procedure for said District", approved March 3, 1899, and for other purposes, which had been reported from the Committee on the Judiciary with amendments.

The first amendment was on page 2, in line 15, after the word "may" to strike out "prescribe: And provided further, That chapter 12 of title I of said first above-mentioned act be amended by adding after section 138 another section to be numbered 139, and to read as follows", and to insert the word "prescribe", so as to make the section read:

That section 463 of the act of Congress entitled "An act to define and punish crime in the District of Alaska and to provide a code of criminal procedure for said District", approved March 3, 1899 (30 Stat. 1337, 1338, as amended by the act of June 6, 1900 (31 Stat. 332), is hereby reenacted; said section as reenacted reading as follows:

"Sec. 463. That the licenses provided for in this act shall be issued by the clerk of the district court or any subdivision thereof in compliance with the order of the court or judge thereof duly made and entered; and the clerk of the court shall keep a full record of all applications for license and of all recommendations for and remonstrances against the granting of licenses and of the action of the court thereon: *Provided*, That the clerk of said court and each division thereof shall give bond or bonds in such amount as the Secretary of the Treasury may require and in such form as the Attorney General may approve, and all moneys received for licenses by him or them under this act shall, except as otherwise provided by law, be covered into the Treasury of the United States, under such rules and regulations as the Secretary of the Treasury may prescribe."

The amendment was agreed to.

The next amendment was, on page 2, beginning in line 20, to strike out the following paragraph:

Sec. 139. That no person shall break, take from the nest, or have in possession the eggs of any crane, wild duck, brant, or goose; nor shall any person transport or ship out of said Territory the eggs or the contents of the eggs of any crane, wild duck, brant, or goose; nor shall any person, common carrier, or other transportation company carry or receive for shipment such eggs or the contents of said eggs, and any person or company who shall have in possession or receive for shipment or transportation any eggs or the contents of any eggs of the crane, wild duck, brant, or goose shall be guilty of a misdemeanor and upon conviction be punished as provided in this section. Any person or company violating the provisions of this section shall be punished by a fine not exceeding \$500 or imprisonment not exceeding 6 months.

Mr. ROBINSON. Mr. President, will the Senator who is the author of the bill state its effect and purpose?

Mr. BURKE. Mr. President, the Attorney General reported favorably on the bill, setting out the fact that in the repeal of certain prohibitory laws in the district of Alaska a certain section was repealed by inadvertence. The bill is merely to correct the action heretofore taken by mistake.

Mr. ROBINSON. Very well; I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

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

INDIAN CLAIMS COMMISSION

The Senate proceeded to consider the bill (S. 2731) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes, which had been reported from the Committee on Indian Affairs with amendments.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill?

Mr. THOMAS of Oklahoma. Mr. President, the bill has to do with claims of Indian tribes against the Government. At the present time such claims are given a status by act of Congress. The claims are filed with the Court of Claims. It takes 5 to 15 years to get a case ready, have it tried, and get it adjudicated before it comes back to Congress. For years the departments interested have been trying to find some plan to shorten the time involved. The bill embodies the plan recommended by the Indian Bureau, by the Department of the Interior, by the Bureau of the Budget, by the Department of Justice, and by the General Accounting Office. The bill has been amended to conform to the amendments suggested by the Department of Justice.

Mr. McKELLAR. Does it change the rule of the present law as to how the claims shall be adjudicated?

Mr. THOMAS of Oklahoma. No; it does not. It provides a plan for getting the claims into court and having them tried. It provides for three commissioners to be appointed by the President and confirmed by the Senate. These commissioners would be the agents of the Congress to consider the claims and report to the Congress for its consideration.

Mr. McKELLAR. The Senator will recall that before the committee, of which he and I are both members, it has been stated that more than \$3,000,000,000 have been claimed, and if the claims were allowed and their payment expedited it would be rather a severe strain on the Treasury.

Mr. THOMAS of Oklahoma. Yes. The claims are filed in the maximum amount and the offsets are not anticipated.

The record shows that when the claims are filed, investigation is made which oftentimes discloses that nothing is due the Indian tribe. Even though a claim is filed in a large amount, usually a small amount has been found to be due the Indians. While it may be true the Indians claim \$3,000,000,000, yet in the final adjudication if they should get a few million dollars they would be lucky.

Mr. McKELLAR. Have all the amendments asked for by the Department of Justice been incorporated in the bill?

Mr. THOMAS of Oklahoma. They have.

Mr. McKELLAR. I have no objection.

The PRESIDING OFFICER. The amendments will be stated.

The first amendment of the Committee on Indian Affairs was, in section 2, on page 2, line 19, after the word "all", to insert the words "claims arising under the Constitution, laws, or treaties of the United States and all"; on page 3, line 16, to strike out the word "complainant" and insert the word "complainants"; in line 18, to strike out the words "commission, and" and insert the words "commission; and in connection with claims so transferred"; in line 21, after the words "regardless of the", to strike out the words "terms of any", and insert the words "provisions of any other law or of any"; and in line 23, after the word "claims" to insert the words:

Provided, That in cases now pending in the Court of Claims the transfer thereof to the Commission shall be made upon motion of the attorney of record for claimant in each case with the approval of the Secretary of the Interior and such attorney or attorneys shall proceed under his or their approved existing contract according to its terms.

So as to make the section read:

Sec. 2. It shall be the duty of the Commission to investigate all claims against the United States of any Indian tribe, band, or other communal group of American Indians residing within the territorial limits of the United States or Alaska, to ascertain and determine all of the facts relating thereto and all questions of mixed law and fact as may be incidental to such determination, and, on the basis of the facts found by it, to ascertain and determine the merits of all such claims and to make findings with reference thereto. Such claims shall include all claims arising

under the Constitution, laws, or treaties of the United States and all those whether sounding in contract or tort or otherwise with respect to which the claimant would have been entitled to redress in any court of the United States if the United States were subject to suit; and all claims of whatsoever nature on account of any breach of duty committed by any officer or agent while purporting to act in the name or on behalf of the United States; and all further claims under all treaties heretofore negotiated between the claimant and the United States but not formally ratified or executed by all of the parties thereto; and those claims of whatsoever nature which would arise on a basis of fair and honorable dealings unaffected by rules of law, and those which would result if the treaties, contracts, and agreements between the claimant and the United States were revised on the ground of fraud, duress, or mutual or unilateral mistake whether of law or fact. Any such claim now pending in the Court of Claims, and any such claim previously referred by Congress to the Court of Claims and not yet filed in such court may be transferred, together with all the documents and certified copies of all the records relating thereto, by the complainants to the Commission at any time within the period provided for presentation of claims to the Commission; and in connection with claims so transferred all further proceedings with respect thereto shall be had under the provisions of this act regardless of the provisions of any other law or of any act giving jurisdiction of such claims to the Court of Claims: *Provided*, That in cases now pending in the Court of Claims the transfer thereof to the Commission shall be made upon motion of the attorney of record for claimant in each case with the approval of the Secretary of the Interior and such attorney or attorneys shall proceed under his or their approved existing contract according to its terms. No claim shall be excluded because of the provisions of any other statute; nor because it has already been presented to the Congress; nor on the ground that it has become barred under any rule of law or equity, or by reason of any treaty or statute; nor on the ground of a prior adjudication with respect thereto in any judicial, administrative, or other proceeding between the same parties: *Provided, however*, That the Commission, when ascertaining the merits of any claim, shall take into consideration, and may inquire into, all previous adjudications or settlements of such claim and all payments made by the United States on its account. In any case wherein the Commission determines that a claim has merit under the provisions of this act, the General Accounting Office and the Indian Office, upon request of the Commission, shall furnish such information as in the judgment of the Commission is required for the determination of set-offs.

The amendment was agreed to.

The next amendment was, in section 3, on page 4, line 25, after the period, to insert the words "such report shall show how each Commissioner voted upon such claims", so as to make the section read:

SEC. 3. The Commission shall make a detailed report to the Congress of its findings of the facts of each claim, the conclusions reached as to the merits of such claim and the reasons therefor, together with an appropriate recommendation for action or non-action by that body. Such report shall show how each Commissioner voted upon such claims. If any claim shall be ascertained to be without merit in law or in fact, the Commission shall so report. If any claim shall be found to rest on some legal, equitable, or sound moral obligation, the recommendation shall be for a direct appropriation by the Congress in a specific amount, or other adequate relief, or for the passage of an act giving jurisdiction of such claim to the Court of Claims.

In all proceedings brought pursuant hereto in the Court of Claims all determinations of fact by the Commission shall be accorded prima facie weight.

The amendment was agreed to.

The next amendment was, in section 6, on page 6, line 17, after the words "Commission an", to strike out the words "attorney at law", and insert the words "attorney or attorneys at law", so as to make the section read:

SEC. 6. The recognized representatives of each such tribe, band, or other communal group of Indians may retain to represent its interests in the presentation of claims before the Commission an attorney or attorneys at law, whose employment and the terms thereof shall be subject to the provisions of sections 2103, 2104, 2105, and 2106 of the Revised Statutes, and whose practice before the Commission shall be governed by rules and regulations hereby authorized to be formulated by the Commission. The Attorney General or his assistants shall represent the interests of the United States in connection with all matters pertaining to this act.

The amendment was agreed to.

The next amendment was, on page 7, line 7, after the words "United States", to insert the words "or Alaska", so as to make the section read.

SEC. 7. The Commission shall make a complete and thorough search for all evidence affecting such claims, utilizing all documents and records in the possession of the Court of Claims and the several Government bureaus and offices. The Commission or any of its members or authorized agents may hold hearings, examine witnesses, and take depositions in any place in the United States

or Alaska, and any of the commissioners may sign and issue subpoenas for the appearance of witnesses and the production of documents from any place in the United States or Alaska at any designated place of hearing. In case of disobedience to a subpoena, the Commission may obtain an order from any court of the United States requiring obedience to that subpoena; and any failure to obey such order shall be punished by such court as a contempt thereof. Witnesses subpoenaed to testify before the Commission, witnesses whose depositions are taken pursuant to this act, and the officers or persons taking the same, shall be severally entitled to the same fees and mileage as are paid for like services in the courts of the United States.

The amendment was agreed to.

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

SURPLUS REAL PROPERTY ACQUIRED BY FEDERAL AGENCIES

The Senate proceeded to consider the bill (S. 2888) to provide for the disposition, control, and use of surplus real property acquired by Federal agencies, and for other purposes, which was read as follows:

Be it enacted, etc., That notwithstanding any other provisions of law, whenever any real property located outside of the District of Columbia, exclusive of military or naval reservations, heretofore or hereafter acquired by any Federal agency, by judicial process or otherwise in the collection of debts, purchase, donation, condemnation, device, forfeiture, lease, or in any other manner, is, in whole or in part, declared to be in excess of its needs by the Federal agency having control thereof, or by the President on recommendation of the Secretary of the Treasury, the Director of Procurement, with the approval of the Secretary of the Treasury, is authorized (a) to assign or reassign to any Federal agency or agencies space therein: *Provided*, That if the Federal agency to which space is assigned does not desire to occupy the space so assigned to it, the decision of the Director of Procurement shall be subject to review by the President; or (b) to lease such real property on such terms and for such period not in excess of 5 years as he may deem in the public interest; or (c) to sell the same at public sale to the highest responsible bidder upon such terms and after such public advertisement as he may deem in the public interest.

SEC. 2. Whenever after investigation it is determined by the Director of Procurement that any such real property should be used for the accommodation of any Federal agency or agencies, the Director of Procurement is authorized to make any repairs thereto or alterations thereof which he deems necessary or advisable and to maintain and operate the same. To the extent that the appropriations of the Procurement Division not otherwise allocated are inadequate for such repairs, alterations, maintenance, or operation, the Director of Procurement may require each Federal agency to which space has been assigned therein pursuant to the provisions of section 1 of this act to pay promptly by check to the Procurement Division out of its appropriation for rent, either in advance of or upon or during occupancy of such space, all or part of the estimated or actual cost of such repairs, alterations, maintenance, and operation: *Provided*, That the total amount so to be paid shall be determined and equitably apportioned by the Director of Procurement among the Federal agencies to whom space has been so assigned: *Provided further*, That the amount so charged against any Federal agency shall be computed at a rate not in excess of that paid as rent by such agency immediately preceding such assignment for space in lieu of which space is so assigned to it, and if it is less, the difference shall be deposited in the Treasury as miscellaneous receipts: *And provided further*, That in the event such space is not assigned in lieu of existing space, the amount so charged shall be computed at a rate not in excess of that which the Director of Procurement determines, with the approval of the Secretary of the Treasury, would have been paid as rent for corresponding space during the current fiscal year, and if it is less, the difference shall be deposited in the Treasury as miscellaneous receipts. If a Federal agency subject to this proviso disagrees with the amount the Director of Procurement so determines would have been paid as rent, the determination of the Director of Procurement shall be subject to review by the President.

SEC. 3. The Director of Procurement, with the approval of the Secretary of the Treasury, is further authorized to procure space by lease, on such terms and for such period not in excess of 5 years as he may deem in the public interest, for the housing of any Federal agency or agencies outside of the District of Columbia, and to assign and reassign space therein in the same manner as is authorized with respect to surplus real property by section 1 of this act, and to require the Federal agencies to whom space is assigned therein to pay the total expenditures required under such lease during its entire term in the manner specified in section 2 of this act.

SEC. 4. The Director of Procurement, with the approval of the Secretary of the Treasury, is authorized to make such regulations as may be necessary to carry out the provisions of this act.

SEC. 5. The term "Federal agency", as used in this act, means any executive department, independent establishment, commission, board, bureau, division, or office in the executive branch, or other agency of the United States, including corporations wholly owned by the United States.

Mr. ROBINSON. Mr. President, I observe the author of the bill is present. This appears to be a measure of considerable importance. I should like to have an analysis of it.

Mr. CLARK. Mr. President, the purpose of the bill is simply a measure of economy to enable the Director of Procurement to utilize for various activities of the Government surplus building space owned by the Government in various communities outside of the city of Washington. Perhaps I can best illustrate the purpose of the bill by stating to the Senator from Arkansas and to the Senate the way my attention happened to be directed to the question.

For many years, as the Senator from Arkansas knows, the Government has occupied a rather large and commodious building on Olive Street in the city of St. Louis for all Federal purposes, including the Federal court and a branch of the Post Office Department. This building finally became inadequate for housing the Government activities, and with the increase of Government activities in the city of St. Louis it was necessary for various branches of the Government, such as the Home Owners' Loan Corporation and other activities, to go outside of the Federal building and rent space at Government expense.

In the meantime the Government authorized and has now completed a new Federal building in the city of St. Louis which will adequately house the ordinary activities of the Government in that city—that is, the courts and the ordinary permanent activities. On the other hand, the new Federal building is not large enough to house many of the extraordinary activities which have grown up in recent years.

Under existing law it would be impossible to maintain a down-town branch post office which has been of great advantage to the people of St. Louis unless the Post Office Department should be willing to take over the support of the whole of the old Federal building. At the same time the other activities would be scattered all over town paying rent at Government expense.

My connection with the measure came about in checking up with the Treasury Department and with the Post Office Department the matter of maintaining that branch post office at Eighth and Olive Streets in the city of St. Louis, which is of great advantage to the down-town business section. I was advised that unless the Post Office Department should be willing to take over the whole support of the Federal building, the Treasury Department would be unable under existing law to permit them to maintain a branch post office in the building, so we would have a situation with the Government paying rent, and very large rent, too, in some of the office buildings of St. Louis, and the great old Federal building, a very commodious structure, remaining unoccupied in large part.

The whole purpose of the bill is to authorize the Director of Procurement to utilize such surplus structures as may develop from time to time for the housing of Government activities, with the proviso that if there is any particular reason why it is more desirable for any particular Government activity to rent space outside the surplus Federal buildings, they shall have a right of appeal to the President. The only purpose of the bill is, in the interest of economy, to utilize the surplus Government structures, rather than to pay rent all over the various cities.

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

ENCOURAGEMENT OF TRAVEL IN THE UNITED STATES

The bill (S. 33) to encourage travel to and within the United States by citizens of foreign countries, and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, what does this bill provide?

Mr. McNARY. Mr. President, I think I can cut the matter short. The Senator from Pennsylvania [Mr. DAVIS] is detained at home today, and he asked that the bill go over.

Mr. COPELAND. Mr. President, may I say a word about the bill before it goes over?

This bill has been proposed by the Hotel Men's Association of the United States, a very large and powerful group, who are much concerned over the fact that travel goes to Europe, with little travel coming this way from Europe. It is estimated that \$8 of American money is spent in Europe for every dollar of foreign money spent in the United States.

If Senators have paid any attention to the sailing this year, they have noted the fact that every steamship has been crowded with Americans going to Europe. One reason why so many Americans go to Europe is because of the attractive literature which is sent out from Europe under the auspices of the various European governments. I have seen great quantities of it which have been sent out by Italy, Germany, Great Britain, France, and other countries.

The purpose of this bill, which is urged upon us by the Hotel Men's Association, is that a commission shall be established, consisting of the Secretary of State and the Secretary of Commerce, who will set up an organization to do some advertising for the United States. It will show how appealing are the beauties of California, and of the Grand Canyon, and of the Yosemite, and of Arizona, and of the Rio Grande, and of Florida, and of every other part of the country, in order to attract tourists who will come here from abroad and spend their money. It is thought that this sort of a plan would, perhaps, bring some business which would be good for everybody in our country; or, as we say in New York, it would be "good for the Bronx."

So this bill has been introduced. I will say to the Senator from Oregon that the Senator from Pennsylvania [Mr. DAVIS] has sent his secretary to me to say that so far as he is concerned he would withhold any objection. But if there are other objections, of course I shall have to let the bill go over.

Mr. McNARY. Does the Senator from Pennsylvania report to the Senator from New York that it is satisfactory to him to have the bill considered?

Mr. COPELAND. Yes. I will not say that the Senator from Pennsylvania is enthusiastic over the bill, but he said he would not wish to be the one in opposition to it.

Mr. McNARY. My information was otherwise; but I am very glad to recall the objection if the Senator has been advised that the bill is not objectionable to the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, the bill—

Mr. ROBINSON. Mr. President, I have not examined the bill, but it appears to me to put the Government into the business of advertising, and I doubt the advisability of passing it; so I shall ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

APPOMATTOX COURT HOUSE NATIONAL HISTORICAL PARK

Mr. GLASS. Mr. President, I have to leave the Senate Chamber in a few moments for a conference on an important public matter. I wondered if I might ask unanimous consent to have the Senate take up House bill 4507, Calendar No. 1186, and consider it at this time. It is on page 32 of the calendar.

The PRESIDING OFFICER. The clerk will state the title of the bill.

The CHIEF CLERK. A bill (H. R. 4507) to amend sections 1, 2, and 3 of the act entitled "An act to provide for the commemoration of the termination of the War between the States at Appomattox Court House, Va.", approved June 18, 1930, and to establish the Appomattox Court House National Historical Park, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Military Affairs, with amendments.

Mr. GLASS. Mr. President, some years ago, upon recommendation of the War Department, the Congress appropriated \$100,000 to erect a monument at Appomattox Court House in commemoration of the termination of the War

between the States. It is among the most historic spots in America, if not the most historic one; but on account of certain disagreements it was found impracticable to erect a monument. This bill, which has passed the House, proposes to establish a small memorial park at Appomattox Court House at the same cost that would have been involved in the erection of a monument.

The PRESIDING OFFICER. The amendments of the committee will be stated.

The amendments were, on page 2, line 4, after the words "distance of", to strike out "five" and insert "one and one-half"; in line 7, after the word "for", to strike out "national park" and insert "national-monument"; in line 11, after the word "public", to strike out "park" and insert "monument"; in line 13, after the word "Historical", to strike out "Park" and insert "Monument"; in line 16, after the words "provisions of", to strike out "section 1"; on page 3, line 3, after the word "thereof" to insert "within the limits of the appropriation as authorized in section 2"; and in line 8, after the word "Historical", to strike out "Park" and insert "Monument"; so as to make the bill read:

Be it enacted, etc., That sections 1, 2, and 3 of the act entitled "An act to provide for the commemoration of the termination of the War between the States at Appomattox Court House, Va.", approved June 18, 1930, are hereby amended to read as follows:

"That when title to all the land, structures, and other property within a distance of one and one-half miles from the Appomattox Court House site, Virginia, as shall be designated by the Secretary of the Interior in the exercise of his discretion as necessary or desirable for national-monument purposes, shall have been vested in the United States in fee simple, such area or areas shall be, and they are hereby, established, dedicated, and set apart as a public monument for the benefit and enjoyment of the people and shall be known as the 'Appomattox Court House National Historical Monument.'

"Sec. 2. That there is hereby authorized to be appropriated the sum of \$100,000, or so much thereof as may be necessary, to carry out the provisions of this act as amended hereby.

"Sec. 3. That the Secretary of the Interior be, and he is hereby, authorized to accept donations of land and/or buildings, structures, and so forth, within the boundaries of said park as determined and fixed hereunder and donations of funds for the purchase and/or maintenance thereof: *Provided*, That he may acquire on behalf of the United States, 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 park as may be necessary for the completion thereof within the limits of the appropriation as authorized in section 2."

Sec. 2. Such act of June 18, 1930, is amended by adding at the end thereof a new section to read as follows:

"Sec. 4. The administration, protection, and development of the Appomattox Court House National Historical Monument 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."

The amendments were agreed to.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend sections 1, 2, and 3 of the act entitled 'An act to provide for the commemoration of the termination of the War between the States at Appomattox Court House, Va.', approved June 18, 1930, and to establish the Appomattox Court House National Historical Monument, and for other purposes."

RED HILL, THE ESTATE OF PATRICK HENRY

Mr. GLASS. Mr. President, there is one other little bill, not of great consequence, which I should like to have taken up at this time. It has been reported by the Senator from Wyoming [Mr. O'MAHONEY] from the Committee on Public Lands and Surveys. It is to authorize the acquisition by the United States as a Government park of Red Hill, the estate of Patrick Henry, where he lived and is now buried, and to authorize the appropriation of the necessary sums to carry out the provisions of the bill.

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

There being no objection, the Senate proceeded to consider the bill (S. 997) to provide for the acquisition by the

United States of Red Hill, the estate of Patrick Henry, which had been reported from the Committee on Public Lands and Surveys with amendments, after the enacting clause to strike out:

That the Secretary of the Interior is authorized and directed to acquire, on behalf of the United States, the estate known as Red Hill (the estate of Patrick Henry), located in Charlotte County, Va., and in the event the said Secretary is unable to purchase the property at a reasonable price, he is authorized and directed to acquire such property by condemnation in the manner provided by law.

Sec. 2. The property acquired under the provisions of this act shall constitute the Patrick Henry National Monument and shall be a public national memorial to Patrick Henry. The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of such national monument and shall maintain and preserve it for the benefit and enjoyment of the people of the United States, 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.

And in lieu thereof to insert the following:

That when title to the estate known as Red Hill, the estate of Patrick Henry, located in Charlotte County, Va., together with such buildings and other property located thereon as may be designated by the Secretary of the Interior as necessary or desirable for national-monument purposes shall have been vested in the United States, said area and improvements shall be designated and set apart by proclamation of the President for the preservation as a national monument for the benefit and inspiration of the people, and shall be called the "Patrick Henry National Monument."

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 other property within the boundaries of said national monument 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 at prices deemed by him reasonable, or by condemnation under the provisions of the act of August 1, 1888, such tracts of land within said national monument as may be necessary for the completion thereof.

Sec. 3. That the administration, protection, and development of the aforesaid national monument 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.

And to renumber the remaining sections, so as to make the bill read:

Be it enacted, etc., That when title to the estate known as Red Hill, the estate of Patrick Henry, located in Charlotte County, Va., together with such buildings and other property located thereon as may be designated by the Secretary of the Interior as necessary or desirable for national-monument purposes shall have been vested in the United States, said area and improvements shall be designated and set apart by proclamation of the President for the preservation as a national monument for the benefit and inspiration of the people, and shall be called the "Patrick Henry National Monument."

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 other property within the boundaries of said national monument 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 at prices deemed by him reasonable, or by condemnation under the provisions of the act of August 1, 1888, such tracts of land within said national monument as may be necessary for the completion thereof.

Sec. 3. That the administration, protection, and development of the aforesaid national monument 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. The Secretary of the Interior is authorized and directed to make such alterations and repairs to the cottage used as a law office by Patrick Henry and to install therein such furniture and furnishings as may be necessary to (1) restore such cottage to the approximate condition and appearance possessed by it at the time of Patrick Henry's death, and (2) permit the use of such cottage as a museum for relics and records pertaining to Patrick Henry, and for other articles of national and patriotic interest. The Secretary of the Interior is authorized, in his discretion, to accept on behalf of the United States, for installation in such cottage, articles which may be offered as additions to the museum.

Sec. 5. The Secretary of the Interior is authorized, in his discretion, to mark with monuments, tablets, or otherwise, historical

points of interest within the boundaries of the Patrick Henry National Monument.

SEC. 6. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

The amendments were agreed to.

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

The title was amended so as to read: "A bill to provide for the establishment of a national monument on the site of Red Hill, estate of Patrick Henry."

BILL PASSED OVER

The PRESIDING OFFICER. The clerk will state the next bill on the calendar.

The bill (H. R. 3019) to amend sections 1, 3, and 15 of "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes", approved June 28, 1934 (48 Stat. 1269), was announced as next in order.

The PRESIDING OFFICER. This bill, being the unfinished business, will be passed over.

CHARLES L. WYMORE

The Senate proceeded to consider the bill (S. 2564) to grant an honorable discharge to Charles L. Wymore, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 9, after the word "the", to strike out "11th day of July 1928" and insert "26th day of July 1902", so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Charles L. Wymore, who was a member of Company L, Eighteenth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 26th day of July 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Charles L. Wymore."

CONSTANTIN GILIA

The bill (S. 3077) for the relief of Constantin Gilia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay from funds on deposit to the credit of the Chippewa Indians of Minnesota, the sum of \$330 to Constantin Gilia in full and final settlement of his claim for the transportation of laundry to and from Hackensack, Minn., and the Consolidated Chippewa Sanatorium, at Onigum, Minn., during the period from July 1930 to June 30, 1931.

C. R. WHITLOCK

The bill (S. 3078) for the relief of C. R. Whitlock was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated the sum of \$53.83 to C. R. Whitlock, of Toppenish, Wash., to reimburse him for a deposit in that amount which he made in the Treasury on January 22, 1935, to satisfy disallowances by the General Accounting Office of payments made to one Ira Hinkle, an employee engaged in emergency conservation work.

ORDINANCE OF 1787, ETC.

The joint resolution (H. J. Res. 208) to provide for the observance and celebration of the one hundred and fiftieth anniversary of the adoption of the Ordinance of 1787 and the settlement of the Northwest Territory was considered, ordered to a third reading, read the third time, and passed, as follows:

Whereas the famous ordinance known as the "Ordinance of 1787", adopted by the Federal Congress for the government of the territory now embracing the States of Ohio, Indiana, Michigan, Illinois, Wisconsin, and part of Minnesota, and then known as the "Northwest Territory", was so far-reaching in its effects, making such a complete change in the method of governing new communi-

ties formed by colonization, that it will always rank as one of the greatest civil documents of all time; and

Whereas the settlement of, and establishment of government in, the Northwest Territory in 1788 marked the beginning of the resistless march of the people of the United States from the eastern seaboard to the Pacific Ocean; and

Whereas the adoption of the Ordinance of 1787 followed by the settlement of the Northwest Territory under the system of government provided by such ordinance vitally shaped and determined the pattern of development of our Nation, its ideals, its Constitution, and its government; and

Whereas there is an indicative analogy between the national problems of 150 years ago and those of the present day, making the study of the accomplishments of those early days of value to our people today; and

Whereas the one hundred and fiftieth anniversary of these two great focal events in American history occurs in 1937 and 1938: Therefore be it

Resolved, etc., That there is hereby established a commission to be known as the "Northwest Territory Celebration Commission" (hereinafter referred to as the "Commission") and to be composed of 14 commissioners, as follows: The President of the United States; 2 Members of the Senate, 1 from each of the 2 major parties, to be appointed by the President of the Senate; 2 Members of the House of Representatives, 1 from each of the 2 major parties, to be appointed by the Speaker of the House of Representatives; the Regent of the State chapter of the Daughters of the American Revolution of each of the 6 States formed from the Northwest Territory, namely, Ohio, Indiana, Michigan, Illinois, Wisconsin, and Minnesota; and 3 individuals from private life, to be appointed by the President of the United States. The commissioners shall serve without compensation and shall select a chairman from among their number.

SEC. 2. It shall be the duty of the Commission to prepare and carry out a comprehensive plan for the observance and celebration of the one hundred and fiftieth anniversary of the adoption of the Ordinance of 1787 and the settlement of the Northwest Territory. In the preparation of such plan, the Commission shall cooperate, insofar as is possible, with the several States and particularly with the States of Ohio, Indiana, Michigan, Illinois, Wisconsin, and Minnesota, and shall take such steps as may be necessary in the coordination and correlation of plans prepared by State commissions, by agencies appointed by the governors of the several States, and by representative civic organizations.

SEC. 3. (a) Without regard to the civil-service laws or the Classification Act of 1923, as amended, the Commission is authorized to appoint and prescribe the duties and fix the compensation (not to exceed \$5,000 per annum) of a director and such other employees as are necessary in the execution of its functions.

(b) The Commission may make such expenditures as are necessary to carry out the intent and purposes of this resolution, including all necessary traveling expenses and subsistence expenses incurred by the commissioners.

(c) The Commission shall cease to exist within 6 months after the date of the expiration of the celebration.

SEC. 4. There is authorized to be appropriated the sum of \$100,000, or so much thereof as may be necessary to carry out the purposes of this joint resolution.

The preamble was agreed to.

EXEMPTION OF VIRGIN ISLANDS FROM COASTWISE LAWS

The bill (S. 754) to amend section 21 of the act approved June 5, 1920, entitled "An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation, and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes", as applied to the Virgin Islands of the United States, was announced as next in order.

MR. ROBINSON. Mr. President, this is a very important bill. It is not possible to dispose of it under this order. I suggest that it go over.

The PRESIDING OFFICER. The bill will be passed over.

MR. COPELAND subsequently said: Mr. President, I was called from the floor a moment ago, at the time Senate bill 754 came up. I ask to return to the bill for just a moment, so that I may make an explanation.

This bill relates to the Virgin Islands. The Secretary of the Interior has called attention to the fact that almost the only shipping business which is being done in the Virgin Islands is by foreign shipping; that the ships bunker there and get supplies there, and without this particular action that would not be allowable under the coastwise laws.

The Department, therefore, has recommended that the bill be enacted. Of course, at any time, by proclamation of the President, the Virgin Islands may be made subject to the laws governing the coastwise trade; so we are not at all shutting the door to what may be done in the future.

I hope the bill may pass.

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

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

Be it enacted, etc., That section 21 of the act approved June 5, 1920 (41 Stat. L. 997), entitled "An act to provide for the promotion and maintenance of the American merchant marine, to repeal certain emergency legislation and provide for the disposition, regulation, and use of property acquired thereunder, and for other purposes", is hereby amended by adding thereto the following proviso: "And provided further, That the coastwise laws of the United States shall not extend to the Virgin Islands of the United States until the President of the United States, after a full investigation of the local needs and conditions, shall, by proclamation, declare that an adequate shipping service has been established to such islands and fix a date for going into effect of the same."

WILSON G. BINGHAM

The Senate proceeded to consider the bill (S. 1991) for the relief of Wilson G. Bingham, which was read as follows:

Be it enacted, etc., That in the administration of the benefits and privileges of the Emergency Officers' Retirement Act of May 24, 1928 (45 Stat. 735), Wilson G. Bingham, late captain of Infantry, United States Army, shall be held to have been honorably discharged as an emergency officer and in the grade of captain of Infantry on December 15, 1922: *Provided*, That no back pay or allowances shall be held to have accrued prior to the passage of this act.

Mr. McKELLAR. Mr. President, may we have an explanation of this bill? The Department does not recommend its passage.

The PRESIDING OFFICER. The bill was introduced by the Senator from California [Mr. McAdoo].

Mr. McADOO. Mr. President, I will read from the report of the committee, which fully explains the bill:

The purpose of this measure is to consider Wilson G. Bingham, late captain of Infantry, United States Army, to have been honorably discharged as an emergency officer and in the grade of captain of Infantry on December 15, 1922. During the Seventy-third Congress, second session, both Houses of Congress acted favorably on H. R. 2632, which had for its purpose the summoning of Wilson G. Bingham before a retiring board with a view to determining all facts covering the nature of his disabilities, whether such disabilities were an incident of service, and to retiring him as a captain, Regular Army. This bill, H. R. 2632, was vetoed by the President on the grounds that the claimant had voluntarily resigned 4 years after the close of the World War, and should not be reinstated and retired as a captain. In vetoing H. R. 2632, however, the President stated he would approve a bill to extend to the claimant the benefits of the Emergency Officers' Retirement Act. Therefore, S. 1991 was drafted and introduced for the purpose of granting Mr. Bingham this form of relief.

That explains the entire purpose of the bill, which is meritorious; and I hope it may be passed.

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

CLAIMS OF HENRY W. BIBUS AND OTHERS

The Senate proceeded to consider the bill (S. 2734) to confer jurisdiction upon the United States Court of Claims to hear and determine the claims of Henry W. Bibus, Annie Ulrick, Samuel Henry, Charles W. Hensor, Headley Woolston, John Henry, estate of Harry B. C. Margerum, and George H. Custer, of Falls Township and borough of Tullytown, Bucks County, Commonwealth of Pennsylvania, which had been reported from the Committee on Claims with an amendment, on page 2, line 21, after the word "Government", to strike out the words, "together with interest thereon at the rate of 6 percent per annum from the date of the Government's entry upon the land, to wit, October 1, 1918, until paid", so as to make the bill read:

Be it enacted, etc., That the Court of Claims of the United States be, and it is hereby, given jurisdiction to hear and determine the claims of Henry W. Bibus, Annie Ulrick, Samuel Henry, Charles W. Hensor, Headley Woolston, John Henry, estate of Harry B. C. Margerum, and George H. Custer, of Falls Township and borough of Tullytown, Bucks County, Commonwealth of Pennsylvania, and severally to award judgments covering compensation for losses and/or damages arising through the seizure, condemnation, and sale of those certain lands, theretofore belonging to them, more specifically described in the decree of the District Court of the United States for the Eastern District of Pennsylvania, on June 9, 1921, in a proceeding entitled "United States of America against Certain Tract of Land in Falls Township and

Borough of Tullytown, Bucks County, Pennsylvania", December term, 1918, no. 5860, notwithstanding the fact that said claimants executed and delivered deeds pursuant to the said decree of the court in the above-entitled matter, and, notwithstanding that said claimants were paid the respective amounts set forth in said decree, the said losses and/or damages to be awarded to be the difference between the entire amount paid for the purchase by the Government of the whole tract and the amount for which the Government subsequently sold the tract, said total difference to be distributed to the respective claimants herein, prorated in accordance with the number of acres taken by the Government.

Sec. 2. Suit hereunder may be instituted at any time within 4 months after the approval of this act, notwithstanding lapse of time or any statute of limitations, and proceedings herein shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code as amended.

The amendment was agreed to.

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

PAN AMERICAN EXPOSITION, TAMPA, FLA.

The joint resolution (S. J. Res. 153) providing for participation by the United States in the Pan American Exposition to be held in Tampa, Fla., in commemoration of the four-hundredth anniversary of the landing of Hernando De Soto in Tampa Bay, and to permit articles imported from foreign countries for the purpose of exhibition at such exposition to be admitted without payment of tariff, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Pan American Exposition, which will be appropriately produced under the auspices and on the grounds of the Florida Fair and Gasparilla Association, Inc., at Tampa, Fla., in 1939, in commemoration of the 400th anniversary of the landing of Hernando De Soto in Tampa Bay, is hereby approved.

Sec. 2. All articles which shall be imported from foreign countries for the purpose of exhibition at the international exposition to be held at Tampa, Fla., in 1939, by the Florida Fair and Gasparilla Association, Inc., or for use in constructing, installing, or maintaining foreign buildings or exhibits at the said exhibition, upon which articles there shall be a tariff or customs duty shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within 3 months after the close of the said exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles, which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within 3 months after the close of the exposition any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles, which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond, and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition, under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the Florida Fair and Gasparilla Association, Inc., shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this act, shall be reimbursed by Florida Fair and Gasparilla Association, Inc., to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930.

Sec. 3. The heads of the various executive departments and independent establishments of the Government are authorized to collect and prepare, and lend, upon request, to the Pan

American Exposition articles, specimens, and exhibits which, in their judgment, it may be in the interest of the United States to exhibit at such exposition.

SEC. 4. The Secretary of Commerce is authorized and directed to make such rules and regulations as may be necessary to provide for participation by the United States in such exposition. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$500,000 for such participation to be expended under the direction of said Secretary.

TERMS OF UNITED STATES DISTRICT COURT, PENNSYLVANIA

The Senate proceeded to consider the bill (H. R. 7050) to amend the act of June 27, 1930 (ch. 634, 46 Stat. 820), which was read as follows:

Be it enacted, etc., That the act of June 27, 1930, entitled "An act to provide for terms of the United States District Court for the Eastern District of Pennsylvania" (ch. 634, 46 Stat. 820) is amended to read as follows:

"Terms of the United States District Court for the Eastern Judicial District of Pennsylvania shall be held at Easton, Pa., on the first Tuesdays in June and November of each year: *Provided, however,* That all writs, precepts, and processes shall be returnable to the terms at Philadelphia and all court papers shall be kept in the clerk's office at Philadelphia unless otherwise specially ordered by the court, and the terms at Philadelphia shall not be terminated or affected by the terms herein provided for at Easton."

Mr. LA FOLLETTE. Mr. President, it is impossible to tell from reading the title what this bill is. I ask the Senator from Arizona to give us a brief explanation of it.

Mr. ASHURST. Mr. President, in response to the question of the able Senator, this is a bill which was prepared by the Department of Justice. It merely provides as to the terms of the district court in Pennsylvania. There is no other purpose. It meets the approval of the Senators from Pennsylvania and is a departmental bill.

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

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

PAYMENT TO SAN CARLOS APACHE INDIANS

The bill (S. 2523) authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, was announced as next in order.

Mr. VANDENBERG. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HAYDEN subsequently said: Mr. President, I did not understand whether there was objection, or, if there was, who objected, to the consideration of Senate bill 2523.

Mr. McKELLAR. Mr. President, there was no objection to that. It was passed, I believe. There was objection, however, to the next bill on the calendar, because nobody was here to explain it.

The PRESIDING OFFICER. Request was made that Senate bill 2523 go over.

Mr. McKELLAR. I did not make that request.

Mr. HAYDEN. May we not recur to the bill, if there is no objection?

There being no objection, the Senate proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, as payment in full to the San Carlos Apache Indians, at the rate of \$1.25 per acre for 232,320 acres ceded by them under the agreement of February 25, 1896, ratified by the act of June 10, 1896 (29 Stat. L. 358), less \$12,433.63 received by the Indians as royalty under mining permits, the sum of \$277,966.37 to be deposited in the Treasury of the United States to the credit of the San Carlos Apache Indians, and to be available for expenditure for the benefit of such Indians: *Provided,* That none of the funds herein authorized to be appropriated shall be subject to the payment of any claims, judgments, or demands against the San Carlos Apache Indians accruing prior to the approval of this act.

Mr. VANDENBERG. Mr. President, I notice that this bill is not in accord with the President's financial program, and I dislike to have any wrenches thrown into that program.

Mr. HAYDEN. Mr. President, there was a favorable report from the Department, but not in the amount fixed in the bill. As stated in the report, either the Indians are entitled to the amount specified in the bill, or to nothing.

Mr. VANDENBERG. Will the Senator take full responsibility for answering to the President for this attack upon his financial program?

Mr. HAYDEN. I should be glad to do that, if we pass the bill.

Mr. VANDENBERG. Then, I withdraw the objection. [Laughter.]

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

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

WELLPINIT SCHOOL DISTRICT NO. 49, WASHINGTON

The bill (S. 2849) to provide funds for cooperation with Wellpinit School District No. 49, Stevens County, Wash., for the construction of a public-school building to be available for Indian children of the Spokane Reservation, was announced as next in order.

Mr. McKELLAR. May we have an explanation of this bill? If not, let it go over.

The PRESIDING OFFICER. The bill will be passed over.

BRIG. GEN. C. E. NATHORST, PHILIPPINE CONSTABULARY

The joint resolution (S. J. Res. 110) authorizing Brig. Gen. C. E. Nathorst, Philippine Constabulary, retired, to accept such decorations, orders, medals, or presents as have been tendered him by foreign governments was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That Brig. Gen. C. E. Nathorst, Philippine Constabulary, retired, be, and he is hereby, authorized to accept such decorations, orders, medals, or presents as have been tendered him by foreign governments.

MRS. JACK J. O'CONNELL

The bill (S. 2833) for the relief of Mrs. Jack J. O'Connell was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the payment of the 6 months' gratuity under the act of December 17, 1919 (41 Stat. 367), Capt. Jack J. O'Connell, late of the Air Corps, United States Army, who died on December 2, 1934, shall be considered to have been qualified by examination for and to have accepted appointment to the grade of captain on October 1, 1934, the date upon which he was promoted to the grade of captain: *Provided,* That the amount of any gratuity already paid the widow of Captain O'Connell shall be deducted from the gratuity paid under the provisions of this act.

IRA W. PORTER

The Senate proceeded to consider the bill (S. 2834) to provide for the appointment of Ira E. Porter as a second lieutenant, United States Army, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 4, to strike out the initial "E" and to insert in lieu thereof the initial "W", so as to make the bill read:

Be it enacted, etc., That the President is authorized to appoint as a second lieutenant, United States Army, Ira W. Porter, who resigned from the Regular Army on April 7, 1934, while a second lieutenant: *Provided,* That such appointment shall be contingent upon the successful completion of a mental and physical examination to be prescribed by the Secretary of War.

Mr. ROBINSON. Mr. President, I inquire what is the occasion for this appointment?

Mr. SHEPPARD. Mr. President, the bill authorizes the President to reappoint Ira W. Porter as a second lieutenant in the Army.

Mr. ROBINSON. What is the occasion for this special authorization?

Mr. SHEPPARD. It is necessary to reinstate him by act of Congress, the War Department having no authority to take such action. It was on account of unfortunate family conditions that this young man was virtually compelled to leave the Army. He took this course very reluctantly. Now those conditions are somewhat cleared up, and he is anxious to resume his life career.

Mr. ROBINSON. How long has he been out?

Mr. SHEPPARD. About a year and four months.

Mr. ROBINSON. Very well.

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

The amendment was agreed to.

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

The title was amended so as to read: "A bill to provide for the appointment of Ira W. Porter as a second lieutenant, United States Army."

ADMINISTRATION OF FEDERAL PRISONS

The Senate proceeded to consider the bill H. R. 3430, an act to amend the act approved May 14, 1930, entitled "An act to reorganize the administration of Federal prisons; to authorize the Attorney General to contract for the care of United States prisoners; to establish Federal jails; and for other purposes", which was read, as follows:

Be it enacted, etc., That section 9 of the act approved May 14, 1930, chapter 274 (U. S. C., title 18, sec. 753h), be, and the same is hereby, amended to read as follows:

"SEC. 9. Any person committed to the custody of the Attorney General or his authorized representative, or who is confined in any penal or correctional institution pursuant to the direction of the Attorney General, or who is in custody by virtue of any process issued under the laws of the United States by any court, judge, or commissioner, or who is in custody of an officer of the United States pursuant to lawful arrest, who escapes or attempts to escape from such custody or institution, shall be guilty of an offense. If the custody or confinement is by virtue of an arrest on a charge of felony, or conviction of any offense whatsoever, the offense of escaping or attempting to escape therefrom shall constitute a felony and any person convicted thereof shall be punished by imprisonment for not more than 5 years or by a fine of not more than \$5,000, or both; and if the custody or confinement is by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, the offense of escaping or attempting to escape therefrom shall constitute a misdemeanor and any person convicted thereof shall be punished by imprisonment for not more than 1 year or by a fine of not more than \$1,000, or both. The sentence imposed hereunder shall be in addition to and independent of any sentence imposed in the case in connection with which such person is held in custody at the time of such escape or attempt to escape. If such person be under sentence at the time of such offense, the sentence imposed hereunder shall begin upon the expiration of, or upon legal release from, any sentence under which such person is held at the time of such escape or attempt to escape."

Mr. ROBINSON. Mr. President, what is this bill? It seems to be a House bill authorizing the reorganization of the administration of Federal prisons.

Mr. ASHURST. Mr. President, as the able Senator from Arkansas has remarked, this is a House bill. I shall not read the entire memorandum from the Attorney General in support of the bill, but shall, with the permission of the Senate, read the letter of the Attorney General addressed to the Chairman of the Committee on the Judiciary of the Senate. It is as follows:

DECEMBER 18, 1934.

HON. HENRY F. ASHURST,
Chairman Committee on the Judiciary,
United States Senate.

MY DEAR SENATOR: I enclose a draft of a bill making it a criminal offense for a person to escape while in custody on a Federal charge.

Under the existing law, escape after conviction is a criminal offense. I feel that prisoners who are held in lawful custody, even before conviction, should likewise be subject to punishment if they escape or attempt to escape. In a number of States such escapes are punishable offenses. I therefore shall be glad if you will introduce the enclosed bill and lend your support to its enactment.

For your convenience a draft of the proposed bill is enclosed, in which the suggested new language is shown by underscoring and the language of existing law proposed to be eliminated is stricken through. There is also enclosed a copy of an office memorandum referring to existing Federal statutes on the general subject of escape and also State statutes similar in effect to the bill presented herewith.

Sincerely yours,

HOMER CUMMINGS,
Attorney General.

Mr. ROBINSON. Mr. President, I am satisfied with the explanation made by the Senator from Arizona. I wish to add that the provisions of the bill are hardly responsive to the title of the bill. The language employed in the title is "An act to reorganize the administration of Federal prisons", and so forth. I make no objection to the bill.

Mr. ASHURST. The Senator is quite correct. With his usual acumen he perceived at once the apparent discrepancy he has just mentioned. But let me say that the act we are

amending bears this particular title, and that is undoubtedly the reason why this strange title is employed.

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

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

HAROLD DUKELOW

The Senate proceeded to consider the bill (S. 2657) for the relief of Harold Dukelow, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 6, after the words "sum of", to insert "\$2,500", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harold Dukelow, of Pierre, S. Dak., the sum of \$2,500, in full satisfaction of his claim against the United States for compensation for the loss of an eye and other bodily injuries received by him in June 1923 as a result of the explosion of a fuze left on a firing range used by the One Hundred and Forty-seventh Field Artillery, South Dakota National Guard, at Pierre, S. Dak.

The amendment was agreed to.

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

TRAVELING EXPENSES AND PER DIEM, UNITED STATES ATTORNEYS

The Senate proceeded to consider the bill (S. 478) to amend a part of section 1 of the act of May 27, 1908, chapter 200, as amended (U. S. C., title 28, sec. 592), which was read, as follows:

Be it enacted, etc., That that paragraph of section 1 of the act of May 27, 1908, chapter 200, at the bottom of page 375 of volume 35 of the Statutes at Large, as amended (U. S. C., title 28, sec. 592), be, and the same is hereby, amended to read as follows:

"The necessary traveling expenses and a per diem in lieu of subsistence, as provided by the Subsistence Expense Act of 1926, as amended (U. S. C., title 5, ch. 16), shall be allowed United States attorneys and assistant United States attorneys while absent from their respective official residences on official business. The expense accounts of United States attorneys, when verified on oath before an officer authorized to administer oaths, and the expense accounts of assistant United States attorneys, when so verified on oath and approved by the United States attorney, may be paid by the marshal, who shall include them in his accounts with the United States."

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. ASHURST. Mr. President, I might explain this bill. It is a bill also asked by the Department of Justice. At the present time district judges are required to certify to having examined the expense accounts of United States attorneys and their assistants. The pending bill relieves the district judge from the burden of certifying such accounts. The Department of Justice says that it is an unnecessary duty thrust upon Federal judges, and that inasmuch as the Comptroller himself has full power and authority the judges should not be required to perform this work.

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

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

TERMS OF UNITED STATES CIRCUIT COURTS OF APPEALS

The Senate proceeded to consider the bill (S. 479) to amend section 126 of the Judicial Code as amended, which was read as follows:

Be it enacted, etc., That section 126 of the Judicial Code, as amended (U. S. C., title 28, sec. 223), be, and the same is hereby, amended to read as follows:

"Sec. 126. A term shall be held annually by the circuit courts of appeals in the several judicial circuits at the following places, and at such times as may be fixed by said courts, respectively: In the first circuit, in Boston, and when in its judgment the public interests require in San Juan, Puerto Rico; in the second circuit, in New York; in the third circuit, in Philadelphia; in the fourth circuit, in Richmond and in Asheville, N. C.; in the first circuit, in New Orleans; in the sixth circuit, in Cincinnati; in the seventh circuit, in Chicago; in the eighth circuit, in St. Louis, Kansas City, Omaha, and St. Paul; in the ninth circuit, in San Francisco, and each year in two other places in said circuit to be designated by the judges of said court; in the tenth circuit, in Denver, Wichita, and Oklahoma City: *Provided*, That suitable rooms and accommodations for holding court at Oklahoma City are furnished free of expense to the United States; and in each of the

above circuits terms may be held at such other times and in such other places as said courts, respectively, may from time to time designate."

Mr. ASHURST. Mr. President, as to this bill, it merely provides for the terms of court in the various circuits of the United States, fixing the places, and also providing that the circuit judges in the various circuits may agree as to where they will hold court, with the understanding that in certain cases where it is not authorized there shall be no expense to the Federal Government, but that suitable rooms and accommodations for holding court shall be free of expense to the United States.

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

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

FEES FOR DEPOSITIONS TAKEN BY THE UNITED STATES

The Senate proceeded to consider the bill (S. 2340) to authorize the Attorney General to determine the fees to be paid in connection with the taking of depositions on behalf of the United States, which was read as follows:

Be it enacted, etc., That the Attorney General be, and he is hereby, authorized to prescribe the fees to be charged and allowed for services rendered by any commissioner, notary public, stenographer, typist, or other person in connection with the taking of depositions on behalf of the United States; and his determination of the fees allowable and payable in any case shall be final and conclusive.

Mr. ASHURST. Mr. President, this bill was examined by the subcommittee of which the able Senator from Nebraska [Mr. BURKE] was the chairman, and I shall ask him to be so kind as to make an explanation of it.

Mr. BURKE. Mr. President, this measure was recommended by the Attorney General, who states that in the matter of taking depositions in Federal cases the Department has followed the practice of paying the fees of notaries public and other officers as they prevail in the States, but that very frequently they have difficulties in that respect. So he asks that the Attorney General be authorized to fix the fees of notaries public and commissioners who take depositions in Federal matters. There seems to be no plausible objection to the bill.

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

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

CLAIMS FOR DAMAGES AGAINST THE GOVERNMENT

The Senate proceeded to consider the bill (S. 2603) to authorize the Attorney General to determine and pay certain claims against the Government for damage to person or property in sum not exceeding \$500 in any one case, which was read, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized to consider, ascertain, adjust, determine, and pay any claim accruing after January 1, 1934, on account of damages to any person or damages to or loss of privately owned property, where the amount of the claim does not exceed \$500, caused by the Director, any Assistant Director, inspector, or special agent of the Federal Bureau of Investigation of the Department of Justice acting within the scope of his employment: *Provided*, That no claim shall be considered or paid under the provisions of this act unless presented to the Attorney General within 1 year from the date of accrual of said claim; except that any claim accruing between January 1, 1934, and the date of approval of this act may be presented within 3 months after the date of such approval.

Sec. 2. Appropriations to carry into effect the provisions of this act are hereby authorized.

Mr. ASHURST. Mr. President, this bill also was referred to a subcommittee of the Senate Committee on the Judiciary of which the able Senator from Nebraska [Mr. BURKE] was the chairman. I shall ask him to be so courteous as to make to the Senate an explanation of the bill.

Mr. McKELLAR. Mr. President, the bill gives to the Department of Justice the same power other departments have, to pay claims up to \$500.

Mr. ASHURST. I did not know that.

Mr. BURKE. Yes; very many of the departments have similar authority to that granted in this bill to the Attorney

General. In his report the Attorney General calls attention to the fact that in activities now being so vigorously prosecuted by the Department of Justice, such as the capture of Dillinger, very frequently innocent people suffer from injuries, and that the Department of Justice is without any authority to pay any compensation, necessitating private bills be passed through Congress, and the Department asks that they be given authority to settle claims in amounts not exceeding \$500.

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

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

SETTLEMENT OF WORLD WAR CONTRACTS

The Senate proceeded to consider the bill (S. 1567) for the relief of certain claimants in cases of contracts connected with prosecution of the World War, which had been reported from the Committee on Mines and Mining with an amendment, on page 2, line 13, after the word "claimant", to strike out the words "In any case where by order of any competent court any claimant has heretofore at any time passed into receivership or where claims have been assigned by operation of law, the claim shall survive and the Secretary of the Interior is authorized to review such claim and make an award either to the original claimant or to the assignee thereof as the Secretary may deem warranted and proper", so as to make the bill read:

Be it enacted, etc., That no person who filed a claim in accordance with the provisions of section 5 of the act entitled "An act to provide relief in cases of contracts connected with prosecution of the war, and for other purposes", approved March 2, 1919, shall be deprived of any of the benefits of said act as amended by the act of February 13, 1929, by reason of failure to file suit under said amendment in the Supreme Court of the District of Columbia, or through abatement of any suit so filed.

Upon petition to the Secretary of the Interior in such abated suits and in claims wherein no suits were filed under the said amendment, the Secretary is hereby authorized and directed to review all such claims upon matters of fact and in the light of decisions of the Supreme Court of the District of Columbia in similar cases; and, in accordance with the provisions of the said act, as amended, to make awards or additional awards in said claims as he may determine to be just and equitable.

Sec. 2. The rights of any deceased claimant under section 5 of said act shall be held and considered to descend to the legal representatives as personal property of such deceased claimant.

Sec. 3. This act shall not authorize payment to be made of any claim not presented to the Secretary of the Interior within 6 months after its approval.

Mr. KING. I should like to have an explanation of this bill.

Mr. HAYDEN. Mr. President, this affects a total of 93 claimants who have small claims, and, as the report states, if the bill should pass, the total liability against the United States would not exceed \$75,000. I doubt whether it will exceed \$50,000. The claimants are poor people, who were not aware of their rights, and did not properly file their claims in time.

Mr. KING. Claims for what?

Mr. HAYDEN. War mineral relief claims, for mining manganese and other metals.

We paid the large companies. The great corporations which were adequately represented by attorneys have collected. This is the last remnant of that character of claims. There are a number of small claims; and, in the aggregate, as stated in the report, I think \$75,000 is the outside limit. I doubt, as I have said, if the obligation which would accrue under this bill would amount to \$50,000. However, the bill will benefit some poor and deserving people who will be given a further opportunity to file their claims and have them considered. It does not provide for payment of their claims. The claims must be settled in the usual way in the Department of the Interior. The claimants are now foreclosed by a statute of limitations which prevents them from filing claims of this character.

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

Mr. HAYDEN. I yield.

Mr. McCARRAN. Does the bill name the claimants?

Mr. HAYDEN. No. It describes a class of claims which the records in the Department show do not involve to ex-

ceed 93 persons. They are persons who have heretofore filed claims, and were given an opportunity to perfect them by a certain date. The date has passed. Now, we ask that the Secretary of the Interior shall again look at these claims. That is all the bill amounts to.

Mr. KING. Mr. President, the Senator will remember that soon after the war we passed the original bill on this subject, and a former Senator from Colorado, Mr. Shafroth, took charge of the matter. My recollection is that ten or twenty million dollars was appropriated, which was alleged to be all the money that would be needed. I took quite a little interest in the matter, because some of the claimants were residents of my State. After that appropriation had been made, and years had gone by, another bill was enacted, and then another bill was enacted, and this is the fourth one.

Mr. HAYDEN. If the Senator will pardon me, the original appropriation is by no means exhausted. The amount appropriated in the original bill has not all been expended. These claims will amount to about \$50,000, divided among ninety-odd people.

Mr. KING. I am not sure as to the appropriation, but I know several bills on the subject have been passed.

Mr. HAYDEN. That is true.

Mr. KING. Ample time has been given. The claimants had 12 or 14 years in which to perfect their claims.

Mr. HAYDEN. As stated in the committee's report, notices of one kind or another were mailed to a number of these people, but the notices were not received and were returned to the department. This bill gives the claimants one last chance to come in with small claims. In cases where there were large amounts involved the claimants were well represented by attorneys, and the claims have long since been collected. However, I believe these small claimants are entitled to one more day in court, because they are poor and worthy people.

Mr. KING. Mr. President, I know some of them, and they have been beseeching me in favor of this bill. Personally I think the bill is unfair to the Government, in view of the opportunities which have been given the claimants time and time again. There was no lack of publicity in regard to the matter. I do not think there is any merit in the claims of most of the claimants.

Mr. HAYDEN. Does not the Senator feel that if there were no merit in the claims the Secretary of the Interior would so find? All the bill does is to give these persons an opportunity to tell their story once more to the Secretary of the Interior.

Mr. KING. Mr. President, being soft-hearted, I shall not object.

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

The amendment was agreed to.

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

The title was amended so as to read: "A bill to amend section 5 of the act of March 2, 1919, generally known as the 'War Minerals Relief Act.'"

CULTIVATION OF HOMESTEAD ENTRIES

The Senate proceeded to consider the bill (S. 2577) to repeal the provisions of the homestead laws requiring the cultivation of homestead entries, which had been reported from the Committee on Public Lands and Surveys with an amendment, to strike out all after the enacting clause and to insert:

That, exclusive of Alaska, the provisions of the homestead laws requiring cultivation of the land entered shall not be applicable to existing homestead entries made prior to February 5, 1935, or thereafter if based upon valid settlement prior to said date, and no patent shall be withheld for failure to cultivate such lands: *Provided*, That this act shall not be construed to affect any provision of law requiring the cultivation of lands subject to the reclamation laws, nor to apply to entries made under the Forest Homestead Act of June 11, 1906 (34 Stat. 233).

The amendment was agreed to.

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

The title was amended so as to read: "A bill to eliminate the requirement of cultivation in connection with certain homestead entries."

UNITED STATES COURT FOR CHINA

The bill (H. R. 7909) to amend the act creating a United States Court for China and prescribing the title thereof, as amended, was considered, ordered to a third reading, read the third time, and passed.

LAKE CHAMPLAIN BRIDGE

The bill (S. 3050) granting the consent of Congress to the States of New York and Vermont to construct, maintain, and operate a bridge across Lake Champlain between Rouses Point, N. Y., and Alburg, Vt., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the States of New York and Vermont, their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across Lake Champlain at a point suitable to the interests of navigation, between Rouses Point, N. Y., and Alburg, Vt., in accordance with the provisions of an 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. There is hereby conferred upon the States of New York and Vermont, their successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is located, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation and expropriation of property in such State.

SEC. 3. The said States of New York and Vermont, their successors and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge, the same shall be so adjusted as to provide a fund sufficient to pay for the cost of maintaining, repairing, and operating the bridge and its approaches, and to provide a sinking fund sufficient to amortize the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 30 years from the completion thereof. After a sinking fund sufficient to pay the cost of constructing the bridge and its approaches shall have been provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches. An accurate record of the cost of the bridge and its approaches, the expenditures for operating, repairing, and maintaining the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The right to alter, amend, or repeal this act is hereby expressly reserved.

TENNESSEE RIVER BRIDGE, SHEFFIELD-FLORENCE, ALA.

The bill (S. 3105) to amend the act approved June 12, 1934, relating to the granting of the consent of Congress to certain bridge construction across the Tennessee River at a point between the city of Sheffield, Ala., and the city of Florence, Ala., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act granting the consent of Congress to the State of Alabama, its agent or agencies, and to Colbert County and to Lauderdale County in the State of Alabama, and to the city of Sheffield, Colbert County, Ala., and to the city of Florence, Lauderdale County, Ala., or to any two of them, or to either of them, to construct, maintain, and operate a bridge, and approaches thereto, across the Tennessee River at a point between the city of Sheffield, Ala., and the city of Florence, Ala., suitable to the interests of navigation", approved June 12, 1934, is amended to read as follows:

"That the consent of Congress is hereby granted to the State of Alabama, its agent or agencies, and to Colbert County and to Lauderdale County in the State of Alabama, and to the city of Sheffield, Colbert County, Ala., and to the city of Florence, Lauderdale County, Ala., and to the Highway Bridge Commission, Inc., of Alabama, or to any two of them, or to either of them, to construct, maintain, and operate a bridge, and approaches thereto, across the Tennessee River, at a point suitable to the interests of navigation, between Colbert County and Lauderdale County in the State of Alabama, in accordance with the provisions of an act entitled 'An

act to regulate the construction of bridges over navigable waters", approved March 2, 1906.

"SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved."

FRANK I. OTIS

The Senate proceeded to consider the bill (S. 2929) for the relief of Frank I. Otis, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, after "Otis", to insert the word "deceased", so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Frank I. Otis, deceased, who was a first lieutenant, Fourth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the United States Army as of January 3, 1906: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The amendment was agreed to.

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

The title was amended so as to read: "A bill for the relief of Margaret McCandless Otis."

BILL PASSED OVER

The bill (H. R. 7680) to amend the act of May 18, 1934, providing punishment for killing or assaulting Federal officers was announced as next in order.

Mr. KING. Mr. President, I should like an explanation of that bill. The Senator from Arizona [Mr. ASHURST] knows there has been more or less objection to measures of this kind, because they are an attempt on the part of the Federal Government to supersede the powers of the States. If we follow such suggestions, we shall soon have a criminal code for everything from stealing a chicken up to homicide.

Mr. ASHURST. That is true.

Mr. KING. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

DEPARTMENT OF AGRICULTURE EXTENSIBLE BUILDING

The bill (S. 3192) to increase the limit of cost for the Department of Agriculture Extensible Building was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to modify the contract no. T1 SA-3167 for the construction of the Department of Agriculture Extensible Building in the District of Columbia to reimburse the contractor for increased costs incurred as a result of the failure of the Government to deliver the site to the contractor in its entirety within the time specified, the amount of the adjustment determined upon to be subject to prior review by the Comptroller General of the United States.

SEC. 2. The limit of cost for the site and construction of such building as authorized in the Second Deficiency Act, fiscal year 1931 (46 Stat. 1604) is increased to \$13,150,000 in lieu of \$12,800,000, and there is hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this act.

GRANT OF EASEMENT TO STATE OF LOUISIANA

The bill (S. 3111) to authorize the Secretary of Commerce to grant to the State of Louisiana an easement over certain land of the United States in Natchitoches Parish, La., for highway purposes was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized and directed to grant to the State of Louisiana an easement over a strip of land situated in the western portion of the Natchitoches (La.) fisheries station property in Natchitoches Parish in said State for State highway purposes; said strip of land, which consists of 3.41 acres, more or less, to be particularly described in said grant.

LYNN BROTHERS' BENEVOLENT HOSPITAL

The Senate proceeded to consider the bill (S. 423) for the relief of Lynn Brothers' Benevolent Hospital, which had been reported from the Committee on Indian Affairs with amendments, on page 1, line 6, after the words "sum of", to strike out "\$6,737.76" and to insert in lieu thereof "\$6,485.07, or so much thereof as may be necessary", and on page 2, line 1, after "Idaho", to insert the following proviso:

Provided, That before payment hereunder the Secretary of the Interior shall certify that no part of the amount claimed has heretofore been paid.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Lynn Brothers' Benevolent Hospital, of Pocatello, Idaho, the sum of \$6,485.07, or as much thereof as may be necessary, in payment for hospital care and doctors' services rendered certain Indians on the Fort Hall Indian Reservation, Idaho: *Provided*, That before payment hereunder the Secretary of the Interior shall certify that no part of the amount claimed has heretofore been paid.

The amendments were agreed to.

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

COMPENSATION OF POST-OFFICE INSPECTORS

The bill (H. R. 3612) to provide for adjusting the compensation of post-office inspectors and inspectors in charge to correspond to the rates established by the Classification Act of 1923, as amended, was considered, ordered to a third reading, read the third time, and passed.

AIR MAIL SERVICE IN ALASKA

The Senate proceeded to consider the bill (H. R. 5159) to authorize the Postmaster General to contract for air mail service in Alaska, which had been reported from the Committee on Post Offices and Post Roads with an amendment, on page 1, line 8, after the word "advisable", to strike out "without advertising therefor", so as to make the bill read:

Be it enacted, etc., That the act of February 21, 1925 (43 Stat. 960; 39 U. S. C. 488), is amended to read as follows:

"The Postmaster General may provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable; and he is authorized, in his discretion, to contract, after advertisement in accordance with law, for the carriage of all classes of mail within the Territory of Alaska by airplane, payment therefor to be made from the appropriation for star-route service in Alaska."

Mr. McKELLAR. Mr. President, the Department objects to the amendment on page 1 of the bill, "without advertising therefor."

Mr. LA FOLLETTE. If the Department objects to it, I am going to object to it.

Mr. McKELLAR. I am inclined to think the amendment ought to go to conference anyway. I think the amendment is good, and I am asking to have it go through as it is.

Mr. LA FOLLETTE. I do not wish the bill to be passed on the understanding that the amendment is simply going to conference. I wish to have it passed on the understanding that the Senate conferees shall put up a good fight for the amendment. I do not think we ought to go into the business of permitting the establishment of these stations. This has nothing to do with the emergency carrying of mails in Alaska. It has to do with the establishment of stations, and there is no reason why they should not be advertised according to law. If we shall relinquish the requirements for advertisements in other States on regular contract or construction work, we will be in trouble.

Mr. McKELLAR. I am in entire accord with the Senator from Wisconsin, and for that reason I reported the amendment. I merely made the statement that the Department is opposed to it.

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

The amendment was agreed to.

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

The bill was read the third time and passed.

HOURS OF DUTY OF POSTAL EMPLOYEES

The Senate proceeded to consider the bill (H. R. 6990) to fix the hours of duty of postal employees, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads with an amendment, to strike out all after the enacting clause and to insert:

That when the needs of the service require supervisory employees, special clerks, clerks, and laborers in first- and second-class post offices, and employees of the motor-vehicle service, and carriers in the city delivery service and in the village delivery service, and employees of the Railway Mail Service, employees of the mail-equipment shops, cleaners, janitors, telephone operators, and elevator conductors, paid from appropriations of the First Assistant Postmaster General, and all employees of the custodial service except

charwomen and charmen and those working part time, to perform service on Saturday they shall be allowed compensatory time for such service on 1 day within 5 working days next succeeding the Saturday on which the excess service was performed: *Provided*, That employees who are granted compensatory time on Saturday for work performed the preceding Sunday or the preceding holiday shall be given the benefits of this act on 1 day within 5 working days following the Saturday when such compensatory time was granted: *Provided further*, That the Postmaster General may, if the exigencies of the service require it, authorize the payment of overtime for service on the last 3 Saturdays in the calendar year in lieu of compensatory time, except cleaners, janitors, telephone operators, and elevator conductors paid from the appropriation of the First Assistant Postmaster General, and custodial employees who shall be given compensatory time in lieu of overtime pay within 30 days next succeeding: *And provided further*, That for the purpose of extending the benefits of this act to railway postal clerks, the service of said railway postal clerks assigned to road duty shall be based on an average not exceeding 8 hours per day for 254 days per annum, including a proper allowance for all service required on lay-off periods as provided in Post Office Department Circular Letter No. 1348, dated May 12, 1921, and railway postal clerks required to perform service in excess of an average of 8 hours per day as herein provided, shall be paid in cash at the annual rate of pay or granted compensatory time, at their option, for such overtime.

SEC. 2. The ratio of substitute post-office clerks, substitute city letter carriers, substitute laborers, substitutes in the motor-vehicle service, and substitutes in the Railway Mail Service shall be not more than 1 substitute for 8 regular employees: *Provided*, That at post offices with receipts of more than \$500,000 per annum and less than \$10,000,000 per annum the ratio of substitutes shall not be more than 1 substitute for 10 regular employees: *Provided further*, That at post offices with receipts of less than \$500,000 the ratio shall be not more than 1 substitute for 12 regular employees, and at offices having less than 12 employees 1 substitute shall be provided: *Provided further*, That where the ratio of substitutes on the date of the enactment of this act is in excess of the ratio provided for herein no additional substitutes shall be appointed until these ratios are established: *And provided further*, That the provisions of this act shall not operate to furlough or dismiss any regular substitute.

SEC. 3. This act shall take effect October 1, 1935.

Mr. ROBINSON. Mr. President, may I ask what changes in the existing law this bill proposes to make?

Mr. McKELLAR. It reduces the number of hours per week from 44 hours to 40 hours. It is very strongly recommended by the Department, and was unanimously reported by the Committee on Post Offices and Post Roads.

Mr. BYRNES. Mr. President, I understand there is no objection to the consideration of the bill, and I desire to offer an amendment to the committee amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 4 it is proposed to strike out lines 19 to 23, both inclusive, as follows:

And railway postal clerks required to perform service in excess of an average of 8 hours per day, as herein provided, shall be paid in cash at the annual rate of pay or granted compensatory time, at their option, for such overtime.

And in lieu thereof to insert the following:

Or not to exceed an aggregate annual mileage of 44,450 on lines 350 miles or less in length, or not to exceed an aggregate annual mileage of 50,800 miles on lines over 350 miles in length, and railway postal clerks required to perform service in excess of the standards herein provided shall be paid in cash at the annual rate of pay or granted compensatory time, at their option, for such overtime.

Mr. McKELLAR. Mr. President, the committee considered that question, and declined to recommend that amendment.

Mr. BYRNES. I wish to say to the Senator from Tennessee that the amendment considered by the committee was the House language. This is a modification of the House language which the railway mail clerks contend is absolutely essential if justice is to be done to them under the provisions of the bill. It is a modification of the House language, and I hope the Senate will accept it.

Mr. McKELLAR. I have no objection to taking the amendment to the conference of the two Houses, but I shall not make any promise about its retention.

Mr. BYRNES. Then I should rather ask for the consideration of the amendment by the Senate. A change is made from the language of the House bill. The House bill provided—Senators will find it on page 2—that the basis for the pay of railway mail clerks shall be—

Or not in excess of an average of 175 miles per day for 254 days per annum.

The position of the railway mail clerk is that by reason of introduction of faster schedules, particularly in the centers of population, where additional mail trains have been placed in service during the past year, and where it is proposed to place in service even more such trains in the near future, unless this provision is made a factor, as it is with the railway employees, the railway mail clerks will be discriminated against.

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

Mr. BYRNES. I will yield in a moment. The Senate committee has eliminated that provision from the bill. The amendment I have offered is a modification of the language of the House text. The railway mail clerks believe that it will give them some chance to secure that to which they are entitled, according to their view.

Mr. WALSH. Did the Senate committee eliminate the two provisions relating to railway mail clerks?

Mr. BYRNES. No; it eliminated from the House bill the provision as to mileage.

Mr. WALSH. The Senator is seeking to restore it in a modified form?

Mr. BYRNES. That is exactly the situation. I now yield to the Senator from Tennessee.

Mr. McKELLAR. Mr. President, I think there may be some inequalities upon which at the proper time the committees of the two Houses could pass, but I do not think that we ought to adopt an amendment the cost of which to the Government we do not know. The Department is not in favor of it, and for that reason I shall have to object. I am perfectly willing to attempt to work out something and take it to conference for that purpose, but I would not want the Senator to be aggrieved if there his amendment should not be agreed to.

Mr. BYRNES. I know that the House committee gave most careful consideration to this measure. The chairman of the House committee, the Representative from New York [Mr. MEAD], has been on the committee for a long time, and he is of the opinion that this provision is absolutely essential. From my opportunity to investigate the situation, I believe he is correct, and I think that the amendment ought to be adopted. Then, of course, if there shall be a difference, the conferees will have to reach an agreement. I do not like, however, to have the Senator from Tennessee state that he would not want to do the best he could to retain the Senate amendment.

Mr. LA FOLLETTE. Mr. President—

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

Mr. LA FOLLETTE. Mr. President, I wish to appeal to the chairman of the committee to accept the amendment and let it go to conference, for the reason that it is designed, as I understand, to take care of the situation created by the very fast trains which are being put into operation on many of the main lines of class I railroads throughout the United States. Unless some protection for the railway mail clerks on such trains shall finally be incorporated in the law, great discrimination is going to result as between employees, simply because some of the trains are operating on very fast schedules, and it will require a tremendous amount of additional work on the part of certain crews that are operating on those very fast trains compared with the crews that have to work upon the same trackage on trains operating on a very much slower schedule.

Therefore I appeal to the Senator from Tennessee to accept the amendment, because there will then be placed in conference language which may very well serve as an excellent compromise between the position of the House and the position taken by the Senate committee.

Mr. McKELLAR. That is the very trouble. Upon examination, I find that the amendment is to strike out lines 19 to 23, inclusive, and to insert the language proposed. If that should go to conference, the conferees would not have very much discretion about it; they would have to take one provision or the other or a combination of the two. I would very much prefer if the Senator would merely move to strike out the language on page 4, in lines 19 to 23, inclusive. That would throw the whole matter in conference. I think that would be the better way to work it out; I should be glad to

attempt to do it; but if the language is inserted as proposed, and the House text should be stricken out, there would be very little for the conferees to pass on.

Mr. BYRNES. Let me call the attention of the Senator from Tennessee to the fact that the House language provides for a basis "not in excess of a period 175 miles per day for 254 days per annum, and hours of service shall control until the daily average miles is exceeded." It is entirely different language, and in conference the conferees could take the two proposals and work out some plan which would be just to these clerks.

Mr. McKELLAR. I think we would have a great deal more leeway if the Senator would just move to strike out lines 19 to 23, inclusive.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired.

Mr. McKELLAR. Mr. President, I wish to say that the Department is not in favor of this amendment. It is a very liberal bill to the employees who are affected, and I do not think too much ought to be attempted by the bill. This other matter is very important. If the railway postal clerks are put at a disadvantage by the enactment of this bill or are put out of line with any other employees, that matter can be determined at a later time, and I shall take a great deal of pleasure in bringing it before the committee. But the very character of the two amendments offered—one to the House text and the other the amendment of the Senator from South Carolina—shows how difficult it is to work out the difficulty in this way. I hope the amendment will be defeated.

Mr. LA FOLLETTE. Mr. President, I am sorry to disagree about this matter with my friend the Senator from Tennessee, the Chairman of the Committee on Post Offices and Post Roads; but the House bill has a more liberal provision so far as the railway mail clerks are concerned than has the amendment offered by the Senator from South Carolina. In all justice, it seems to me that there ought to be consideration given to a situation which has developed because of the tremendous increase in the speed and the shortening of the schedules of many main-line through trains.

Senators are aware of the fact that the run, for instance, between Omaha and the North Pacific coast has been reduced by a great number of hours. On the same line there will be trains operating on a slower schedule, as well as one or two very fast trains. It seems to me that the Senate can well afford to go on record in favor of some provision being made for the protection of those who are in the Railway Mail Service. If the amendment offered by the Senator from South Carolina shall be agreed to, it simply commits the Senate conferees to taking this matter into conference and giving some relief; but, at the same time, it will give them a latitude between the more generous provisions of the House bill and the less generous provisions of the amendment offered by the Senator from South Carolina.

Therefore, in order to make certain that some protection will be given to those who are in the Railway Mail Service against exploitation and discrimination, which may result because of these very fast passenger-train schedules on some of the main lines, I hope the amendment offered by the Senator from South Carolina will be agreed to.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from South Carolina [Mr. BYRNES] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

Mr. McKELLAR. Mr. President, I wish to say if this amendment shall defeat the measure that will not be my responsibility.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

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

The bill was read the third time and passed.

Mr. McKELLAR subsequently said: Mr. President, referring to Calendar 1087, being House bill 6990, I give notice that I shall enter a motion to reconsider the vote by which the bill was passed.

EXEMPTIONS IN BANKRUPTCY CASES

The Senate proceeded to consider the bill (S. 2297) to amend section 17, as amended, of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, which was read as follows:

Be it enacted, etc., That section 17, as amended, of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, is amended by striking out "A discharge in bankruptcy shall release a bankrupt from all of his provable debts, except such as (first) are due as a tax levied by the United States", and inserting in lieu thereof the following: "A discharge in bankruptcy shall release a bankrupt from liability for taxes due the United States and from all his provable debts, except such as (first) are due as a tax levied by."

Mr. ASHURST. Mr. President, frankness and candor require me to say that at this moment I do not believe I can furnish an explanation of this bill which would enlighten the Senate. The memorandum regarding the bill which I had in my desk does not seem to be here. Fortunately, however, the able Senator from California [Mr. McAdoo], who introduced the bill, is present, and I will ask him to make a short statement concerning it.

Mr. McADOO. Mr. President, this is a very simple measure. I think the report filed by the Committee on the Judiciary probably explains the measure in more compact form than I could do extemporaneously, and I will read a portion of the report:

The portion of section 17 that would not be affected by S. 2297 provides that a discharge in bankruptcy shall not release the bankrupt from (1) State and local taxes; (2) liabilities resulting from fraud, etc.; (3) claims not scheduled in time (unless the creditor had notice or knowledge of the bankruptcy proceedings); or (4) wages, etc., due.

There would seem to be a special reason based on public policy for each of these exceptions, other than the first one.

That is, State and local taxes.

In the case of State and local taxes, it might also be regarded as a matter of public policy that the Federal Government should not, by a proceeding in a Federal court, restrict in any way the right of a State to enforce claims for State and local taxes. On the other hand, the refusal to permit discharge of claims for Federal taxes would seem to be based on nothing except the sovereign power of the Government to insist on its claims, irrespective of the general policy of the Bankruptcy Act to permit bankrupts to start over with a clean slate, and irrespective of whether or not the retention of such claims might result in peculiar hardship, e. g., where a once prosperous business man has suffered a total loss of his business but owes the United States several thousand dollars in income tax for the last year of his period of prosperity.

The sole purpose of the bill is merely to deprive the Federal Government of its preference in maintaining a claim against a bankrupt and refusing to give him a discharge from Federal taxes as well as other claims which I have referred to in the report.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Massachusetts?

Mr. McADOO. I yield.

Mr. WALSH. Does the present law discharge the bankrupt from the payment of Federal taxes?

Mr. McADOO. It does not; but this bill is designed to discharge him from Federal taxes.

Mr. WALSH. Is it the opinion of the Senator and of the committee that that is a wise policy?

Mr. McADOO. It certainly is, in my opinion, and the bill has been favorably reported by the committee, which should indicate the opinion of the committee.

Mr. WALSH. I understand State and local taxes are not discharged on the discharge of a bankrupt, but that Federal taxes are discharged?

Mr. ASHURST. Yes; for this reason: A man may lose his entire fortune and owe the Government a considerable amount of taxes. The policy of the bankruptcy law, as I understand, is to ameliorate his condition, allow him to make a new start, but if the Federal Government holds over him a threat for a large amount of taxes which he cannot pay he really is not getting the benefit of the bankruptcy law.

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

Mr. ASHURST. I have not the floor. The Senator from California has the floor.

Mr. McADOO. I yield.

Mr. SHIPSTEAD. As I understand, under the present law the Government frees a man going into the bankruptcy court from paying any creditors except the Government?

Mr. McADOO. Except the Government and except State and local taxes and the other items I mentioned a moment ago.

Mr. WALSH. Were State and local taxes always excepted?

Mr. McADOO. Always.

Mr. WALSH. I presume that was done on constitutional grounds.

Mr. KING. Mr. President, will the Senator from California yield?

Mr. McADOO. Certainly.

Mr. KING. Several persons have made objection to the bill, calling attention to the fact that a comparatively large number of persons who have taken advantage of the bankruptcy act and been freed from their obligations by decree of the court have had concealed assets; that it was impossible to discover the fact that they had concealed assets, and they blossomed out with considerable property within a year or two, and had gone ahead and accumulated considerable property thereafter.

I am wondering if there is any protection so that in the event of fraud, though it may not be discovered until after the bankruptcy proceedings, perhaps a considerable time afterward, the Government may then have revived, notwithstanding this measure, its claim for taxes which the bankrupt escaped?

Mr. ASHURST. Mr. President, after careful reflection, I now recall the discussion in the committee. My opinion is that in the instance to which the able Senator from Utah refers, the Government would not lose or waive its claim, and could reassert any claim where there was any fraud or concealment shown. Am I correct?

Mr. McADOO. Precisely. This would not apply in case of fraud. The instance referred to by the Senator from Utah would be an obvious case of fraud, and therefore there would be no protection afforded.

Mr. KING. However, the fraud in the case to which my attention was called was not discovered for a considerable time, as I recall—2 or 3 years.

Mr. ASHURST. We are all familiar with the saying, "Nullum tempus occurrit regi"—Time does not run against the sovereign.

Mr. KING. I am not so sure about that in a case of this kind.

Mr. WALSH. Mr. President, will the Senator from California yield?

Mr. McADOO. Certainly.

Mr. WALSH. Is this merely an amendment to the general bankruptcy law rather than a general revision?

Mr. McADOO. Yes.

Mr. WALSH. Has the subcommittee of the Committee on the Judiciary, which has been inquiring into the administration of the bankruptcy laws, made a report?

Mr. McADOO. We have made a report, but the work of the committee is not as yet completed.

Mr. WALSH. I hope the committee will find early opportunity to recommend some drastic changes to prevent the wide-spread fraud involved, as well as the exorbitant fees which have been charged by attorneys and others in bankruptcy cases.

Mr. McADOO. I may say to the distinguished Senator from Massachusetts that the committee is impressed by the facts disclosed by the preliminary investigation it has thus far made under the resolution of the Senate authorizing the investigation of the administration of equity receiverships and bankruptcies in Federal courts. We feel that there is very great necessity for such an investigation. Recently the Senate has enlarged the powers of the committee so that it may go into the question of the administration of justice, which, of course, enters into the problem.

I regret to have to say that the Senate has thus far supplied the committee with such a small amount of money that our progress has been very slow. I think the opportunity exists for remedial legislation of the most beneficial character. Never since the foundation of the Government have the Federal courts been investigated in any manner whatsoever.

The PRESIDING OFFICER. The Chair regrets to notify the Senator from California that his time has expired. Is there objection to the present consideration of the bill?

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

INFORMATION RELATIVE TO FROZEN SWORDFISH

The Senate proceeded to consider the resolution (S. Res. 100) submitted by Mr. WALSH on the calendar day of March 11, 1935, which had been reported from the Committee on Finance with an amendment in line 4, after the word "section", to strike out the numerals "359" and insert the numerals "336", so as to make the resolution read:

Resolved, That the United States Tariff Commission be, and hereby is, requested to complete, as soon as practicable, and report to the President upon its investigation under section 336 of the Tariff Act of 1930 with respect to frozen swordfish.

The amendment was agreed to.

The resolution as amended was agreed to.

RUTH RELYEA

The bill (H. R. 419) for the relief of Ruth Relyea was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Ruth Relyea, of Albany, N. Y., in full settlement against the Government for all claims resulting from injuries sustained when struck by a United States War Department motor vehicle: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

HENRY DINUCCI

The bill (H. R. 1864) for the relief of Henry Dinucci was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry Dinucci, out of any money in the Treasury not otherwise appropriated, the sum of \$500 in full settlement of all claims against the Government of the United States for cash bail deposited with former United States Commissioner Arthur G. Fisk at San Francisco, Calif., and misappropriated by said official: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

MRS. CLARENCE J. McCLARY

The bill (H. R. 6825) for the relief of Mrs. Clarence J. McClary, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Clarence J. McClary, of Alexandria, Va., the sum of \$75 per month in an amount not to exceed \$10,000. Such sum shall be in full settlement of all claims against the United States on account of the death of Clarence J. McClary, the husband of the said Mrs. Clarence J. McClary, who, at the request of the officers of the Federal Government, accompanied them and assisted in the apprehension and arrest of one Tom Quesenberry, and the said Clarence J. McClary was slain in Loudoun County, Va., March 17, 1935, by the said Tom Quesenberry:

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

MAYME HUGHES

The Senate proceeded to consider the bill (H. R. 3090) for the relief of Mayme Hughes, which had been reported from the Committee on Claims with an amendment, on page 1, line 6, to strike out the numerals "\$2,500" and insert the numerals "\$1,448.24", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mayme Hughes, widow of Henry M. Hughes, deceased, of the city of Chicago, State of Illinois, the sum of \$1,448.24, out of any money in the Treasury not otherwise appropriated, as compensation for, and in full satisfaction of, all claims for damages against the United States for injuries sustained by her late husband, Henry M. Hughes, on September 13, 1919, by being struck by a United States mail truck while attempting to cross a street in said city of Chicago: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

The bill was read the third time and passed.

STATE OF PENNSYLVANIA

The Senate proceeded to consider the bill (S. 2810) for the relief of the State of Pennsylvania, which was read, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the chief disbursing officer of the Treasury Department is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check no. 65451, symbol no. 79088, drawn January 25, 1935, in favor of "State Treasurer of Pennsylvania, trust fund" for \$11,315.93, and lost, stolen, or miscarried in the mails.

Mr. McKELLAR. Mr. President, I should like an explanation of the bill.

Mr. GUFFEY. Mr. President, the bill merely authorizes the disbursing officer of the Treasury to issue a duplicate voucher to replace one which was lost in transit. The amount involved is a little over \$11,000.

Mr. McKELLAR. I have no objection.

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

BILL PASSED OVER

The bill (H. R. 2325) for the relief of James P. Whalen was announced as next in order.

Mr. KING. Mr. President, may I ask why action on this claim was not taken at an earlier period? It was in 1917 when it is alleged the explosion occurred which it is claimed caused some impairment of hearing. It seems to me that to waive the statute of limitations for 10 or 12 years after an alleged accident occurred, when the Government, perhaps, and doubtless is placed at a great disadvantage in obtaining evidence in support of its adverse recommendation, is not the proper thing.

Mr. GIBSON. Mr. President, I cannot answer the Senator's question directly at the present moment.

Mr. KING. Will the Senator let the bill go over, and I shall confer with him later?

Mr. GIBSON. Very well.

The PRESIDING OFFICER. The bill will be passed over.

CLAIMS OF MILITARY PERSONNEL FOR DAMAGES

The bill (H. R. 4850) to authorize the settlement of individual claims of military personnel for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the General Accounting Office be, and is hereby, authorized and directed to pay the following claims of military personnel and civilian employees in the amounts shown, which have been approved and recommended for payment by the Secretary of War, for damages to and loss of private property of such personnel incident to the training, practice, operation, or maintenance of the Army, and that such payments be made from the present appropriation of the War Department, entitled "Claims for damages to and loss of private property, in accord with conditions therein stated": Edith Alward, wife of staff sergeant Henry J. Alward, \$43.50; R. G. Ayers, captain, Infantry, \$55.15; Miss G. M. Anderson, civilian employee, \$22.30; Harrison B. Beavers, captain, Infantry, \$14.85; James H. Blackwell, major, Medical Corps, \$45; Clifford Bunting, sergeant, \$7.30; Carl B. Byrd, captain, Cavalry, \$21.50; Frank T. Balke, lieutenant, Infantry Reserve, \$160; Michael J. Byrne, captain, Infantry, \$32; Marion Budnick, civilian employee, \$22.67; Jasper E. Brady, lieutenant, Infantry, \$7.60; M. E. Barker, captain, Chemical Warfare Service, \$37.75; Warren R. Carter, first lieutenant, Air Corps, \$250; Paul J. Chesterton, sergeant, \$146.50; Thomas E. Christ, civilian employee, \$21.25; Harvey G. Clark, sergeant, \$40; Robert M. Copeland, captain, Corps of Engineers, \$3.85; W. A. Copthorne, major, Chemical Warfare Service, \$50; James A. Corcoran, sergeant, \$4; T. M. Chambliss, major, Infantry, \$122.35; Floyd M. Crutchfield, technical sergeant, \$17.10; Harvey T. Davis, private (first-class), and Mrs. Davis, \$108; Willie A. Dennis, staff sergeant, \$6.43; Edward F. Durnham, civilian employee, \$15.70; John H. Daniels, sergeant, \$39.75; Gust Ehen, civilian employee, \$15.20; Timothy F. Foley, civilian employee, \$43.25; Valentine P. Foster, captain, Coast Artillery Corps, \$6; Gustav H. Franke, major, Field Artillery, \$13.50; John M. Fray, captain, Field Artillery, \$17; George Giebler, sergeant, \$35.75; Burgo D. Gill, second lieutenant, Field Artillery, \$54.75; Alexander O. Gorder, captain, Infantry, \$27.30; William Grant, master sergeant, \$17.64; Chris Gunther, civilian employee, \$228.90; L. Perry Hammond, civilian employee, \$26.17; Lee W. Haney, first lieutenant, Infantry, \$20; Glenn W. Hanna, civilian employee, \$30.25; David Heidler, private, \$5.15; R. L. Harris, first lieutenant, Signal Reserve, \$24.25; Francis W. Honeycutt, lieutenant colonel, Field Artillery, \$19.10; L. P. Hudson, second lieutenant, Air Corps, \$85; M. E. Jennings, first lieutenant, Chemical Warfare Service, \$46; Joseph S. Johnson, captain, Infantry, \$300; H. D. Jones, sergeant, \$14.80; George W. Jones, sergeant, \$18.75; Robert F. Keiper, civilian employee, \$12.50; George A. Knight, civilian employee, \$15; Lewis M. Krostag, private, \$104.50; Frank L. Kopp, sergeant, \$92.50; C. H. Larrabee, warrant officer, \$38; Lyle R. Lappin, sergeant, \$44.15; Joe D. Lunday, civilian employee, \$71; the estate of Alexander W. Maish, late major, United States Army, retired, \$37.95; B. G. Marchl, second lieutenant, Infantry Reserve, \$64.50; Frank Monroe, sergeant, \$4; Winfield R. McKay, captain, Infantry, \$13; Harry J. Mills, private, \$55; Timothy M. Montgomery, civilian employee, \$11; W. F. O'Neill, civilian employee, \$59; Walter E. Prosser, major, Signal Corps, \$14; Hartley C. Powell, civilian employee, \$139.55; Alexander Phillips, sergeant, \$15; Basil H. Perry, captain, Field Artillery, \$55.65; Robert K. Perrine, second lieutenant, Infantry, \$49.95; J. C. Raaen, first lieutenant, Infantry, \$8.75; William T. S. Roberts, first lieutenant, Infantry, \$16; August A. Reekast, civilian employee, \$17.50; B. L. Robinson, first lieutenant, Corps of Engineers, \$10; J. M. Harmon, first lieutenant, Corps of Engineers, \$6.85; David W. Schueler, private, \$35.35; A. D. Sanders, first lieutenant, Infantry, \$41.05; James H. Skinner, second lieutenant, Field Artillery, \$38.20; B. R. Slater, second lieutenant, Infantry Reserve, \$174.26; Charles M. Smith, first lieutenant, Infantry, \$18.50; I. B. Smock, major, Medical Corps, \$100; Allen R. Springer, second lieutenant, Air Corps, \$50; Charles G. Stein, sergeant, \$40; John A. Sterling, major, Infantry, \$50; Robert E. Swab, captain, Infantry, \$33.60; Roy J. Taylor, civilian employee, \$188.75; John P. Temple, first lieutenant, Air Corps, \$15; Willie Thompson, sergeant, \$12; Arthur R. Trabold, warrant officer, \$4.25; S. C. Vestal, colonel, Coast Artillery Corps, \$27.35; P. A. Wakeman, first lieutenant, Signal Corps, \$200; E. T. Williams, first lieutenant, Field Artillery, \$47.50; Stella E. Williams, second lieutenant, Army Nurse Corps, \$82.10; Fremon Wright, private, \$127.50; George H. Zautner, captain, Quartermaster Corps, \$12.

JANE B. SMITH AND DORA D. SMITH

The Senate proceeded to consider the bill (H. R. 351) for the relief of Jane B. Smith and Dora D. Smith, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "\$7,500" and insert "\$5,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 to Jane B. Smith, of Plattsburg, N. Y., and \$750 to her daughter Dora D. Smith, in full settlement against the Government for all claims resulting from injuries sustained when struck by a United States

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

The amendment was agreed to.

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

The bill was read the third time and passed.

GRIER-LOWRANCE CONSTRUCTION CO., INC.

The bill (S. 2808) for the relief of Grier-Lowrance Construction Co., Inc., was announced as next in order.

Mr. KING. Mr. President, will the Senator from Vermont [Mr. GIBSON] explain the purpose of the bill?

Mr. GIBSON. Mr. President, this is a claim for damages under a contract for the construction of foundations for some of the structures of the Arlington Memorial Bridge. It confers jurisdiction on the Court of Claims to hear and determine the matter.

A bill involving the same matter passed the Congress at the last session for relief of the claimant, providing for payment in full of the amount claimed to be due. That bill was vetoed by the President. Later the President wrote to Representative DOUGHTON, Chairman of the Ways and Means Committee of the House, as follows:

While only the Congress may grant relief with respect to claims based on equity and where the law is not such as to permit judicial determination through the procedure of a suit against the United States, it appears the claim of the Grier-Lowrance Construction Co., Inc., is not based on matters of equity but rather is based on the facts therein and the laws applicable thereto, being claimed that administrative officials of the Government erred in finding and determining certain material facts. Such being the situation and it being difficult for the Congress to conduct such investigation, hear witnesses for and against the claimant's contention, and otherwise secure the material necessary to a determination of the controversy, and likewise for the Executive to inform himself, it is believed the claimant should be left to the procedure established by the Congress to secure judicial determination of such matters.

From that letter it is apparent that the President recommended that the matter be referred to the Court of Claims for determination. I assume he would have no objection to the bill if passed in this form.

Mr. KING. Mr. President, did the committee make an investigation, and from that investigation believe that the contractor had any valid claim based upon the actual facts?

Mr. GIBSON. We believed that the contractor did have some claim based on the facts.

Mr. KING. What is the amount of the claim?

Mr. GIBSON. The claim, I think, is for \$74,000.

Mr. McKELLAR. What was the amount of the bill as it passed before, which bill the President vetoed?

Mr. GIBSON. I shall have to refresh my memory from the record, but I think it was \$74,000.

Mr. McKELLAR. Just the same amount that is now sought?

Mr. GIBSON. Yes. In this bill we are merely conferring on the Court of Claims jurisdiction to hear and determine the matter.

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

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

Be it enacted, etc., That the claim of Grier-Lowrance Construction Co., Inc., for losses and damages suffered under contract no. AMB 28, dated May 18, 1929, for the construction of the foundation for the several structures of the Arlington Memorial Bridge project be, and the same is hereby, referred to the United States Court of Claims with jurisdiction to hear the same to judgment, said claim to be adjudicated upon the basis of all losses and/or damages suffered by the said company due to acts of the Government and/or to delays caused by the Government and/or sub-surface conditions unknown to the contractor and not disclosed by

the Government before contract was entered into, notwithstanding failure on the part of the claimant company to file written protests, and/or any, finding or decision heretofore made by any Government official with reference to said claim or any other technical defense: *Provided*, That suit hereunder is instituted within 4 months from the approval of this act.

MAJ. EDWIN F. ELY AND OTHERS

The bill (S. 2343) for the relief of Maj. Edwin F. Ely, Finance Department; Capt. Reyburn Engles, Quartermaster Corps; and others was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of Maj. Edwin F. Ely, Finance Department, United States Army, in the sum of \$708.12, being payments made by Capt. Reyburn Engles, Quartermaster Corps, his agent officer at Fort Oglethorpe, Ga., in 1931 and 1932, to certain enlisted men on duty at Fort Oglethorpe, Ga., for additional work performed by them in repairing and maintaining the post utilities at Fort Oglethorpe, Ga.: *Provided*, That any and all such portions of this sum as may have been refunded to the United States by reason of the payments made as above shall be, and are hereby, authorized and directed to be repaid to the individuals involved, out of any money in the Treasury not otherwise appropriated: *Provided further*, That no charges shall be made against Captain Engles or any of the enlisted men involved, on account of these transactions.

J. A. JONES

The bill (S. 2875) for the relief of J. A. Jones was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. A. Jones, of Glen Elder, Kans., an amount equal to 6 months' pay at the rate received by his son, Arthur R. Jones, former second lieutenant, First Regiment United States Cavalry, who died at Camp Gregg, Pangasinan, P. I., on July 4, 1908.

NACIONAL DESTILERIAS CORPORATION

The Senate proceeded to consider the bill (S. 2666) for the relief of the Nacional Destilerias Corporation, which had been reported from the Committee on Claims with an amendment at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Nacional Destilerias Corporation, a corporation organized under the laws of the State of Indiana, the sum of \$2,530, in full satisfaction of its claim against the United States for a refund of tariff duties assessed and paid by such corporation during the year 1934 on 1,265 gallons of Popular gin, inadvertently shipped to such corporation from the Philippine Islands although manufactured for shipment to France: *Provided*, That the said Nacional Destilerias Corporation shall first return all such Popular gin to the original shipper in the Philippine Islands: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

HAUSER CONSTRUCTION CO.

The Senate proceeded to consider the bill (S. 470) for the relief of the Hauser Construction Co., which had been reported from the Committee on Claims with amendments, on page 1, line 6, after the words "sum of", to strike out "\$272,926.51" and insert "\$192,400", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Hauser Construction Co., of Portland, Ore., the sum of \$192,400, in full satisfaction of all claims of such company against the United States arising out of a certain rivers and harbors contract (No. W698 eng-428) for the restoration and extension of the north and south jetties

at the Yaquina Bay entrance, Newport, Oreg., entered into by such company with the office of the Chief of Engineers, United States Army, under date of January 11, 1933, such sum representing the additional stone costs, equipment rentals, depreciation charges, and miscellaneous expenses incurred by such company in order to obtain and place sufficient stone to meet contract specifications when the quarry approved by such contract proved inadequate: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill by the Senator from Oregon [Mr. McNARY], who introduced it?

Mr. McNARY. Mr. President, this bill arises out of the construction of north and south jetties at Yaquina Harbor, near Newport, on the Oregon coast. There was a substitution of a form of granite for sandstone, which was a very great improvement, on account of the greater resistance of granite to water and wind, which the engineers claim gave a great deal of additional strength to the jetties and improved them.

The amount involved in the substitution was \$272,000 in excess of the contract. An agreement was had whereby the contractor agreed to take the amount allowed by the committee, \$192,400. The bill has been favorably reported from the committee by the Senator from Kentucky [Mr. LOGAN]. It has the favorable report of the engineers.

A similar bill has been favorably reported by the House committee and is on the House Calendar. The amount recommended in the committee amendment is \$80,000 less than the actual losses as ascertained by the Government engineers.

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

The amendments were agreed to.

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

HORTON & HORTON

The bill (H. R. 6549) for the relief of Horton & Horton was considered, ordered to a third reading, read the third time, and passed.

GEORGE R. JONES CO.

The bill (S. 1957) for the relief of the George R. Jones Co., a corporation organized under the laws of the State of New Hampshire was announced as next in order.

Mr. KING. Mr. President, unless the Senator from Tennessee [Mr. McKELLAR], who introduced the bill, can give us an explanation of it, I shall object to its consideration. I find that the Treasury Department opposes the passage of the bill for a number of reasons indicated in a rather comprehensive letter addressed to the Chairman of the Committee on Claims of the House of Representatives in 1934.

Mr. McKELLAR. Mr. President, I cannot better state what the facts are than to read from the report:

This bill proposes to pay to the George R. Jones Co., a former corporation of Manchester, N. H., the sum of \$63,927.75, which represents the amount paid by the company to the Treasury Department as taxes for the year 1919, as disclosed by the corporation's income-tax return for that year, which is in the files of the committee.

In September 1919, the company sold to Krohn & Co., Molde, Norway, a bill of shoes amounting to \$253,226.50. The Romsdalske Vexel og Landmandsbank of Norway on November 6, 1919, gave a bank guaranty to the Jones Co. in the amount of \$253,000, which amount, on January 13, 1920, was corrected by the same bank to the extent of increasing the bank guaranty to the amount of \$253,226.50.

The shoes, I see from the report, were to be paid for in kroner; and because of the Government's action the claimant, the George R. Jones Co., lost the sum of \$163,226.50. It seems to me the company is entitled to the amount.

Mr. KING. Mr. President, the Secretary of the Treasury disputes the contention made by the claimant. I object to the consideration of the bill.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

PAUL KIEHLER

The bill (H. R. 2606) for the relief of the estate of Paul Kiehler was considered, ordered to a third reading, read the third time, and passed.

BAUSCH & LOMB OPTICAL CO.

The Senate proceeded to consider the bill (S. 2268) for the relief of Bausch & Lomb Optical Co., which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bausch & Lomb Optical Co., a corporation, of Rochester, N. Y., the sum of \$33,487.34, in full settlement of all claims against the Government of the United States on account of expenditures made by said Bausch & Lomb Optical Co., pursuant to an arrangement between said Bausch & Lomb Optical Co. and representatives of the War and Navy Departments of the United States, in the maintenance of special guards for the protection of its plant and property against violence and espionage of enemy aliens from December 4, 1917, through December 7, 1918: *Provided*, That no part of the funds appropriated in this act shall be 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 portion of the funds appropriated in this act 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.

Mr. KING. Mr. President, let us have an explanation of this bill.

Mr. COPELAND. Mr. President, I will ask the Senator from Washington [Mr. SCHWELLENBACH], who reported the bill, to explain it.

Mr. SCHWELLENBACH. Mr. President, during the war the claimants, Bausch & Lomb Manufacturing Co., were manufacturing war material for the Government. Shortly after the outbreak of the war the Navy Department issued an order requiring concerns which were manufacturing materials for them to provide extra guards at their plants. Immediately thereafter a meeting was held between the representatives of the company and a representative of the Navy Department, a commander, and a representative of the Army, a lieutenant colonel, and a plan was arranged whereby the company put on extra guards. Provision was made that the company should pay one-fourth, the county should pay one-fourth, the Navy should pay one-fourth, and the Army should pay one-fourth.

Neither the Army nor the Navy paid the amount. Both of them were willing to pay it, but objection was made, because it was claimed that these officers, the commander of the Navy and the lieutenant colonel of the Army, did not have the right to enter into such an agreement; but between the time the agreement was made and December 1918, during which time these extra guards were maintained, both the Army and the Navy participated in directing the method in which the guards should be maintained. The Army commended the company for their course; and it is my opinion, upon examining the claim, that certainly the Army and Navy Departments ratified the action of these two officers.

The company went into the Court of Claims; and purely upon the technical basis that these two officers were acting beyond the scope of their authority the Court of Claims turned down the claim. They now present this bill, which the Navy Department approves. The Army reports unfavorably on it; but the only ground the Army has is that the Court of Claims has rejected the claim. If the Court of Claims was wrong, insofar as being too technical is concerned, and if the company is entitled to relief from Congress, the objection of the Army certainly does not hold good. The purpose of consideration of bills of this kind by the Congress is to take care of cases where, because of

some technical rule, the claimants have not a right to present their claims to the Court of Claims.

Mr. KING. In view of the former ruling of the Court of Claims and the position now taken by the Army, does not the Senator feel that the matter ought to be referred back to the Court of Claims, perhaps relieving the plaintiff of the claim of the statute of limitations?

Mr. SCHWELLENBACH. I have no quarrel with the Court of Claims. They decided the matter upon the purely technical ground that these officers did not have authority to enter into this contract. The Navy Department, however, issued the order. The company certainly had to provide the guards. I do not think it is fair for the Government to issue an order to a company, continue for a year and a half ratifying it, and then, just because some officer did not have the technical right to make the arrangements, say, "We will not pay the claim because this officer did not have the necessary authority."

Mr. KING. Does the Senator think the amount of the claim is equitable?

Mr. SCHWELLENBACH. There is no dispute about the amount of the claim.

Mr. KING. I have no objection to the consideration of the bill.

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

BANKERS RESERVE LIFE CO., AND OTHERS

The Senate proceeded to consider the bill (S. 1118) to authorize the Secretary of the Treasury of the United States to refund to the Bankers Reserve Life Co., of Omaha, Nebr., and the Wisconsin National Life Insurance Co., of Oshkosh, Wis., income taxes illegally paid to the United States Treasury, which had been reported by the Committee on Claims with an amendment to strike out all after the enacting clause and to insert the following:

That jurisdiction is hereby conferred upon the Court of Claims of the United States to hear, determine, and render judgment upon the claims of the Bankers Reserve Life Co., of Omaha, Nebr., and the Wisconsin National Life Insurance Co., of Oshkosh, Wis., for a refund of income taxes paid by said companies for the years 1923, 1924, and 1925, in excess of the amount due, and pursuant to the provisions of section 245, A-2, Revenue Acts of 1921 and 1924, which section was subsequently held unconstitutional by the Supreme Court of the United States in the case of National Life Insurance Co. against United States (277 U. S. 508), notwithstanding the bars or defense of any alleged settlement heretofore made or of *res judicata*, lapse of time, laches, or any statute of limitations. Suit hereunder may be instituted at any time within 4 months from the approval of this act, and proceedings in any suit brought in the Court of Claims under this act, appeals therefrom, and payment of any judgment therein shall be had as in the case of claims over which such court has jurisdiction under section 145 of the Judicial Code, as amended.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to confer jurisdiction upon the Court of Claims of the United States to hear, determine, and render judgment upon the claims of the Bankers Reserve Life Co., of Omaha, Nebr., and the Wisconsin National Life Insurance Co., of Oshkosh, Wis."

JULIUS CRISLER

The Senate proceeded to consider the bill (S. 1950) for the relief of Julius Crisler, which had been reported by the Committee on Finance with an amendment to strike out all after the enacting clause and to insert the following:

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Julius Crisler, of Jackson, Miss., the sum of \$1,525.31, in full satisfaction of his claim against the United States, such sum representing the amount of taxes assessed against the said Julius Crisler as transferee of the Jackson Sanatorium and Hospital Co. (Board of Tax Appeals Dockets Nos. 3039 and 26637), and paid by him under protest.

The amendment was agreed to.

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

A. N. ROSS

The bill (S. 1359) for the relief of A. N. Ross was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the payment by A. N. Ross, disbursing clerk of the Federal Trade Commission, located at Washington, D. C., of the sum of \$1,390, representing an amount paid by him to Hugh E. White as per diem in lieu of subsistence during the period from April 10, 1922, to October 29, 1923, inclusive, which payments were made in good faith in connection with and pursuant to a contract made between said Commission and said White, the legality of which has been questioned by the United States, be, and the same is hereby validated.

Sec. 2. That the Comptroller General of the United States is hereby authorized and directed to credit the accounts of A. N. Ross, disbursing clerk of the Federal Trade Commission, located at Washington, D. C., the amount of \$1,936, representing an amount paid by him in good faith to Hugh E. White as per diem in lieu of subsistence during the period from February 1, 1924, to June 15, 1925, both inclusive, which payment was made in connection with and pursuant to the terms of temporary employment and disallowed by the Comptroller General as having been paid in contravention of the act of April 6, 1914 (38 Stat., pp. 312, 318), or the rulings of the General Accounting Office.

MAJ. JOSEPH H. HICKEY

The Senate proceeded to consider the bill (S. 2741) for the relief of Maj. Joseph H. Hickey, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Maj. Joseph H. Hickey, United States Army, retired, the sum of \$3,880.28, in full settlement of all claims against the Government of the United States for a shortage in public funds due to irregularities in the accounts of a noncommissioned officer, now deceased, which officer was in charge of the commissary, New Orleans general depot, September 1920 to August 1921, and for which shortage Major Hickey has accounted to the United States Government: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

Mr. KING. Mr. President, with reference to this bill, I notice that the Department reports adversely.

Mr. COSTIGAN. Mr. President, may I say with reference to this essentially meritorious measure that a similar bill is on the calendar of the House of Representatives. Both bills have been unanimously and favorably reported by the respective committees which have considered the claim. Furthermore, there were three investigations of this claim under the War Department and in each instance a report favorable to the claimant resulted.

It is true, as the Senator from Utah has suggested, that a former Secretary of War recommended that the bill be not passed. Though I may be in error, I think no one will carefully read this record without concluding that the natural purpose of that former Secretary in making that recommendation was to pass to Congress both the primary and final responsibility for authorizing payment.

The claim was filed on behalf of a retired major in the United States Army, Joseph H. Hickey, who about 1920 was in technical charge of the commissary of the Army, at a time when there was acting under him, in direct charge of the commissary, by order of Major Laubach, of the Quartermaster Corps, Sgt. W. I. Pillans. Pillans embezzled commissary funds, accompanying his embezzlement by certain forgeries, while engaging in other concealed practices in disregard of the orders of Major Hickey.

Later Pillans was court-martialed. He temporarily escaped successful prosecution. Charges were again being preferred against Pillans by the dissatisfied commanding officer when those charges were ended by Pillans' death. There was no charge of personal knowledge of or participation in Pillans' acts by Major Hickey.

The entire amount of the embezzlement was repaid by Major Hickey. The reports and investigations made by the representatives of the Army make entirely clear that Hickey was not in a position reasonably to take other precautions than those he employed to guard the Government funds, and that he was misled by his subordinate, who under a special order was in direct charge of those funds, and who, in defiance of orders, as suggested a moment ago, embezzled the amount paid by Major Hickey, for which reimbursement is now asked.

An exceptionally fair and persuasive report on the claim has been filed by the committee and its chairman, the Senator from Maine [Mr. WHITE], I am satisfied it will confirm what I have said, but I hope the Senator from Maine will supplement my statement with his confirming or disproving judgment, as the case may be.

Mr. KING. Mr. President, I am satisfied with the explanation the Senator from Colorado has made.

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

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

RELIEF OF THE STATE OF MAINE

The bill (S. 3043) for the relief of the State of Maine, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions of section 3646, as amended, of the Revised Statutes of the United States, the chief disbursing officer of the Treasury Department is authorized and directed to issue, without the requirement of an indemnity bond, a duplicate of original check no. 66562 and a duplicate of original check no. 66563, drawn February 12, 1935, under his symbol 79088, in favor of "Treasurer, State of Maine (trust fund)" for \$7,075 and \$11,275, respectively, and lost, stolen, or miscarried in the mails.

THE VIRGIN ISLANDS CO.

Mr. TYDINGS. Mr. President, Senate bill 2330, Calendar No. 1030, was passed over a moment ago. I have an amendment which I believe will meet the objection of the Senator from Tennessee [Mr. McKellar].

The PRESIDING OFFICER. Is there objection to returning to Calendar 1030?

There being no objection, the Senate proceeded to consider the bill (S. 2330) authorizing the Virgin Islands Co. to settle valid claims of its creditors, and for other purposes.

The PRESIDING OFFICER. The clerk will state the amendment offered by the Senator from Maryland.

The LEGISLATIVE CLERK. On page 1, line 11, after the figures "\$1,736.81", it is proposed to strike out all down to and including the word "corporation" on line 7, page 2, and strike out the comma and insert a colon after the figures on line 11 and the following proviso:

Provided, That the Comptroller General of the United States is hereby authorized in his discretion to approve the use of moneys appropriated by the Congress or made available by any agency of the United States for the operation of such corporation, and to allow credit for items not otherwise allowable in accordance with law if and when established to be reasonably necessary to a proper functioning of the legally authorized activities of the corporation.

Mr. TYDINGS. Mr. President, a brief word of explanation.

The Virgin Islands Co., in putting in a bookkeeping system, hired some accountants, as I recall, and contracted an expense of about \$1,000, which they attempted to pay out of the fund referred to in this bill. That was subsequently turned down by the Comptroller General. There was no fraud; the thing was done honestly. This is simply a corrective measure.

I am sure that if Senators knew all the facts, there would not be a single objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maryland. The amendment was agreed to.

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

HOMER H. ADAMS

The Senate proceeded to consider the bill (S. 85) for the relief of Homer H. Adams, which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Homer H. Adams, of Tarrytown, Ga., the sum of \$1,000 in full satisfaction of all claims of such Homer H. Adams against the United States for damages resulting from injuries received by him when shot by one John Alford on November 13, 1918, while such Homer H. Adams was assisting J. Ben Wilson, late United States deputy marshal for the southern district of Georgia, to serve a warrant on one J. A. Alford, father of such John Alford: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

J. P. NAWRATH & CO., INC.

The Senate proceeded to consider the bill (S. 1120) for the relief of J. P. Nawrath & Co., Inc., which had been reported from the Committee on Claims with an amendment to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. P. Nawrath & Co., Inc., of New York City, N. Y., the sum of \$555.96, in full satisfaction of all claims of such corporation against the United States, such sum representing an amount in excess of the contract price of certain mop twine sold to the Office of Public Buildings and Public Parks of the National Capital, by such claimant, such amount being the increased cost to claimant because of the imposition of a Federal processing tax on the cotton which entered into the manufacture of such twine: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendment was agreed to.

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

INTEREST RATE ON DELINQUENT TAXES

The Senate proceeded to consider the bill (S. 2296) to reduce the interest rate on delinquent taxes, which had been reported from the Committee on Finance with an amendment to strike out all after the enacting clause and to insert the following:

That notwithstanding any provision of law to the contrary, interest accruing during any period of time after the date of enactment of this act upon any delinquent internal-revenue tax or customs duties, shall be at the rate of 6 percent per annum.

Mr. KING. Mr. President, I wish to ask the Senator from Kentucky whether this bill will not lead to some discrimination and some complaint by persons who are not delinquent, or, if they are delinquent, it is because of some contest as to the validity of the tax claims against them.

Mr. BARKLEY. Mr. President, I will say, in explanation of the bill, that at present the rate of interest of 1 percent a month, which amounts to 12 percent a year, runs against all delinquent taxes. That provision was made as a sort of penalty, in a way, to prevent delinquency in the payment of taxes, but the Secretary of the Treasury reports that it has not operated as a penalty.

The fact is that the Supreme Court held that it was not a penalty anyway. It is reported that it has operated as a burden upon the smaller taxpayers, who would not be delinquent if they could help it; and in line with the general reduction of the rate of interest which has been in vogue recently, the Treasury Department recommends the passage of the pending bill so as to provide a straight 6-percent interest on delinquent taxes of all concerned. It seems to me it is in the interest of justice. The Department holds that this heavy penalty of 12 percent has not really deterred anyone to speak of from becoming delinquent or shortened the period of delinquency.

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

The amendment was agreed to.

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

USE OF PARKS, ETC., BY ORDER OF ELKS

The Senate proceeded to consider the joint resolution (S. J. Res. 140) authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by Washington (D. C.) 1935 Improved, Benevolent, and Protective Order of Elks of the World, and for other purposes, which had been reported from the Committee on the District of Columbia with amendments, on page 3, line 8, after the word "occupation", to insert the words "and the said Improved, Benevolent, and Protective Order of Elks of the World Committee shall execute and deliver to the Commissioners of the District of Columbia a satisfactory bond with penalty of \$10,000 to secure such prompt restoration and such indemnification"; on line 23, strike out "25th" and to insert in lieu thereof "16th"; on page 4, line 8, to strike out "25th" and insert in lieu thereof "16th"; and to add two new sections at the end of the joint resolution, so as to make the joint resolution read:

Resolved, etc., That the Secretary of the Interior, the Secretary of the Treasury, the Commissioners of the District of Columbia, the Board of Education of the District of Columbia, and the Architect of the Capitol are hereby severally authorized to grant permits to the Washington (District of Columbia) 1935 General Entertainment Committee of the Improved, Benevolent, and Protective Order of Elks of the World, hereinafter referred to as the "I. B. P. O. E. of W. Committee", for the use of any buildings, parks, rivers, waterways, reservations, sidewalks, or other public spaces in the District of Columbia, under his, their, or its control, respectively, on the occasion of the annual session of the Improved, Benevolent, and Protective Order of Elks of the World in the month of August 1935: *Provided*, That such use will inflict no serious or permanent injury upon any such buildings, parks, rivers, waterways, reservations, sidewalks, or other public spaces, or any portion or the contents thereof, in the opinion of the person granting any such permit, in accordance with this authority: *Provided further*, That all stands, arches, or platforms that may be erected on the public spaces aforesaid, including such as may be erected in connection with any display of fireworks, shall be under the supervision of the said Washington (District of Columbia) Improved, Benevolent, and Protective Order of Elks of the World and in accordance with plans and designs to be approved by the Architect of the Capitol, the Engineer Commissioner of the District of Columbia, and the Superintendent of National Capital Parks, and that no person or corporation shall be authorized to erect or use any such stands, arches, or platforms without permission of said committee: *And provided further*, That any such buildings, parks, reservations, or other public spaces which shall be used or occupied, by the erection of stands or other structures, or otherwise, shall be promptly restored to their condition before such occupancy, and the said committee shall indemnify the United States or the District of Columbia, as the case may be, for all damage of any kind whatsoever sustained by reason of any such use or occupation, and the said Improved, Benevolent, and Protective Order of Elks of the World Committee shall execute and deliver to the Commissioners of the District of Columbia a satisfactory bond with penalty of \$10,000 to secure such prompt restoration and such indemnification.

Sec. 2. That the Commissioners of the District of Columbia are hereby authorized to designate, set aside, and regulate the use of such streets, avenues, and sidewalks in the District of Columbia, under their control, as they may deem proper and necessary, for the purpose of said session, and to make such special regulations regarding standing, movement, and operation of vehicles of whatever kind or character, and all reasonable regulations necessary to secure the preservation of public order and the protection of life and property, from the 16th day of August 1935 to the 2d day of September 1935, both inclusive.

Sec. 3. That the Public Utilities Commission of the District of Columbia is hereby granted authority to make such special regulations as in the opinion of said Commission may be necessary or desirable, regulating the standing, movement, and operation of taxicabs, street cars, busses, and other vehicles of conveyance under the regulation or control of said Commission, for the period commencing the 16th day of August 1935 and ending on the 2d day of September 1935, both inclusive.

Sec. 4. That the Secretary of War and the Secretary of the Navy are hereby authorized to loan to said committee such tents, camp appliances, trucks, motor equipment, benches, chairs, hospital furniture and utensils of all description, ambulances, horses, drivers, stretchers, Red Cross flags and poles, and other property and equipment, belonging to the United States, as in their judgment may be spared at the time of said session, consistent with the interests of the United States: *Provided*, That the said committee shall indemnify the United States for any loss or damage to any and all such property not necessarily incidental to such use: *and provided further*, That the said committee shall give approved bond to do the same.

Sec. 5. That the Secretary of War and the Secretary of the Navy are authorized to loan to the said committee such ensigns, flags, decorations, lighting equipment, and so forth, belonging to the United States (battle flags excepted) as are not then in use, and may be suitable and proper for decorations and other purposes, which may be spared without detriment to the public service, such ensigns, flags, decorations, lighting equipment, and so forth, to be used by the committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them: *Provided*, That the said committee shall, within 5 days after the close of said session, return to the said Secretaries all such ensigns, flags, decorations, lighting equipment, and so forth, thus loaned; and said committee shall indemnify the United States for any loss or damage not necessarily incidental to such use.

Sec. 6. That the Superintendent of National Capital Parks, subject to the approval of the Director of National Parks Service, is hereby authorized to permit the use of any or all public parks, reservations, or other public spaces in the District of Columbia, including the Monument Grounds and the Ellipse, for use by said committee for the erection of grand stands, reviewing stands, platforms, and other structures for reviewing parade or other purposes; and said committee is hereby authorized to charge reasonable fees for the use of the same provided such fees are used to aid in meeting the necessary expenses incident to the said session.

Sec. 7. That the Superintendent of National Capital Parks, subject to the approval of the Director of National Parks Service, is hereby authorized to permit the use of such public parks, reservations, or other public spaces in the District of Columbia, under the control of the said Superintendent of National Capital Parks, as in the opinion of said Superintendent of National Capital Parks may be necessary, for the use by said committee for the parking of automobiles, the temporary erection of tents for entertainment, hospitals, and other purposes; and the said committee is hereby authorized to charge reasonable fees for the use of the same provided such fees are used to aid in meeting the expenses incident to the said session.

Sec. 8. That the Commissioners of the District of Columbia are hereby authorized to permit said committee to stretch suitable overhead conductors, with sufficient supports, wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting special illumination: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after September 2, 1935, and shall, with their supports, be fully and entirely removed from the public spaces, streets, and avenues of the said city of Washington on or before September 25, 1935: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia, and that if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervision of the officer in charge of said park or reservation.

Sec. 9. That the Commissioners of the District of Columbia are hereby authorized to grant, subject to approval of said committee and under such conditions as they may impose, special licenses to peddlers, merchants, and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia during said session, and to charge for such privileges such fees as they may deem proper.

Sec. 10. That the Commissioners of the District of Columbia are hereby authorized to permit the telegraph and telephone companies to extend overhead wires to such points as shall be deemed necessary by the said committee, the said wires to be taken down within 10 days after the conclusion of the session.

Sec. 11. That the Secretary of the Interior and the Secretary of the Treasury are hereby authorized to assign to said committee for use and occupancy during said session such unoccupied public buildings or portions thereof in the District of Columbia as, in its discretion, may appear advisable: *Provided*, That any and all buildings so assigned shall be surrendered within 10 days after the

close of the said session: *Provided further*, That the said committee shall furnish a bond or other satisfactory assurance of indemnity against damage to said property while in its possession, incidental wear and tear excepted.

SEC. 12. None of the authority herein granted shall be exercised by any of the officials herein mentioned in such manner as to conflict with permits granted or arrangements heretofore made with the Boy Scouts of America under the terms of Public Act No. 23, Seventy-fourth Congress, approved April 1, 1935, or any amendments thereto, or with any other permits heretofore regularly granted for the use of such public space, reservations, parks, streets, or buildings.

SEC. 13. All provisions of this act shall apply to the Thirty-fifth Annual Session of the Imperial Council Ancient Egyptian Arabic Order Nobles of the Mystic Shrine, to be held in the District of Columbia from August 16 to August 23, 1935, and to the general committee of arrangements of such session.

The amendments were agreed to.

Mr. KING. Mr. President, the next bill, Calendar No. 1118, being Senate Joint Resolution 145, is a companion measure to this one. It makes an appropriation of \$35,000 to carry into effect the provisions of Senate Joint Resolution 140. I ask for its consideration.

The PRESIDING OFFICER. The Chair will call attention to the fact that Calendar No. 1202, being House Joint Resolution 351, apparently is the same as the measure now under consideration.

Mr. ROBINSON. Mr. President, I suggest that the House joint resolution be substituted for the Senate joint resolution.

The PRESIDING OFFICER. Without objection, House Joint Resolution 351 will be substituted for the pending Senate joint resolution, and the amendments which have been agreed to in the Senate joint resolution will be considered as having been made in the House joint resolution. Is there objection?

The Chair hears none, and it is so ordered.

Mr. KING. Mr. President, may I ask whether these two measures are textually the same?

The PRESIDING OFFICER. The Chair is advised that the Senate committee made one or two small textual amendments which were not included in the House joint resolution.

Is there objection to substituting the House joint resolution for the Senate joint resolution, and to the insertion in the House joint resolution of the perfecting amendments included in the Senate joint resolution?

The Chair hears none, and it is so ordered.

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

The amendments were ordered to be engrossed and the joint resolution to be read the third time.

The joint resolution was read the third time and passed.

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 140 will be indefinitely postponed.

CONVENTION OF ORDER OF ELKS

The Senate proceeded to consider the joint resolution (S. J. Res. 145) authorizing the appropriation of funds for the maintenance of public order and the protection of life and property during the convention of the Improved Benevolent and Protective Order of Elks of the World in the District of Columbia August 25, 1935, to August 31, 1935, both inclusive, which had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 7, after the words "from the", to strike out "25th" and insert in lieu thereof "16th", so as to make the joint resolution read:

Resolved, etc., That the sum of \$35,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, payable wholly from the revenues of the District of Columbia, to maintain public order and protect life and property in the District of Columbia from the 16th day of August 1935 to the 31st of August 1935, both inclusive, including the employment of personal service, the payment of allowances, traveling expenses, hire of means of transportation, and other incidental expenses in the discretion of the said Commissioners. There is hereby further authorized to be appropriated the sum of \$4,000, or so much thereof as may be necessary, payable as aforesaid, for the construction, rent, maintenance, and for incidental expenses in connection with the operation of temporary public-convenience stations, first-aid stations, and information booths, including the employment of personal service in connection therewith during such period.

The amendment was agreed to.

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

The title was amended so as to read: "Joint resolution authorizing the appropriation of funds for the maintenance of public order and the protection of life and property during the period August 16, 1935, to August 31, 1935, both inclusive."

NATIONAL MONUMENT ON SITE OF FORT STANWIX, N. Y.

The Senate proceeded to consider the bill (S. 739) to provide for the establishment of a national monument on the site of Fort Stanwix, in the State of New York, which had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 3, after the word "site", to strike out "and/or" and to insert in lieu thereof "or"; and in line 5, after the word "located", to strike out "therein" and to insert in lieu thereof "thereon", so as to make the bill read:

Be it enacted, etc., That when title to the site or portion thereof at Fort Stanwix, in the State of New York, together with such buildings and other property located thereon as may be designated by the Secretary of the Interior as necessary or desirable for national monument purposes, shall have been vested in the United States, said area and improvements, if any, shall be designated and set apart by proclamation of the President for preservation as a national monument for the benefit and inspiration of the people and shall be called the "Fort Stanwix National Monument": *Provided*, That such area shall include at least that part of Fort Stanwix 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 other property within the boundaries of said national monument 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 at prices deemed by him reasonable, or by condemnation under the provisions of the act of August 1, 1888, such tracts of land within the said national monument as may be necessary for the completion thereof.

SEC. 3. That the administration, protection, and development of the aforesaid national monument 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.

The amendments were agreed to.

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

VETERANS' ADMINISTRATION

The Senate proceeded to consider the bill (S. 3060) to amend section 6 of title I of the act entitled "An act to maintain the credit of the United States Government", approved March 20, 1933, as amended, which had been reported from the Committee on Finance with an amendment, on page 2, after line 23, to insert sections nos. 2, 3, 4, and 5, so as to make the bill read:

Be it enacted, etc., That section 6 of the act of March 20, 1933 (Public, No. 2, 73d Cong.), as amended by the act of June 16, 1933 (Public, No. 78, 73d Cong.), and the act of March 28, 1934 (Public, No. 141, 73d Cong.) (38 U. S. C. 706), is hereby amended to read as follows:

"SEC. 6. In addition to the pensions provided in this title the Administration facility, within the limitations existing in such limitations as he may prescribe and within the limits of existing Veterans' Administration facilities, to furnish to men discharged from the Army, Navy, Marine Corps, or Coast Guard for disabilities incurred in line of duty or to those in receipt of pension for service-connected disability, and to veterans of any war, including the Boxer Rebellion and the Philippine Insurrection, domiciliary care where they are suffering with permanent disabilities, tuberculosis, or neuropsychiatric ailments and medical and hospital treatment for diseases or injuries: *Provided*, That any veteran of any war who was not dishonorably discharged, suffering from disability, disease, or defect, who is in need of hospitalization or domiciliary care and is unable to defray the necessary expenses therefor (including transportation to and from the Veterans' Administration facility), shall be furnished necessary hospitalization or domiciliary care (including transportation) in any Veterans' Administration facility, within the limitations existing in such facilities, irrespective of whether the disability, disease, or defect was due to service. The statement under oath of the applicant on such form as may be prescribed by the Administrator of Veterans' Affairs shall be accepted as sufficient evidence of inability to defray necessary expenses."

SEC. 2. Subdivisions (b) and (c) of section 302, section 311, and subdivision (b) of section 604 of the World War Adjusted Com-

pensation Act, as amended, are amended, to take effect as of January 2, 1935, by striking out "January 2, 1935", wherever it appears in such subdivisions and section, and inserting in lieu thereof "January 2, 1940".

Sec. 3. Section 602 of the World War Adjusted Compensation Act, as amended, is amended, to take effect as of January 2, 1935, by striking out "January 2, 1935", wherever it appears in such section, and inserting in lieu thereof "January 2, 1940".

Sec. 4. Subdivision (b) of section 312 of the World War Adjusted Compensation Act, as amended, is amended, to take effect as of January 2, 1935, by striking out "January 2, 1935", wherever it appears in such subdivision, and inserting in lieu thereof "January 2, 1940".

Sec. 5. This act shall not invalidate any payments made or application received, before the enactment of this act, under the World War Adjusted Compensation Act, as amended. Payments under awards heretofore or hereafter made shall be made to the dependent entitled thereto regardless of change in status, unless another dependent establishes to the satisfaction of the director a priority of preference under such act, as amended. Upon the establishment of such preference the remaining installments shall be paid to such dependent, but in no case shall the total payments under title VI of such act, as amended (except section 608), exceed the adjusted-service credit of the veteran.

The amendment was agreed to.

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

The title was amended so as to read: "A bill to amend section 6 of title I of the act entitled 'An act to maintain the credit of the United States Government', approved March 20, 1933, as amended; to extend the time within which applications for benefits under the World War Adjusted Compensation Act, as amended, may be filed; and for other purposes."

PROTECTION OF ESTATES OF VETERANS

The Senate proceeded to consider the bill (H. R. 3979) to safeguard the estates of veterans derived from payments of pension, compensation, emergency officers' retirement pay, and insurance, and for other purposes, which had been reported from the Committee on Finance with amendments.

The first amendment was, in section 1, page 1, line 6, after the word "compensation", to insert "adjusted compensation", so as to make the paragraph read:

Be it enacted, etc., That section 21 of the World War Veterans' Act, 1924, as amended (U. S. C., Supp. VII, title 38, sec. 450), is hereby amended to read as follows:

"Sec. 21. (1) Where any payment of compensation, adjusted compensation, pension, emergency officers' retirement pay, or insurance under any act administered by the Veterans' Administration is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment may be made to the person who is constituted guardian, curator, or conservator by the laws of the State of residence of claimant, or is otherwise legally vested with the care of the claimant or his estate: *Provided*, That where in the opinion of the Administrator any guardian, curator, conservator, or other person is acting as fiduciary in such a number of cases as to make it impracticable to conserve properly the estates or to supervise the persons of the wards, the Administrator is hereby authorized to refuse to make future payments in such cases as he may deem proper: *Provided further*, That prior to receipt of notice by the Veterans' Administration that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct: *Provided further*, That where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State of residence of the claimant, the Administrator shall determine the person who is otherwise legally vested with the care of the claimant or his estate.

The amendment was agreed to.

Mr. ROBINSON. Mr. President, I see that the Senator who reported the bill is present. I should like to have him explain what changes the bill makes in existing law.

Mr. GEORGE. Mr. President, I desire to call attention to the fact that the amendment on page 4 is one of some importance. I believe that is the next committee amendment to be submitted to the Senate. That amendment strikes from the House bill a provision which would require the Treasury to pay interest at the rate of not less than 2 percent upon the funds deposited in the Treasury for the benefit of incompetent, insane veterans. That provision was stricken out by the Finance Committee, and that is the important amendment in the bill.

The reason for that action is found in the fact that the Treasury charges nothing by way of fees or commissions or expenses for carrying the accounts of the veterans who fall within the class in question, and whose compensation or other benefit is deposited with the Treasury. The amounts for each individual veteran vary almost constantly; that is to say, they are increased by accretions and diminished by withdrawals. The account is constantly shifting, and the bookkeeping is a very considerable burden upon the Treasury. The Treasury also reports that it is contrary to the fixed and established policy of the Government to pay interest upon accounts of this kind. No injustice is done to the veterans, because if these small amounts payable to the veterans who are insane or laboring under disability should be charged with the ordinary expense of administering under the State law, that expense would exceed the small amount of interest which it is desired to have the Government pay on these accounts.

The primary purpose of this bill, I may say, is to give to the Veterans' Administration power over the estates of insane veterans. At the present time the Veterans' Administrator has the power to object to what we discovered and denominated a few years back as "racketeering" here upon the part of guardians in the District of Columbia; and the Administrator was given the authority to seek and obtain the removal of a guardian who seemed to have made a practice of handling the affairs of veterans. At the time it was disclosed, as Senators will remember, that certain guardians were actually in receipt of enormous sums of money in the aggregate, and seemed to have lived by that kind of practice.

This bill enlarges the power of the Veterans' Administrator over the estates of insane veterans in the various States, and gives him much the same general power as that which he was given over the administration of such estates in the District of Columbia. It also gives to the Veterans' Administrator the power to go into the courts. At the present time he has the power to go into the trial courts for the purpose of asking the removal of a guardian who is non compos mentis. The bill gives to him the express power to do what he is now doing—that is, to appear in all the courts—and expressly ratifies and legalizes the expenditure of money for such appearances.

The bill also brings together in one section, so to speak, the various embezzlement statutes and acts fixing criminal responsibility on the guardians or other trustees for embezzlement of the several benefits which have been accredited and awarded from time to time to veterans of the World War and other wars. That is simply a codification, so to speak, of the various criminal acts. It is done for the purpose of facilitating indictments and of making more certain the terms of indictments, and of facilitating the prosecution of guardians or trustees who have failed to account for the assets of insane and disabled veterans.

I may also say that the bill gives to the Administrator of Veterans' Affairs power over the funds in the hands of the Treasury. In a case where there would be a lapse of title of the veteran's estate to any given State the bill gives the Administrator himself the power to withhold the funds for the benefit of the Treasury of the United States. That seems to be eminently just.

Those are the principal, if not all, the provisions of this particular bill.

I may say that with the exception of the amendment on page 4, beginning in line 21, down to and including the period in line 2 on page 5, the bill has the approval of the Veterans' Administration. It likewise has the approval of the Treasury, with this amendment. It is a bill which has the administration's approval so far as expenditures of money are concerned.

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

The next amendment was, on page 4, line 21, after the word "beneficiary", to strike out "to accumulate at such rate of interest as the Secretary of the Treasury may determine but at a rate never less than 2 percent per annum, except

that in those cases where a veteran with no dependents has been found insane by the Administrator and is being maintained by the United States or any political subdivision thereof, in an institution, no interest will be paid", so as to make the paragraph read:

(3) All or any part of the compensation, pension, emergency officers' retirement pay, or insurance the payment of which is suspended or withheld under this section may, in the discretion of the Administrator, be paid temporarily to the person having custody and control of the incompetent or minor beneficiary to be used solely for the benefit of such beneficiary, or in the case of an incompetent veteran, may be apportioned to the dependent or dependents, if any, of such veteran. Any part not so paid and any funds of a mentally incompetent or insane veteran not paid to the chief officer of the institution in which such veteran is an inmate nor apportioned to his dependent or dependents may be ordered held in the Treasury to the credit of such beneficiary. All funds so held shall be disbursed under the order and in the discretion of the Administrator for the benefit of such beneficiary or his dependents. Any balance remaining in such fund to the credit of any beneficiary may be paid to him if he recovers and is found competent, or, if a minor attains majority, or otherwise to his guardian, curator, or conservator, or, in the event of his death, to his personal representative, except as otherwise provided by law: *Provided*, That payment will not be made to his personal representative if, under the law of the State of his last legal residence, his estate would escheat to the State: *Provided further*, That any funds in the hands of a guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, derived from compensation, automatic or term insurance, emergency officers' retirement pay, or pension, payable under said acts, which under the law of the State wherein the beneficiary had his last legal residence would escheat to the State, shall escheat to the United States and shall be returned by such guardian, curator, conservator, or person legally vested with the care of the beneficiary or his estate, or by the personal representative of the deceased beneficiary, less legal expenses of any administration necessary to determine that an escheat is in order, to the Veterans' Administration, and shall be deposited to the credit of the current appropriations provided for payment of compensation, insurance, or pension.

The amendment was agreed to.

The next amendment was, in section 2, page 6, line 13, after the word "amended", to insert "Public Law No. 484, Seventy-third Congress"; in line 15, after the word "amendatory", to strike out "thereto" and insert "of such acts"; on page 7, line 6, after the word "committed", to strike out the comma and the words, "or any action begun thereunder" and insert "before the enactment of this act"; and in line 9, after the word "terms", to strike out "thereof" and insert "of such sections", so as to make the section read:

SEC. 2. Whoever, being a guardian, curator, conservator, committee, or person legally vested with the responsibility or care of a claimant or his estate, or any other person having charge and custody in a fiduciary capacity of money paid under the War Risk Insurance Act, as amended, the World War Veterans' Act, 1924, as amended, the Emergency Officers' Retirement Act, as amended, the World War Adjusted Compensation Act, as amended, the pension laws in effect prior to March 20, 1933, Public Law No. 2, Seventy-third Congress, as amended, Public Law No. 484, Seventy-third Congress, or under any act or acts amendatory of such acts, for the benefit of any minor, incompetent, or other beneficiary, shall lend, borrow, pledge, hypothecate, use, or exchange for other funds or property, except as authorized by law, or embezzle or in any manner misappropriate any such money or property derived therefrom in whole or in part and coming into his control in any manner whatever in the execution of his trust, or under color of his office or service as such fiduciary, shall be fined not exceeding \$2,000 or imprisoned for a term not exceeding 5 years, or both. Any willful neglect or refusal to make and file proper accountings or reports concerning such money or property as required by law, shall be taken to be sufficient evidence, prima facie, of such embezzlement or misappropriation. Section 505 of the World War Veterans' Act, 1924, section 16 of Public Law No. 2, Seventy-third Congress, and section 4783 of the Revised Statutes are hereby repealed; but any offense committed before the enactment of this act may be prosecuted and punishment may be inflicted in accordance with the terms of said sections notwithstanding the repeal of said sections.

The amendment was agreed to.

The next amendment was, in section 5, page 8, line 11, after the word "passage", to insert "but the provisions hereof shall apply to payments made heretofore under any of the acts mentioned herein", so as to make the section read:

SEC. 5. That this act shall take effect and be in force from and after its passage, but the provisions hereof shall apply to payments made heretofore under any of the acts mentioned herein.

The amendment was agreed to.

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

The bill was read the third time and passed.

UNITED POCAHONTAS COAL CO.

The bill (S. 2697) for the relief of the United Pocahontas Coal Co., Crumpler, W. Va., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of the revenue laws relating to refunds of overpayments of taxes, the Secretary of the Treasury and/or the Commissioner of Internal Revenue is authorized and directed to receive and consider the claim for refund of overpayment of income and excess-profits taxes assessed for the year 1919 against the United Pocahontas Coal Co., of Crumpler, W. Va., which claim was disallowed for failure to file within the statutory period of limitations: *Provided*, That in considering the claim for refund of overpayment of income and excess-profits taxes assessed for the year 1919 the Secretary of the Treasury and/or the Commissioner of Internal Revenue shall take into consideration any offset or collection of any tax found to be due from the said United Pocahontas Coal Co. Such claim may be instituted within 6 months after the date of enactment of this act.

BADGE OF THE AMERICAN LEGION

The Senate proceeded to consider the bill (H. R. 4410) granting a renewal of Patent No. 54296, relating to the badge of the American Legion.

Mr. ROBINSON. Mr. President, I see there are two bills on the calendar, House bill 4410 and House bill 4413, which have the same title. What is the object of passing two bills with the same title?

Mr. McADOO. These two bills have passed the House. One of them relates to the badge of the American Legion, and the other relates to the badge of the American Legion Auxiliary. That is the only difference between the two bills.

Mr. ROBINSON. The titles as printed in the calendar do not reflect that fact.

The PRESIDING OFFICER. The Chair calls attention to the fact that the numbers of the patents in the two bills are different.

Mr. ROBINSON. If the language of the bills is satisfactory to the Senator, of course, I have no objection to the consideration of the bill. I merely wished to know the reason for the two bills having similar titles.

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

BADGE OF THE AMERICAN LEGION AUXILIARY

The bill (H. R. 4413) granting a renewal of Patent No. 55398, relating to the badge of the American Legion Auxiliary, was considered, ordered to a third reading, read the third time, and passed.

ANNA FARRUGGIA

Mr. McADOO. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1145, on page 28, being House bill 4406, for the relief of Anna Farruggia.

The bill has passed the House of Representatives. This woman was arrested in 1930, before the repeal of the prohibition amendment, and was required to deposit \$1,000 cash bail with the United States Commissioner. He subsequently converted the money to his own use, and was indicted, and is now in the penitentiary. This is a bill to reimburse her for the loss. Bills for the relief of similar claims have heretofore been passed by the Senate. This woman is in very destitute circumstances, and I should be glad if the bill could be taken up at this time. There is no controversy with reference to the merits of the case.

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

There being no objection, the Senate proceeded to consider the bill, which was ordered to a third reading, read the third time, and passed.

WALTER S. BRAMBLE

The bill (H. R. 3558) for the relief of Capt. Walter S. Bramble was considered, ordered to a third reading, read

the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Capt. Walter S. Bramble, Quartermaster Corps, United States Army, in the sum of \$1,174.19, on account of stoppage of pay as the result of the loss of public funds due to financial irregularities and frauds against the Government, in the handling of public funds by a civilian employee of the Quartermaster Corps at Camp Custer, Mich., during the period from April 1924 to October 1927, for part of which Captain Bramble has been held responsible, and to certify the same to Congress for an appropriation.

JOHN F. HATFIELD

The bill (H. R. 1073) for the relief of John F. Hatfield was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers John F. Hatfield, who was a member of Troop C, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 14th day of September 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

RELIEF OF PUBLIC-SCHOOL DISTRICTS

The Senate proceed to consider the bill (S. 3123) to provide for the relief of public-school districts and other public-school authorities, and for other purposes.

Mr. ROBINSON. Mr. President, in order to effectuate an arrangement made with the Reconstruction Finance Corporation, sundry amendments, which I submit as a single amendment, become necessary. These amendments for the most part correct the language of the bill and make clearer the terms upon which the loans authorized to be made by the Reconstruction Finance Corporation shall be granted. The bill authorizes loans in the aggregate of \$10,000,000 to be made to school districts or other school authorities for the purpose of refinancing their outstanding obligations. The bill is very carefully safeguarded. The final draft was made at the suggestion and with the approval of the Reconstruction Finance Corporation.

The PRESIDING OFFICER. The Senator from Arkansas asks unanimous consent that the several amendments which he has submitted may be considered as one. Is there objection?

Mr. AUSTIN. Mr. President, on account of the nature of the amendments as I understand them, I think we should have a little time for their consideration. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

Adams	Connally	King	Pittman
Ashurst	Copeland	La Follette	Radcliffe
Austin	Costigan	Lewis	Robinson
Bachman	Dickinson	Logan	Russell
Bankhead	Dieterich	Loneragan	Schall
Barbour	Donahey	McAdoo	Schwellenbach
Barkley	Duffy	McCarran	Sheppard
Black	Fletcher	McGill	Shipstead
Bone	Frazier	McKellar	Steiwer
Borah	George	McNary	Thomas, Okla.
Brown	Gibson	Metcalf	Townsend
Bulkley	Glass	Minton	Trammell
Bulow	Gore	Moore	Truman
Burke	Guffey	Murphy	Tydings
Byrd	Hale	Murray	Vandenberg
Byrnes	Harrison	Neely	Van Nuys
Capper	Hastings	Norbeck	Wagner
Caraway	Hatch	Norris	Walsh
Carey	Hayden	Nye	Wheeler
Chavez	Holt	O'Mahoney	White
Clark	Johnson	Overton	

Mr. LEWIS. Mr. President, I merely reannounce the absence of Senators and the reasons therefor as announced by me on the previous roll call.

The PRESIDING OFFICER. Eighty-three Senators have answered to their names. A quorum is present. Is there objection to the request of the Senator from Arkansas to consider the amendments en bloc? The Chair hears none, and it is so ordered. The amendments will be stated.

The amendments were, on page 2, line 4, before the word "outstanding", to strike out "its"; on page 3, line 8, after

the word "other", to strike out "charges" and insert "funds"; on the same page, line 22, after the word "finance", to strike out the comma; on page 4, line 1, after the word "section" and the semicolon, to strike out "(b) has been satisfied that an agreement has been entered into between the borrower and the holders of its outstanding bonds, notes, and/or other obligations which have been incurred for the benefit of public schools, under which agreement it will be able to purchase, reduce, or refund all or a major portion of such indebtedness or obligations at a price determined by the Corporation to be reasonable after taking into consideration the average market price of the evidences of such indebtedness or obligations over the 6-month period ended January 1, 1935, and under which a substantial reduction will be brought about in the aggregate of such outstanding indebtedness and obligations; and" and in lieu thereof to insert "(b) has been satisfied that an agreement has been entered into with the holders of outstanding bonds, notes, and/or other obligations incurred by or for the benefit of the tax-supported public-school district or other similar public-school authority in charge of public schools, which indebtedness or obligations are to be reduced and refinanced in connection with a loan from the Corporation, under which agreement it will be possible to purchase, reduce, or refund all or a major portion of the aggregate of outstanding indebtedness and obligations incurred by or on behalf of such district or authority at a price determined by the Corporation to be reasonable after taking into consideration the average market price of the evidences of the indebtedness or obligations to be reduced and refinanced over the 6-month period ending January 1, 1935, and under which a substantial reduction will be brought about in the aggregate of such outstanding indebtedness and obligations; and"; on page 4, line 17, after the word "facilities", to strike out the comma; on page 5, to strike out lines 7 to 13, inclusive, as follows:

The proceeds of any loan applied for by a borrower under this section may be paid either to such borrower or to the holders or representatives of the holders of the outstanding obligations of the borrower, and such loans may be made upon promissory notes collateralized by the obligations of such borrower, or through the purchase of securities issued or to be issued by such borrower.

And in lieu thereof to insert the following:

The proceeds of any loan applied for by a borrower under this section may be paid either to such borrower or to the holders or representatives of the holders of the bonds, notes, and/or other obligations to be reduced and refinanced in connection with such loan, and such loans may be made upon promissory notes collateralized by such bonds, notes, and/or other obligations, or through the purchase of securities issued or to be issued by such borrower.

And on page 5, line 16, after the word "section", to strike out "6" and insert "16", so as to make the bill read:

Be it enacted, etc., That the Reconstruction Finance Corporation is hereby authorized and empowered to make loans out of the funds of the Corporation in an aggregate amount not exceeding \$10,000,000 to or for the benefit of tax-supported public-school districts or other similar public-school authorities in charge of public schools, organized pursuant to the laws of the several States, Territories, and the District of Columbia. Such loans shall be made for the purpose of enabling any such district or authority which, or any State, municipality, or other public body which, is authorized to incur indebtedness for the benefit of public schools (herein referred to as the "borrower") to reduce and refinance outstanding indebtedness or obligations which have been incurred prior to the enactment of this act for the purpose of financing the construction, operation, and/or maintenance of public-school facilities.

Such loans shall be subject to the same terms and conditions as loans made under section 5 of the Reconstruction Finance Corporation Act, as amended, except that (1) the term of any such loans shall not exceed 33 years; (2) each such loan shall, in the opinion of the Corporation, be reasonably and adequately secured, and, in respect to the type of security, shall be secured (a) by bonds, notes, or other obligations for the payment of which shall be pledged the full faith and credit and taxing power of the borrower or of such taxing authority as may be authorized pursuant to State law to levy assessments, taxes, or other charges for the benefit of public schools, and/or (b) by bonds, notes, or other obligations which are a lien on real property of the borrower, and/or (c) by such other collateral as may be acceptable to the Corporation; (3) the borrower shall agree not to issue during the term of the loan any other obligations so secured, and insofar as it may lawfully do so, shall agree not to assume during such term

any further indebtedness for the benefit of public schools, except with the consent of the Corporation; (4) the borrower shall agree, insofar as it may lawfully do so, that so long as any part of such loan shall remain unpaid the borrower will in each year apply to the repayment of such loan or to the purchaser or redemption of the obligations issued to evidence such loan, an amount equal to the amount by which the assessments, taxes, and other funds received by it for the benefit of public schools exceeds (a) the cost of operation and maintenance of the public-school facilities which are financed in whole or in part by such amount of assessments, taxes, or other charges, received by it; (b) the debt charges on its outstanding obligations; and (c) provisions for such reasonable reserves as may be approved by the Corporation.

No loan shall be made under this section until the Corporation (a) has caused an appraisal to be made of the taxpaying ability of the taxing district or other territory throughout which assessments, taxes, or other charges are authorized to be levied for the purpose of paying the costs of, or for the purpose of securing funds to repay indebtedness incurred to finance the construction, operation, and/or maintenance of the public-school facilities on account of which the indebtedness was incurred or obligations assumed which are to be reduced and refinanced in connection with a loan from the Corporation made under this section; (b) has been satisfied that an agreement has been entered into with the holders of outstanding bonds, notes, and/or other obligations incurred by or for the benefit of the tax-supported public-school district or other similar public-school authority in charge of public schools, which indebtedness or obligations are to be reduced and refinanced in connection with a loan from the Corporation, under which agreement it will be possible to purchase, reduce, or refund all or a major portion of the aggregate of outstanding indebtedness and obligations incurred by or on behalf of such district or authority at a price determined by the Corporation to be reasonable after taking into consideration the average market price of the evidences of the indebtedness or obligations to be reduced and refinanced over the 6 months' period ending January 1, 1935, and under which a substantial reduction will be brought about in the aggregate of such outstanding indebtedness and obligations; and (c) has determined, in view of such appraisal of taxpaying ability and of such substantial reduction in the aggregate of such outstanding indebtedness and obligations, that the operation of the public-school facilities to refinance indebtedness or obligations incurred for the benefit of which a loan from the Corporation is applied for under this section is economically sound and will promote the general welfare of the community.

When any loan is authorized pursuant to the provisions of this section and it shall then or thereafter appear that repairs and necessary extensions or improvements to the public-school facilities to refinance the indebtedness or obligations incurred for the benefit of which such loan is authorized are necessary or desirable for the further assurance of the ability of the borrower to repay such loan, the Corporation, within the limitation as to total amount provided in this section, may make an additional loan or loans to such borrower for such purposes.

The proceeds of any loan applied for by a borrower under this section may be paid either to such borrower or to the holders or representatives of the holders of the bonds, notes, and/or other obligations to be reduced and refinanced in connection with such loan, and such loans may be made upon promissory notes collateralized by such bonds, notes, and/or other obligations, or through the purchase of securities issued or to be issued by such borrower.

SEC. 2. No loan shall be made by the Corporation under this act where any part of the proceeds of such loan are to be used for purposes authorized by section 16 of the act approved June 19, 1934 (Public, No. 417, 73d Cong.).

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

Mr. McNARY. Mr. President, before final action is taken I should like to have the Senator from Arkansas explain what effect the amendments have upon the original text of the bill.

Mr. ROBINSON. Mr. President, prior to the call of the Senate I made a brief statement concerning the amendments.

Most of the amendments are merely verbal, and do not effect any substantial change in the provisions of the bill. There are two amendments which are substantial. They are offered in order to make the bill conform to the final draft as suggested by the Reconstruction Finance Corporation officials.

The loans are to be adequately and reasonably secured, and are for the purpose of enabling the school authorities to refinance their obligations. Under a similar statute passed with reference to the refinancing of drainage, irrigation, and levee district organizations, refinancing has progressed to the extent that an aggregate reduction of approximately \$30,000,000 has been made in the obligations which have been refinanced.

There are a number of States in which the obligations of school districts are in default. In most of them with which

I am familiar, prior to the depression, the revenues of the district were ample to cover the service charges; but with the depression there came a decline in the amount of revenues available for these purposes. This proposed legislation is necessary in order to avoid closing down the schools for a part of the year in some of the States. The funds which are essential to the operation of the schools might be used in paying the service charges on their obligations.

The discretion of the Reconstruction Finance Corporation is unlimited as to making the loans. That is to say, the bill requires that the security shall be adequate and that there shall be such other restrictions and regulations as the Reconstruction Finance Corporation may impose consistent with the terms of the act.

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

Mr. ROBINSON. Certainly.

Mr. VANDENBERG. I am wondering about the figure of \$10,000,000. If we are going to invade this field, it seems to me a vastly greater sum will be involved.

Mr. ROBINSON. The Senator is entirely correct in the assumption that \$10,000,000 may not prove adequate, and probably will not prove adequate, for the consummation of the purposes of the bill; but it is believed that \$10,000,000 is all that may be required during the next year, and that if the bill justifies itself—as the drainage, irrigation, and levee act to which I have already referred appears to have done—other loans may be authorized when this fund shall have been exhausted, if Congress shall see fit to authorize them.

Mr. VANDENBERG. I am wondering whether this precedent may extend itself into very large sums, into a billion dollars or more.

Mr. ROBINSON. Oh, no; it is not expected that anything like that will occur. Probably a sum much larger than \$10,000,000 may be used in future years if conditions make necessary the legislation. If the school district revenues should be increased by reason of improved conditions in the country, further authorizations may be entirely unnecessary.

I wish to state frankly that the situation was this: I sought to authorize, and so did a Member of the House who first introduced a bill on the subject, aggregate loans in the amount of \$50,000,000. The Budget Bureau approved that sum on the condition that the proposed legislation did not contemplate any increase in the loaning powers of the Reconstruction Finance Corporation. The Reconstruction Finance Corporation probably would have approved an aggregate authorization of \$50,000,000, but did not feel justified in doing it without an expansion of their loaning power. So it was finally agreed, after much consideration and discussion with the appropriate authorities—the Budget Bureau and the Reconstruction Finance Corporation—and by the Representative and myself, that \$10,000,000 would be adequate for present and immediate purposes.

Mr. DICKINSON. Mr. President—

Mr. ROBINSON. I yield to the Senator from Iowa.

Mr. DICKINSON. If this proposed law had been on the statute books I am wondering whether or not the Reconstruction Finance Corporation would have been required or would have been able to meet the situation in a city like Chicago, where the teachers were not paid for some 2 years or more. Is that the purpose of the bill?

Mr. ROBINSON. No; this bill does not authorize the use of funds loaned under it for the payment of teachers or for the construction of school facilities. It merely permits loans to be made, in the discretion of the Reconstruction Finance Corporation, for the purpose of refinancing the outstanding obligations of school districts; but it might be true that the effect of such loans would be to permit the continuance of school operations, in this way: The schools might be able to use for operating purposes funds which, but for the loans, they would have been required to employ in meeting service charges on their obligations.

Mr. DICKINSON. The thought I had in mind was that, if I read the bill correctly, it would authorize the Reconstruction Finance Corporation to rediscount in such amounts as it might see fit the warrants of a school district like the city of Chicago.

Mr. ROBINSON. The bill authorizes loans by the Reconstruction Finance Corporation for the purpose of enabling the school authorities to refinance their outstanding obligations, whether they are bonds or other obligations.

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

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. ROBINSON. Certainly.

Mr. WALSH. As I understand, there are large numbers of school districts in certain parts of the country which have issued obligations of one kind or another for the purpose of erecting and maintaining schools; and the Senator's purpose is to permit these municipalities or school districts to reduce and refinance their obligations by borrowing money from the Reconstruction Finance Corporation.

Mr. ROBINSON. The Senator has correctly stated the purpose of the bill.

Mr. WALSH. There are large numbers of municipalities which do not segregate their school obligations from those issued to defray their general governmental expenses. I do not understand that the provisions of the bill would apply to any general municipal loans which might include school purposes.

Mr. ROBINSON. No; I do not so understand the bill.

Mr. WALSH. It is limited to school districts which issue obligations specifically for educational purposes?

Mr. ROBINSON. Yes; and for obligations already existing.

Mr. WALSH. It will help them to maintain their credit, or to refinance their obligations when they are unable to do so from private sources?

Mr. ROBINSON. I think that is a correct statement.

Mr. LEWIS. Mr. President, may I interrupt the Senator?

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

Mr. ROBINSON. Certainly.

Mr. LEWIS. Has the Senator had an opportunity to ascertain how the bill would apply to the situation in Chicago, where there is an existing loan to the city from which teachers were paid?

I will say to the Senator that there is on file security which delivers to the Reconstruction Finance Corporation certain liens on real estate controlled by the Board. Should the Board not be able to pay the debt from any returns which come in from the tax warrants, would not this measure allow them to refinance upon their own securities in some manner by which they may pay this debt?

Mr. ROBINSON. I will answer the Senator by reading the language of the bill which is applicable. Of course, I shall not read all of the bill, but only the language which is applicable:

* * * No loan shall be made under this section until the Corporation has been satisfied that an agreement has been entered into between the borrower and the holders of its outstanding bonds, notes, and/or other obligations which have been incurred for the benefit of public schools, under which agreement it will be able to purchase, reduce, or refund all or a major portion of such indebtedness or obligations at a price determined by the Corporation to be reasonable after taking into consideration the average market price of the evidences of such indebtedness or obligations over the 6-month period ended January 1, 1935, and under which a substantial reduction will be brought about in the aggregate of such outstanding indebtedness and obligations.

Mr. LEWIS. As I understand, the readjustment would be a mutual adjustment between the board controlling the schools of Chicago and the R. F. C. controlling the finances here.

Mr. ROBINSON. An agreement must be entered into between the school authorities and the holders of the obligations, and when the Reconstruction Finance Corporation is satisfied that that agreement meets the terms of the pending bill, it may make the loan.

Mr. GORE. Mr. President, is this limited to long-term obligations or does it apply to current expenditures, teachers' salaries, and so forth?

Mr. ROBINSON. The language of the bill I have just read is:

Outstanding bonds, notes, and/or obligations incurred by or for the benefit of the tax-supported public-school districts or other similar public-school authority—

And so forth.

Mr. GORE. That means warrants issued to pay the salaries of teachers. My only concern is that we should not establish a precedent to come back to plague us, that would prove an unbearable drain on the Federal Treasury or invite Federal interference with our local schools, or impair the independence of our common-school system.

Mr. ROBINSON. The Senator may make his own construction as to the legal effect of the language. As suggested to me by the Senator from Massachusetts [Mr. WALSH], the important word is "outstanding" obligations, and it is provided that no part of the funds loaned shall be used to pay teachers.

The PRESIDING OFFICER (Mr. McGILL in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WHEELER. Mr. President, I send to the desk an amendment to which I feel there will not be any objection.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 1, line 10, after the period, it is proposed to insert the following new sentence:

Such aggregate amount shall be allocated equitably among the several States and Territories and the District of Columbia, on the basis of the demonstrated need, but not more than 10 percent of such amount shall be loaned to any one State or Territory or to the District of Columbia.

Mr. ROBINSON. Mr. President, this is the first time the amendment proposed by the Senator from Montana has been brought to my attention. The first part of the amendment down to the word "need", in line 4, is not objectionable to me. The latter part I think the Senator on reflection would not wish to insist upon. It provides that "not more than 10 percent of such amount shall be loaned to any one State or Territory or to the District of Columbia." That would mean that not in excess of a million dollars could be loaned in any State on account of the proposed act, and it might mean that a large part of the aggregate fund would not be used. I suggest to the Senator from Montana that he modify his amendment by striking out all after the word "need." I would have no objection to the amendment if he will do that.

Mr. WHEELER. I suggested the amendment so that the whole amount could not be loaned to some one State.

Mr. ROBINSON. The Senator's thought, I take it, is that for one reason or another all the loans might be made in one or two States, while other States equally in need would be deprived of any loan.

Mr. WHEELER. That is my thought in offering the amendment.

Mr. ROBINSON. That is amply safeguarded in the language which would be preserved in the Senator's amendment if he would strike out the words I have suggested, namely—

but not more than 10 percent of such amount shall be loaned to any one State or Territory or to the District of Columbia.

The language retained requires that it be equitably allocated among the several States, and so forth.

Mr. WHEELER. I have no particular objection. I would have liked to limit the amount. For instance, the State of New York and the State of Illinois might come in and say, "We need all of this \$10,000,000", and they might demonstrate their need, whereas some of the smaller States which needed loans just as badly would not be able to get anything from the fund because it would be exhausted.

Mr. ROBINSON. I do not think any other limitation than the first provision would be required to accomplish the purpose the Senator has in mind. The language which would remain in the amendment would be the following:

Such aggregate amount shall be allocated equitably among the several States and Territories and the District of Columbia on the basis of demonstrated need.

Mr. WHEELER. I accept the modification.

Mr. ROBINSON. Mr. President, I move to strike out of the amendment all after the word "need", in line 4, and to insert a period after the word "need."

Mr. WHEELER. I accept the suggestion of the Senator.

Mr. WALSH. Mr. President, may we have the revised amendment reported?

The PRESIDING OFFICER. The clerk will state the amendment as modified.

The CHIEF CLERK. On page 1, line 10, after the period, it is proposed to insert the words "Such aggregate amount shall be allocated equitably among the several States and Territories, and the District of Columbia, on the basis of demonstrated need."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana, as modified.

The amendment as modified was agreed to.

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

J. R. COLLIE AND ELEANOR Y. COLLIE

The Senate proceeded to consider the bill (S. 1042) for the relief of J. R. Collie and Eleanor Y. Collie, which had been reported from the Committee on Claims with amendments, on page 1, line 7, to strike out "\$10,000" and to insert in lieu thereof "\$5,000", and to add a proviso at the end of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to J. R. Collie and Eleanor Y. Collie, father and mother of J. R. Collie, Jr., deceased, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000 in full compensation for the death of said J. R. Collie, Jr., a civilian employee, who was killed while in the employment of the United States Motor Transport Corps by an Army truck, no. 225, at the Army supply base, Norfolk, Va., on August 15, 1919: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The amendments were agreed to.

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

RESIDENCE OF MEMBERS OF THE DISTRICT OF COLUMBIA FIRE DEPARTMENT

The Senate proceeded to consider the bill (H. R. 3641) to amend section 559 of the Code of the District of Columbia as to restriction on residence of members of the fire department, which had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 3, after the word "of" to insert the words "title 20 of", so as to make the bill read:

Be it enacted, etc., That section 559 of title 20 of the Code of the District of Columbia be amended to read as follows:

"Restrictions on members of department leaving District; leaves of absence: No member of the fire department shall, unless on leave of absence, go beyond the confines of the District of Columbia, or be absent from duty without permission, except that nothing in this act shall be construed to limit the right of members of the department to reside anywhere within the Washington, D. C., metropolitan district; and leaves of absence exceeding 20 days in any one year shall be without pay and require the consent of the Commissioners, and such year shall be from January 1 to December 31, both inclusive, and 30 days shall be the term of total sick leave in any year without disallowance of pay; and leave of absence with pay of members of the fire department of the District of Columbia may be extended in cases of illness or injury incurred in line of duty, upon recommendation of the board of surgeons approved by the Commissioners of the District of Columbia, for such period exceeding 30 days in any

calendar year as in the judgment of the Commissioners may be necessary: *Provided*, That for the purposes of this act, Washington, D. C., metropolitan district, shall be held to include the District of Columbia and the territory adjacent thereto within a radius of 12 miles from the United States Capitol Building: *And provided further*, That any member of the fire department living outside the District of Columbia shall have and maintain a telephone at all times in his residence."

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

The bill was read the third time and passed.

The title was amended so as to read: "An act to amend section 559 of title 20 of the Code of the District of Columbia as to restriction on residence of members of the fire department."

CHANGE OF NAME OF DEPARTMENT OF THE INTERIOR

Mr. LEWIS. Mr. President, I invite the attention of the Senate to the fact that there is on the calendar Senate bill 2665, a bill to change the name of the Department of the Interior and to coordinate certain governmental functions, a measure introduced by me. The bill has been reported favorably by the Committee on Public Lands, but there are Senators who wish to be heard on the question who are not at present in the Chamber, and I take the liberty of asking whether the bill cannot go over until some day in the future, when we may have an understanding about it, so the Senators interested may be present to debate it.

Mr. McKELLAR. It is Calendar No. 1204?

Mr. LEWIS. Yes.

Mr. McKELLAR. A bill to change the name of the Interior Department?

Mr. LEWIS. Yes. It provides for incorporating certain other matters into the Department and to change the name of the Department. It is a measure in which Secretary Ickes is interested. I do not think it should be taken up under the 5-minute rule. There are many who are interested but who are not at present in the Chamber, and I am anxious to keep faith with them. I ask unanimous consent that it may go over.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the bill will be passed over.

RESIDENCE OF MEMBERS OF THE DISTRICT OF COLUMBIA POLICE DEPARTMENT

The Senate proceeded to consider the bill (H. R. 3642) to amend section 483 of the Code of the District of Columbia as to residence of members of the police department, which had been reported from the Committee on the District of Columbia with an amendment, on page 1, line 3, after the numerals "483", to insert the words "title 20 of", so as to make the bill read:

Be it enacted, etc., That section 483 of title 20 of the Code of the District of Columbia be amended to read as follows:

"Residence of members of police force: There shall be no limitation or restriction of place of residence to any member of the police force, other than residence within the Washington, D. C., metropolitan district: *Provided*, That for the purposes of this act, Washington, D. C., metropolitan district, shall be held to include the District of Columbia and the territory adjacent thereto within a radius of 12 miles from the United States Capitol Building: *And provided further*, That any member of the police department living outside of the District of Columbia shall have and maintain a telephone at all times in his residence."

Mr. LA FOLLETTE. Mr. President, I should like to have an explanation of this bill. I shall be obliged to object in the absence of an explanation. I am not at all familiar with the bill except by title. It is entitled "An act to amend section 483 of the Code of the District of Columbia as to residence of members of the police department."

Mr. McKELLAR. Mr. President, the Senator who reported the bill is not present.

Mr. COPELAND. Mr. President, I think I can answer the question.

The purpose of these two bills is to permit firemen and policemen to live outside the District—of course, in the very neighborhood of Washington—and when they do that they must provide themselves with telephones, so as to be within

call. Some of them have homes outside of the District which are more suitable for bringing up their children. So these matters were considered by the District of Columbia Committee, and the bills were given favorable reports.

Mr. LA FOLLETTE. Mr. President, what is the attitude of the District Commissioners toward the pending bill?

Mr. COPELAND. I think there was no opposition to it.

Mr. TYDINGS. May I ask if this bill permits policemen to live outside of the District or takes that privilege away from them?

Mr. COPELAND. It permits them to live outside of the District.

Mr. TYDINGS. As a matter of fact, do not some of them now live outside of the District?

Mr. COPELAND. Yes; they do.

Mr. TYDINGS. How could they do that if that restriction had been enforced?

Mr. COPELAND. Apparently it has been a dead letter, but the question has been raised of late in other cities also.

Mr. TYDINGS. The Senator has in mind the same thing I have—that in the case of those who are buying homes outside of the District, in the surrounding suburbs which are being built up so that it is virtually all one city, it would be an injustice to compel them to sell their homes and move into the District.

Mr. COPELAND. That is true.

Mr. LA FOLLETTE. Mr. President, my information from the Summary of the Calendar prepared by the minority conference is that the Commissioners of the District are opposed to the principle on which these bills are predicated. I do not wish to do any injustice to the members of the fire and police departments; but in view of the fact that Senators do not seem to be well informed on this measure, and as I understand that the Senator from Arkansas is about to move a recess, I suggest to the Senator from New York that we leave off at this point, so as not to jeopardize the case of the police and firemen, and give me an opportunity to look into the matter.

Mr. COPELAND. I have no objection to that. I find that the majority of the Board of Commissioners favored the bill, so I take it there is no objection.

The PRESIDING OFFICER. At the request of the Senator from Wisconsin, House bill 3642 will be passed over for the day.

SECOND DEFICIENCY APPROPRIATIONS

The PRESIDING OFFICER (Mr. CLARK in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8554) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1935, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1935, and June 30, 1936, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ADAMS. I move that the Senate insist on its amendments, agree to the conference asked by the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ADAMS, Mr. GLASS, Mr. McKELLAR, Mr. HALE, and Mr. DICKINSON conferees on the part of the Senate.

ORDER FOR CONSIDERATION OF CALENDAR TOMORROW

Mr. ROBINSON. Mr. President, I ask unanimous consent that when the Senate meets tomorrow it proceed with the pending business, being the call of the Calendar of Unobjectioned Bills, the unfinished business being temporarily laid aside for that purpose.

Mr. COPELAND. Beginning with Calendar No. 1130?

Mr. ROBINSON. Is that the number?

Mr. COPELAND. Yes.

Mr. ROBINSON. Very well.

Mr. McNARY. Mr. President, I have no objection to that.

Mr. BARKLEY. Mr. President, the unfinished business was not to be taken up until the completion of the calendar, either today or tomorrow.

Mr. ROBINSON. Very well.

BONNEVILLE DAM

Mr. McNARY. Mr. President, earlier in the day, during the routine morning business, I presented a bill with reference to the construction of a project known as the "Bonneville Dam", on the Columbia River, in the States of Oregon and Washington. I now ask unanimous consent to have printed in the RECORD a letter from the President of the United States concerning the bill and giving his views thereon.

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

The letter is as follows:

THE WHITE HOUSE,
Washington, July 26, 1935.

Hon. ROYAL S. COPELAND,

Chairman Committee on Commerce,
United States Senate, Washington, D. C.

MY DEAR SENATOR COPELAND: Senator McNary has introduced a bill authorizing the completion, maintenance, and operation of certain navigation facilities on the Columbia River, now under construction, known as the Bonneville Dam.

The bill has been considered by the Chief of Engineers, the Federal Power Commission and the Attorney General. All agree that the proposed legislation is desirable and necessary to the development of the project.

In this view I concur. May I ask that your committee give early and favorable consideration to the bill.

Very sincerely yours,

(Signed) FRANKLIN D. ROOSEVELT.

INTERNATIONAL PETROLEUM EXHIBITION AT TULSA, OKLA.

Mr. GORE. Mr. President, this morning I reported favorably from the Committee on Finance, Senate Joint Resolution 168, and asked to have it placed upon the calendar. The consideration of the joint resolution went over at the instance of the Senator from Oregon [Mr. McNARY]. The Senator had no objection to the joint resolution, but he wished to have time to consider it before agreeing to have it considered. He is willing to have the measure taken up at this time.

The PRESIDING OFFICER. Is the joint resolution on the calendar?

Mr. ROBINSON. Mr. President, the joint resolution is not on the calendar. It was reported this morning.

Mr. McNARY. A request was made by the Senator from Oklahoma that it might be placed on the calendar, which was done by unanimous consent. I have no objection to its present consideration.

Mr. GORE. Mr. President, I ask for the present consideration of Senate Joint Resolution 168.

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 168) authorizing the President to invite the States of the Union and foreign countries to participate in the International Petroleum Exhibition at Tulsa, Okla., to be held May 16 to May 23, 1936, inclusive, which was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the President of the United States is authorized to invite by proclamation, or in such other manner as he may deem proper, the States of the Union and all foreign countries to participate in the proposed International Petroleum Exposition, to be held at Tulsa, Okla., from May 16 to May 23, 1936, inclusive, for the purpose of exhibiting samples of fabricated and raw products of all countries used in the petroleum industry and bringing together buyers and sellers for promotion of trade and commerce in such products.

Sec. 2. All articles that shall be imported from foreign countries for the sole purpose of exhibition at the International Petroleum Exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exhibition to sell any goods or property imported for and actually on exhibition, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles when sold or with-

drawn for consumption or use in the United States shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure, the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale, use, or withdrawal.

Sec. 3. That the Government of the United States is not by this resolution obligated to any expense in connection with the holding of such exposition and is not hereafter to be obligated other than for suitable representation thereat.

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 MESSAGE REFERRED

The PRESIDING OFFICER (Mr. MCGILL in the chair) laid before the Senate a message from the President of the United States nominating Findley B. Howard, of Nebraska, to be Envoy Extraordinary and Minister Plenipotentiary to Paraguay, which was referred to the Committee on Foreign Relations.

EXECUTIVE REPORTS OF COMMITTEES

Mr. WAGNER, from the Committee on Public Lands and Surveys, reported favorably the nomination of Charles West, of Ohio, to be Under Secretary of the Interior.

Mr. DIETERICH, from the Committee on the Judiciary, reported favorably the nomination of Edward D. Bolger, of Michigan, to be United States marshal, western district of Michigan, to succeed Martin Brown, resigned.

Mr. BURKE, from the Committee on the Judiciary, reported favorably the nomination of Cleon A. Summers, of Oklahoma, to be United States attorney, eastern district of Oklahoma, vice W. F. Rampendahl, resigned.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination on the calendar.

BOARD OF TAX APPEALS

The legislative clerk read the nomination of William W. Arnold, of Illinois, to be a member.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The legislative clerk proceeded to read sundry nominations in the Public Health Service.

Mr. ROBINSON. I ask that the nominations in the Public Health Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

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 PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

That completes the calendar.

RECESS

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 36 minutes p. m.) the Senate, in legislative session, took a recess until tomorrow, Tuesday, July 30, 1935, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate July 29, 1935

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY

Findley B. Howard, of Nebraska, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Paraguay.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 29, 1935

BOARD OF TAX APPEALS

William W. Arnold to be a member of the Board of Tax Appeals.

PUBLIC HEALTH SERVICE

TO BE MEDICAL DIRECTORS

James P. Leake
Lawrence Kolb
Hermon E. Hasseltine

TO BE SENIOR SURGEONS

William S. Bean, Jr. Thomas B. H. Anderson
Gleason C. Lake Herbert A. Spencer

TO BE ASSISTANT SURGEON

Dr. Thornburn S. McGowan.

TO BE PASSED ASSISTANT PHARMACISTS

Edgar B. Scott
Edwin M. Holt

POSTMASTERS

CALIFORNIA

Lutheria F. Cunningham, Saratoga.

COLORADO

Zebulon M. Pike, Golden.
Esther M. Stanley, Gypsum.

MINNESOTA

Ralph J. Dolan, Arlington.
Colette F. Grutsch, Avon.
Harriett M. Eleeson, Beaver Creek.
Edward S. Scheibe, Cloquet.
Ole J. Leding, Cook.
Hazel W. Brown, La Crescent.
William C. Ackerman, Lakeville.
William Pennar, Laporte.
Vern Weaver, Lowry.
Cora E. McAlpine, Marble.
Conrad B. Diekman, Ogema.
Charles E. Gravel, Onamia.
Leslie R. Lisle, Royalton.
May E. Aukofer, Welcome.
Louis I. Bullis, Winnebago.

MISSOURI

Louis H. Barker, Willow Springs.

NEBRASKA

Argyle M. Knapp, Ansley.
R. Elmer Harmon, Auburn.
John L. Delong, Bushnell.
Halford J. Mayes, Rushville.
William P. Cowan, Stanton.

NORTH DAKOTA

Herbert J. Simon, Lakota.

OHIO

Charles C. Reynolds, Blanchester.
Dwight C. Banbury, Danville.
Burl A. Louderbaugh, Gambier.
Glenn D. Keeney, Rock Creek.
Leroy Brown, Saint Paris.

VERMONT

Daniel B. Hufnail, Reading.

WEST VIRGINIA

Marguerite E. Whiting, Glenville.